Ordinance #

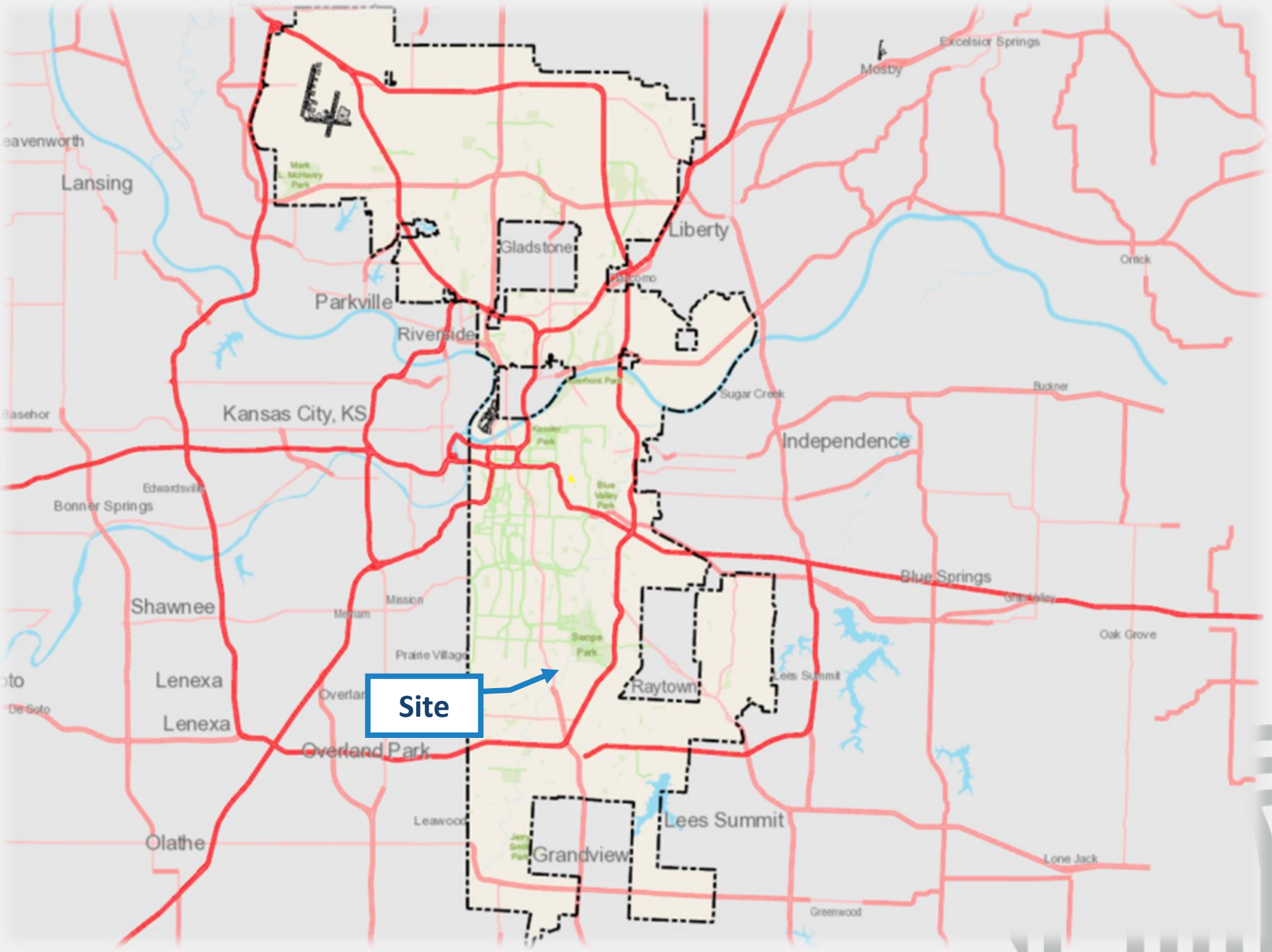
CD-CPC-2024-00041

The applicant is seeking approval of a rezoning, with an associated Master Planned Development (MPD) Development Plan, to abate zoning violations and permit a demolition debris landfill to operate on the subject site.

date

Prepared for

Neighborhood Planning & Development Committee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Riverside
Gladstone
Liberty
Kansas City, KS
Independence
Blue Springs
Shawnee
Lenexa
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Overland Park
Raytown
Lees Summit
Grandview
Olathe
Mosby
Excelsior Springs
Orrick
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Buckner
Edwardsville
Bonner Springs
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Prairie Village
Leawood
Oak Grove
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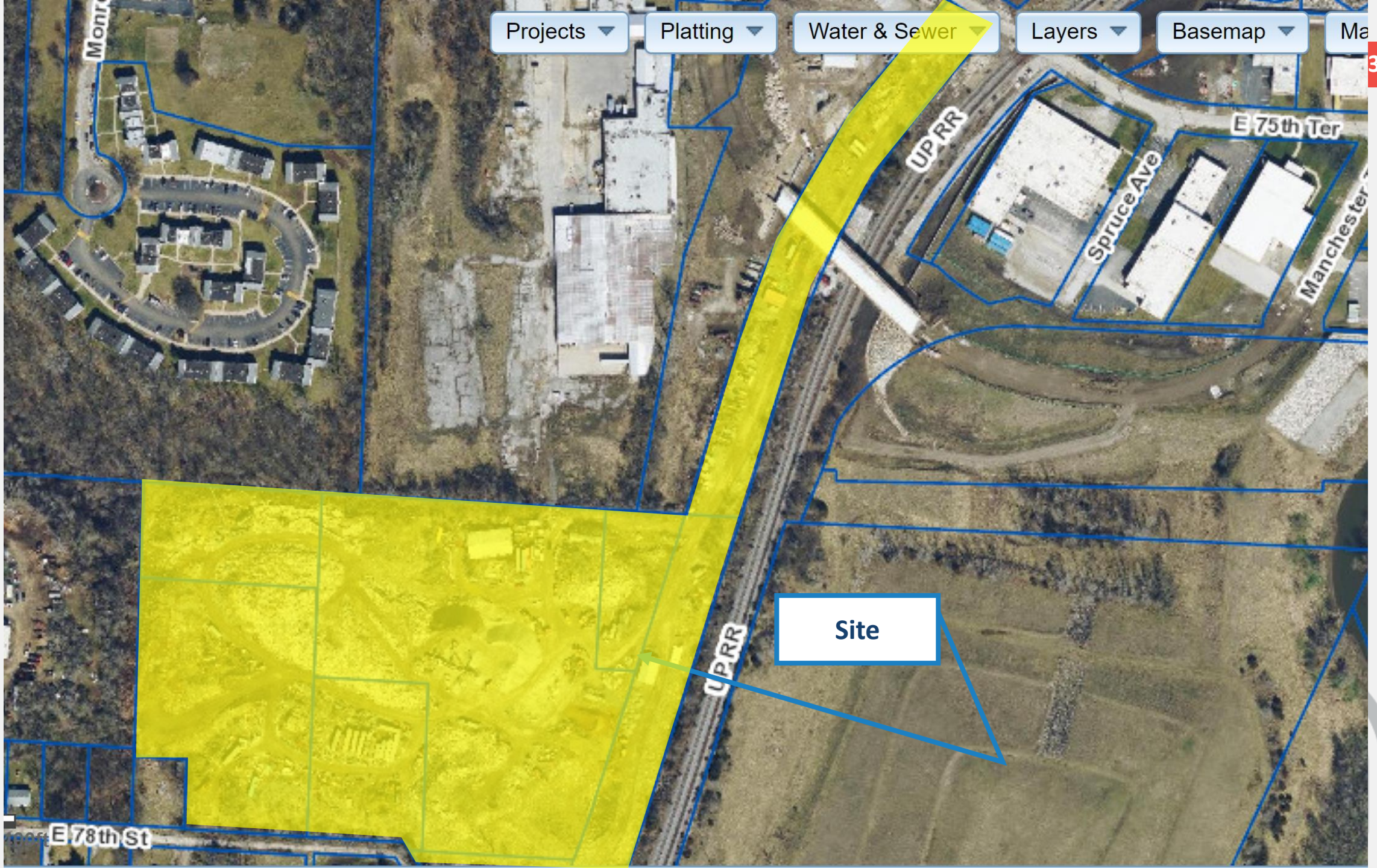
Projects
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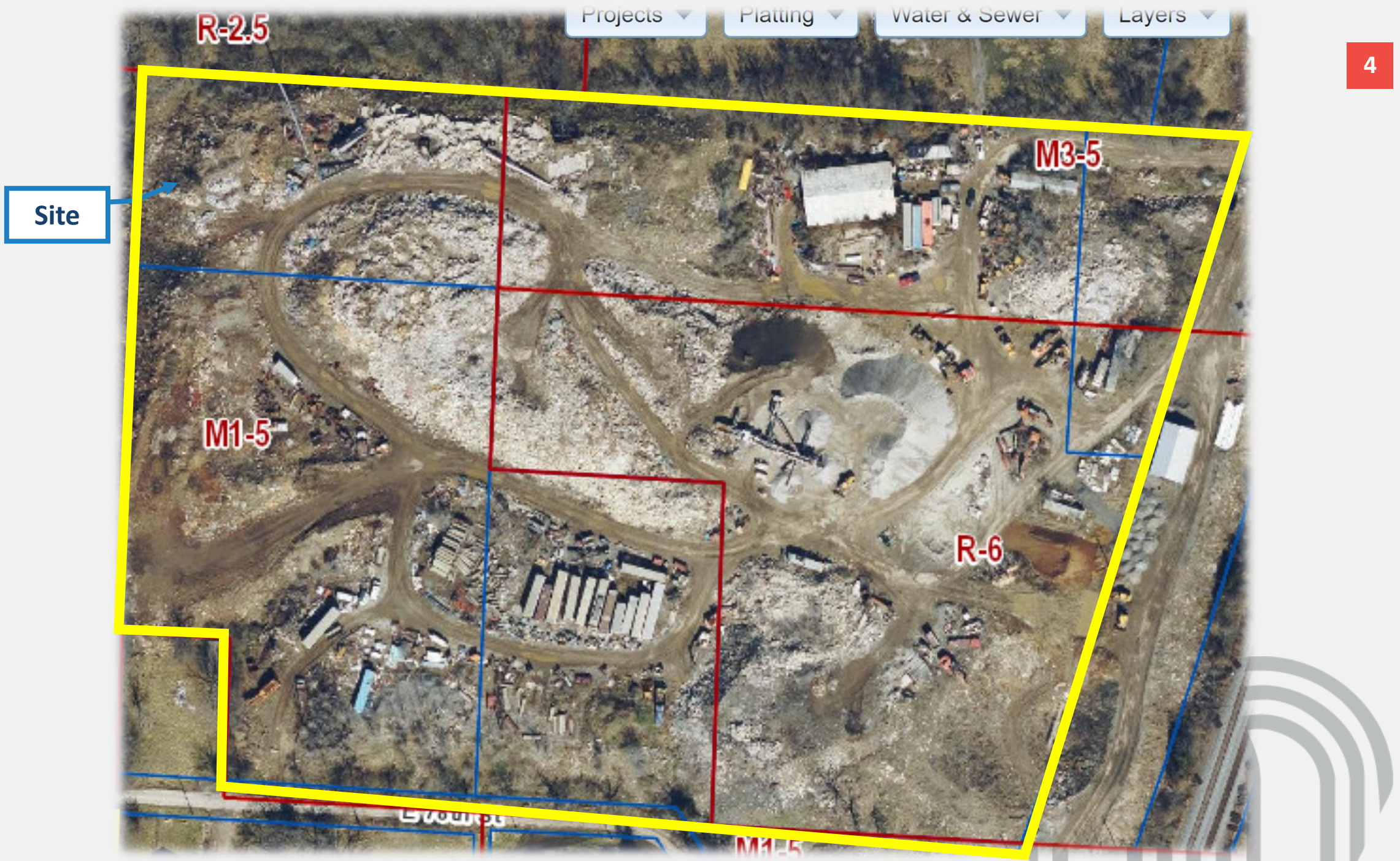
Projects
Platting
Water & Sewer
Layers
R-2.5
Site
M3-5
M1-5
R-6
M1-5

2006

M3-5 & M1-5, Demolition Debris Landfill = SUP

M3-5

R-6

UP RR

UP RR

From investigation

2016

2024

IB-
8377
08/04/2022

08/04/2022

12/10/2022

12/10/2022

31/10/2024

31/10/2024

31/10/2024

31/10/2024

31/10/2024

88-805 Use + Definition	M1-5	M3-5	R-6
DEMOLITION DEBRIS LANDFILL A facility or site used for the disposal of demolition waste, construction materials, used building materials, brush, wood waste, soil, rock, concrete and inert solids soluble in water.	SUP	SUP	-
RECYCLING SERVICE Any building, portion of building or area in which recyclable material is collected, stored, or processed for the purpose of marketing the material for use as raw material in the manufacturing process of new, reused or reconstituted products. <u>Limited</u> A recycling facility in which recyclable materials are temporarily stored or collected, or processed by manual separation. (Note: consumer-oriented collection boxes for newspapers, cans, and glass items are considered an accessory use and may be allowed in any zoning district.) <u>General</u> A recycling facility that, in addition to any activity permitted as part of a limited recycling service, engages in processing of recyclable materials such as cleaning, bundling, compacting, or packing of recyclable materials.	P SUP	P SUP	- -

Recyclable Materials per Solid Waste

- Rock, concrete, and abandoned vehicles are <u>not</u> included.
- Planning staff believes Demolition Debris Landfill is the correct use designation.

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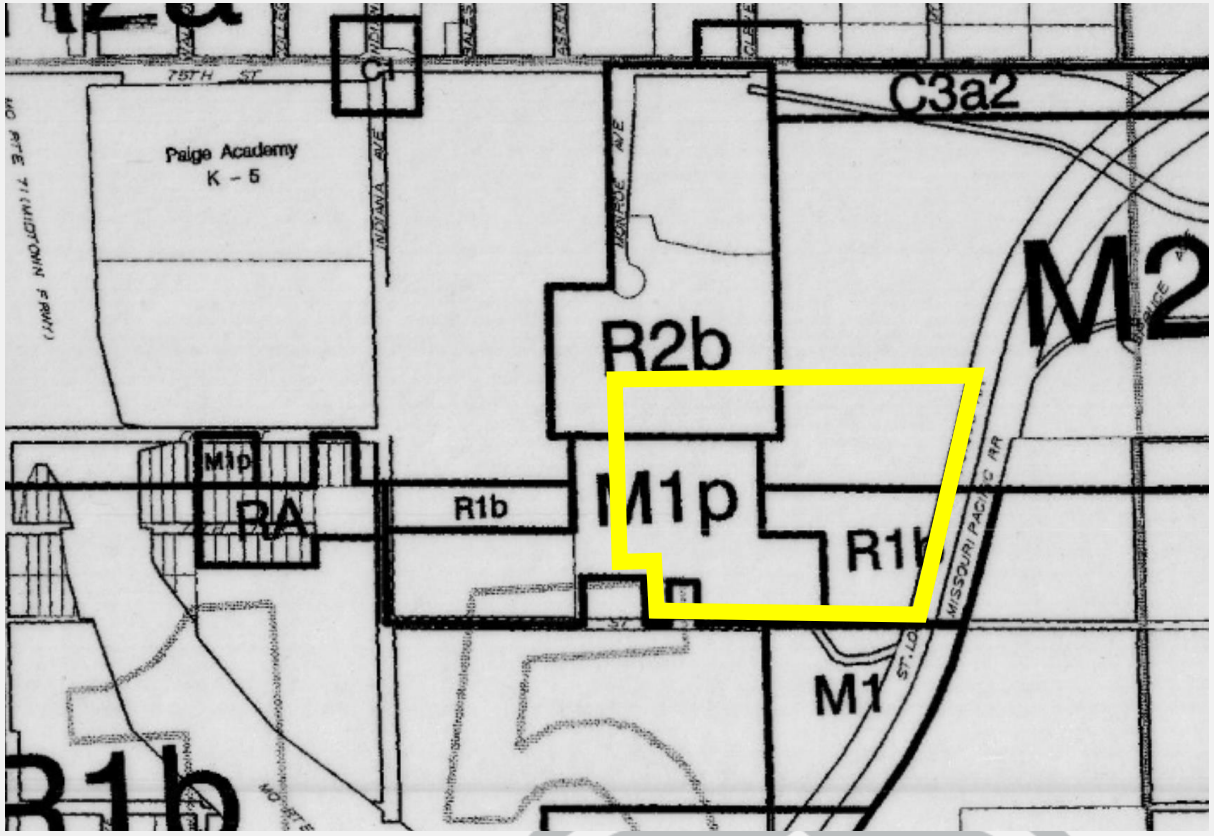
Key Points

- Since 1997 (oldest zoning map for the area) the site has been zoned R-1b (now R-6) and M2b (now M3-5), no prior attempts to obtain CLNU if the use existed prior to 1997.
- In 2010 the BZA DISMISSED a request for approval of a Conditional Use Permit to allow for a rock-crushing business.
  - On 9/14/2010 the case was continued to 10/12/2010 to allow the applicant to submit sealed site plans, with fee.
  - On 10/20/2010 the case was dismissed. 88-190 stated that a Special Use Permit (approved by the City Council) was required.
    - Records do not indicate that this process was complete.

E 77th St
Indiana Ave
E 78th St
E 78th St


Paige Academy
K - 5
C1
C3a2
M2
R2b
M1p
RA
R1b
M1p
R1b
M1
R1b

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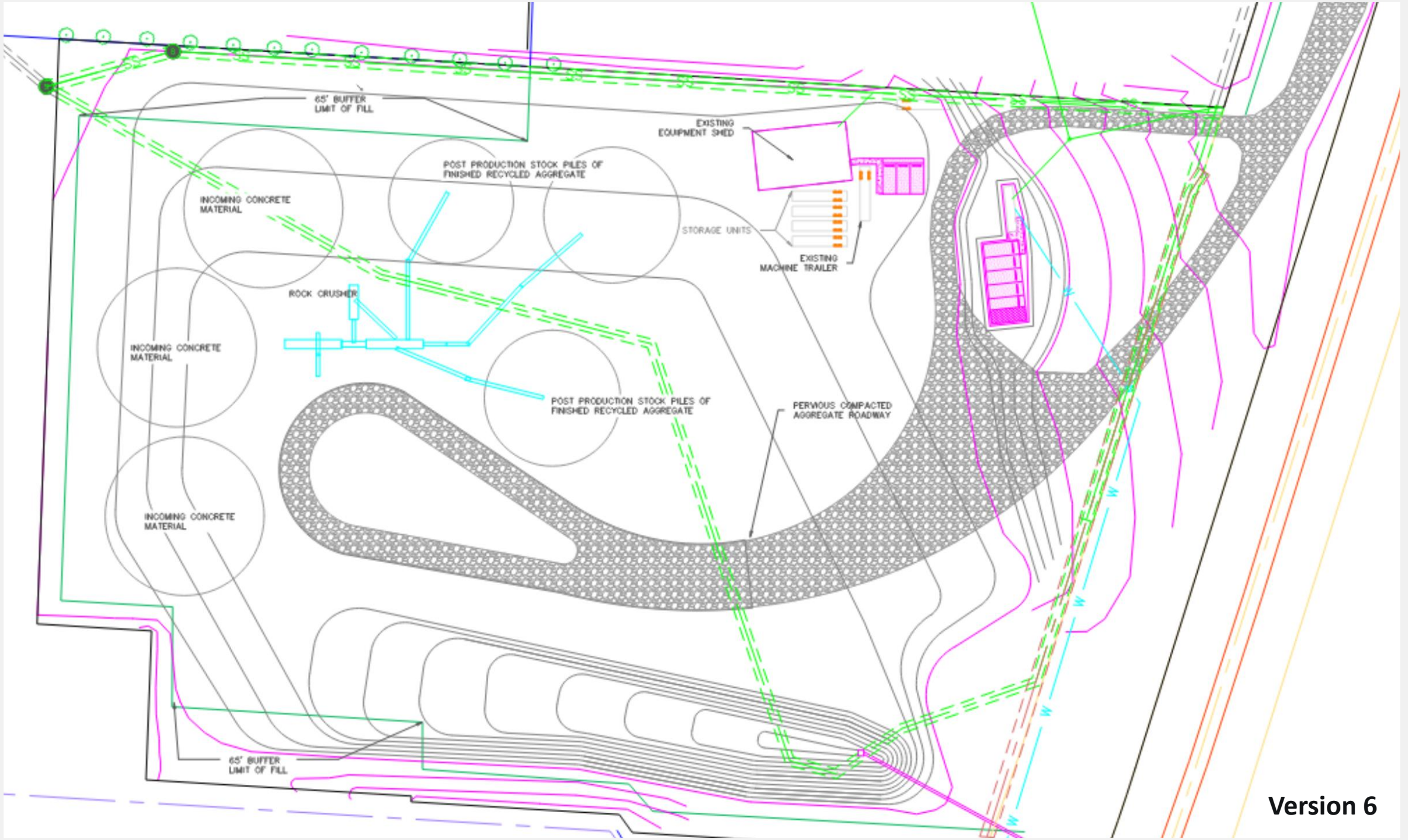
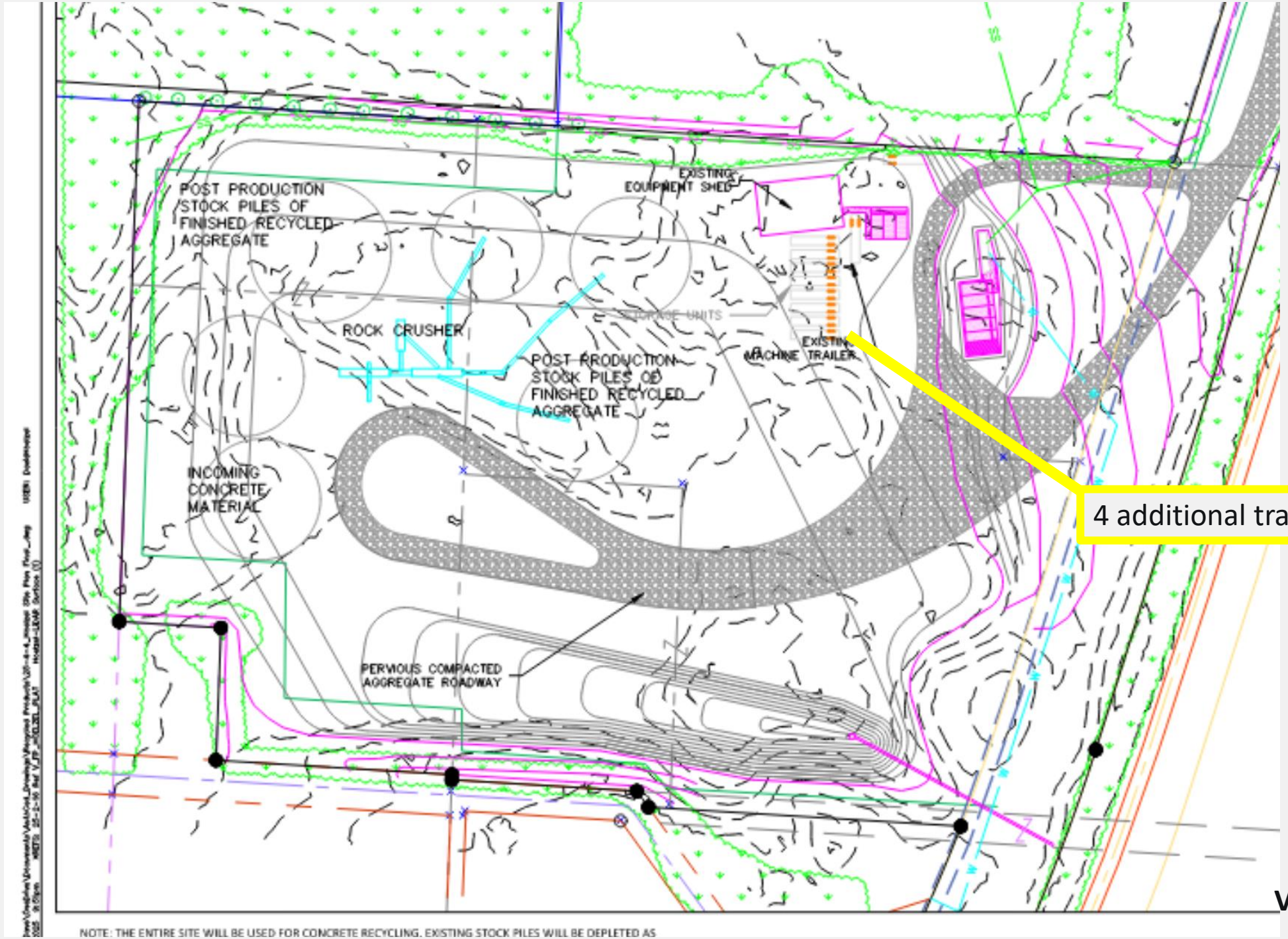
Key Points

- The demolition debris landfill has clearly expanded into the R-6 zoning district.
- Industrial uses are not permitted in the R-6 zoning district.
- Industrial uses on-site (in the existing M- zoned areas) need a Special Use Permit to be established.
- Site re-inspected on 4/8/22 and 10/2024, a lot of rock, trash, and junked vehicles are on site.
- BZA denied appeal in April 2022.
- May 2022, Frank Hoelzel V KCMO Board of Zoning Adjustment.
- Late 2023, MPD discussions with the property owner and legal representative.


65' BUFFER
LIMIT OF FILL
EXISTING
EQUIPMENT SHED
POST PRODUCTION STOCK PILES OF
FINISHED RECYCLED AGGREGATE
INCOMING CONCRETE
MATERIAL
STORAGE UNITS
EXISTING
MACHINE TRAILER
ROCK CRUSHER
INCOMING CONCRETE
MATERIAL
POST PRODUCTION STOCK PILES OF
FINISHED RECYCLED AGGREGATE
PERVIOUS COMPACTED
AGGREGATE ROADWAY
INCOMING CONCRETE
MATERIAL
65' BUFFER
LIMIT OF FILL
Version 6


POST PRODUCTION STOCK PILES OF FINISHED RECYCLED AGGREGATE
EXISTING EQUIPMENT SHED
ROCK CRUSHER
POST PRODUCTION STOCK PILES OF FINISHED RECYCLED AGGREGATE
EXISTING MACHINE TRAILER
INCOMING CONCRETE MATERIAL
PERVIOUS COMPACTED AGGREGATE ROADWAY
4 additional trailers
NOTE: THE ENTIRE SITE WILL BE USED FOR CONCRETE RECYCLING. EXISTING STOCK PILES WILL BE DEPLETED AS

Version 6

88-516-05 - APPROVAL CRITERIA FOR PLANS

In order to be approved, a development plan, project plan, or site plan must comply with all of the following criteria:

88-516-05-A. The plan must comply with all standards of this zoning and development code and all other applicable city ordinances and policies, (Note: this provision is not intended to prohibit an applicant from seeking a variance or other form of relief authorized under this zoning and development code or other applicable ordinances, when authorized.)

88-516-05-B. The proposed use must be allowed in the district in which it is located.

88-516-05-C. Vehicular ingress and egress to and from the site, and circulation within the site must provide for safe, efficient and convenient movement of traffic not only within the site but on adjacent roadways.

88-516-05-D. The plan must provide for safe, efficient, and convenient non-motorized travel opportunities, being pedestrian and bicycle movement, on the subject site.

88-516-05-E. The plan must provide for adequate utilities based on City standards for the particular development proposed.

88-516-05-F. The location, orientation, and architectural features, including design and material, of buildings and other structures on the site must be designed to be compatible with adjacent properties.

88-516-05-G. Landscaping, berms, fences and/or walls must be provided to buffer the site from undesirable views, noises, lighting or other off-site negative influences and to buffer adjacent properties from negative influences that may be created by the plan.

88-516-05-H. The design of streets, drives, and parking areas within the project should result in a minimum of area devoted to asphalt or other impervious surfaces consistent with the needs of the project and city code requirements.

88-516-05-I. The plan must identify trees to be removed and trees to be preserved during the development of the subject property with the goal of saving trees that are not required to be removed for the development of the property.

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88-516-05 - APPROVAL CRITERIA FOR PLANS

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88-516-05-B. The proposed use must be allowed in the district in which it is located.

- Why does the R-6 exist around M-? The site is designated Open Space Buffer in the Swope Area Plan. The Open Space Buffer designation entails private or public land that is reserved from development – protection of stream buffer.
- The proposed MPD Plan is not consistent with the Light Industrial, Open Space, Conservation, and Residential Low-Density future land uses. The intensity of the rock-crushing operations and demolition debris landfill uses at the site is more intense than what is recommended in all of the property's future land use designations. JF

Zone: X
e: Area of Minimal Flood Hazard
E 78th St
Zone: X
Subtype: 0.2 Pct Annual Chance Flood Ha

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88-516-05-D. The plan must provide for safe, efficient, and convenient non-motorized travel opportunities, being pedestrian and bicycle movement, on the subject site.

88-516-05-E. The plan must provide for adequate utilities based on City standards for the particular development proposed.

88-516-05-F. The location, orientation, and architectural features, including design and material, of buildings and other structures on the site must be designed to be compatible with adjacent properties.

- There are public facilities in the area that have been damaged by the rock-crushing and demolition debris dumping on site. See Condition #33.

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properties.

88-516-05-G. Landscaping, berms, fences and/or walls must be provided to buffer the site from undesirable views, noises, lighting or other off-site negative influences and to buffer adjacent properties from negative influences that may be created by the plan.

88-516-05-H. The design of streets, drives, and parking areas within the project should result in a minimum of area devoted to asphalt or other impervious surfaces consistent with the needs of the

The MPD package identifies existing tree cover to be preserved, city staff recommended a larger landscaping buffer, and a fence surrounding the entire site to protect the development potential of surrounding properties.

Details through the Final MPD Plan.

31/10/2024

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88-520-03-G. REVIEW CRITERIA

In reviewing and making decisions on proposed MPD rezonings and preliminary development plans, review and decision-making bodies must consider at least the following factors:

1. the preliminary development plan's consistency with any adopted land use plans for the area;
2. the preliminary development plan's consistency with the MPD district provisions of 88-280; and
3. the sufficiency of the terms and conditions proposed to protect the interest of the public and the residents of the MPD in the case of a plan that proposes development over a long period of time.

1. No, the preliminary development plan is not consistent with related adopted land use plans. See the Development Plan review Criteria A in the staff report.
2. No, the preliminary development plan is not consistent with the MPD provisions of 88-280. **As previously mentioned, the MPD rezoning and development plan is being used as a tool to condition a rezoning which the applicant is seeking to abate zoning violations.**

88-280-01-A. GENERAL

The MPD, Master Planned Development district is intended to accommodate development that may be difficult if not impossible to carry out under otherwise applicable zoning district standards. Examples of the types of development that may benefit from the MPD zoning tool include the following:

1. ENHANCED PROTECTION OF NATURAL RESOURCE AREAS

   Developments that offer enhanced protection of natural resources and sensitive environmental features, including streams, water bodies, floodplains, wetlands, steep slopes, woodlands, wildlife habitats, and native plant communities.

2. TRADITIONAL URBAN DEVELOPMENT

   Developments characterized by lot configurations, street patterns, streetscapes, and neighborhood amenities commonly found in urban neighborhoods platted or otherwise created before the 1950s.

3. MIXED-USE DEVELOPMENT

   Developments that contain a complementary mix of residential and nonresidential uses.

4. MIXED HOUSING DEVELOPMENT

   Residential developments containing a mix of housing types such as detached house, attached house, multi-unit house, etc., such as those formerly approved with a community unit project application.

88-280-01-B. SPECIFIC OBJECTIVES

Different types of MPDs will promote different planning goals. In general, however, MPDs are intended to promote the following objectives:

1. flexibility and creativity in responding to changing social, economic, and market conditions and that results in greater public benefits than could be achieved using conventional zoning and development regulations; *
2. implementation and consistency with the city's adopted plans and policies;
3. efficient and economical provision of public facilities and services;
4. sustainable, long-term communities that provide economic opportunity and environmental and social equity for residents;
5. variety in housing types and sizes to accommodate households of all ages, sizes, incomes and lifestyle choices;
6. compact, mixed-use development patterns where residential, commercial, civic, and open spaces are located in close proximity to one another;
7. a coordinated transportation systems that includes a inter-connected hierarchy of appropriately designed improvements for pedestrians, bicycles, and vehicles;
8. compatibility of buildings and other improvements as determined by their arrangement, massing, form, character, and landscaping to establish a high-quality livable environment;
9. the incorporation of open space amenities and natural resource features into the development design;
10. low-impact development (LID) practices; and
11. attractive, high-quality landscaping, lighting, architecture, and signage that reflects the unique character of the development.

* Possible alignment, city staff is unfamiliar with market demands for demolition debris landfills.

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88-520-03-G. REVIEW CRITERIA

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1. the preliminary development plan's consistency with any adopted land use plans for the area;
2. the preliminary development plan's consistency with the MPD district provisions of 88-280; and
3. the sufficiency of the terms and conditions proposed to protect the interest of the public and the residents of the MPD in the case of a plan that proposes development over a long period of time.

The conditions attached to the preliminary development plan attempt to protect city assets and protect surrounding properties, existing and future, from an intense industrial use.

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CITY PLAN COMMISSION RECOMMENDATION

Approval, Subject to Conditions