



Legislation Details (With Text)

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File created: 3/2/2022 **In control:** Council

On agenda: 3/10/2022 **Final action:** 3/10/2022

Title: Rezoning an approximately 3.3 acre tract of land generally located at the southwest corner of N.E. 96th Street and Interstate 435 from R-80 to AG-R and approving a development plan for a second building to be constructed for the use of horticultural services/lawn care and landscaping services. (CD-CPC-2021-00190 and CD-CPC-2021-00191)

Sponsors: Kevin O'Neill

Indexes:

Code sections:

Attachments: 1. No Fact Sheet, 2. Final CPC Disposition Letter, 3. 12.1_12.2_12.3_CD-CPC-2021-00191_00192_00193_Patton Lawn_2-15-22, 4. Authenticated Ordinance 220213 C.S

Date	Ver.	Action By	Action	Result
3/10/2022	1	Council	Passed as Substituted	Pass
3/9/2022	1	Neighborhood Planning and Development Committee	Adv and Do Pass as Cmte Sub	Pass
3/3/2022	1	Council	referred	Pass

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 220213

Rezoning an approximately 3.3 acre tract of land generally located at the southwest corner of N.E. 96th Street and Interstate 435 from R-80 to AG-R and approving a development plan for a second building to be constructed for the use of horticultural services/lawn care and landscaping services. (CD-CPC-2021-00190 and CD-CPC-2021-00191)

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section A. That Chapter 88, Code of Ordinances of the City of Kansas City, Missouri, commonly known as the Zoning and Development Code, is hereby amended by enacting a new section to be known as Section 88-20A-1320 rezoning an approximately 3.3 acre tract of land generally located at the southwest corner of N.E. 96th Street and Interstate 435 from R-80 (Residential dash 80) to AG-R (Agricultural Residential), said section to read as follows:

Section 88-20A-1320. That an area legally described as:

All that part of the Northeast Quarter of Section 5, Township 51, Range 32, Kansas City, Clay County, Missouri; described as follows: commencing at the Northeast corner of the Northeast Quarter of said Section 5; thence North 89 degrees 20 minutes 00 seconds West, along the North line of the Northeast Quarter of said Section 5, a distance of 1212.31 feet; thence South 00 degrees 07 minutes 53 seconds West, a distance of 158.34 feet, to the Point of Beginning of the tract of land herein to be described, said point also being on the Northerly Right-of-way line of Northeast 96th Street; thence South 66 degrees 12 minutes 14 seconds East, along said

Right-of-way line, a distance of 37.63 feet; thence continuing along said Right-of-way line, Easterly, along a curve to the Left, being tangent to the last described course, having a radius of 555.00 feet, an arc distance of 221.83 feet; thence South 00 degrees 06 minutes 52 seconds West, a distance of 554.92 feet; thence North 89 degrees 52 minutes 07 seconds West, a distance of 250.00 feet; thence North 00 degrees 07 minutes 53 seconds East, a distance of 616.65 feet, to the Point of Beginning. Said tract contains 3.30 Acres, more or less

is hereby rezoned from District R-80 (Residential dash 80) to AG-R (Agricultural Residential), all as shown outlined on a map marked Section 88 -20A-1320, which is attached hereto and made a part hereof, and which is hereby adopted as a part of an amendment to the zoning maps constituting a part of said chapter and in accordance with Section 88-20 thereof.

Section B. That a development plan for the area legally described above is hereby approved, subject to the following conditions:

1. The developer shall submit a minor subdivision plat to create the new lot for the horticultural/lawn care and landscape building.
2. The designated septic field shall comply with Building Code requirements and shall be approved and depicted on the minor subdivision plat.
3. The developer shall submit a final stream buffer plan to the Land Development Division for approval prior to issuance of any building permits and obtain permits for the stream buffer prior to removal of any mature riparian species within the buffer zones due to construction activities on the site, in accordance with the Section 88-415 requirements.
4. The developer shall show the limits of the 100-year floodplain plus the 1 foot freeboard on the final plat and show the Minimum Low Opening Elevation (MLOE) of any structure on each lot that abuts a 100-year floodplain area (including detention basins and engineered surface drainage conveyances) on any plat and plan, as required by the Land Development Division.
5. The developer shall grant a BMP and/or surface drainage easement to the City as required by the Land Development Division prior to recording the plat or issuance of any building permits.
6. The developer shall pay impact fees as required by Chapter 39 of the City's Code of Ordinances, as required by the Land Development Division.
7. The developer shall grant on City approved forms a stream buffer easement to the City as required by Chapter 88 and the Land Development Division prior to issuance of any stream buffer permits.
8. The developer shall submit a macro storm drainage study with the first plat or phase, from a Missouri-licensed civil engineer to the Land Development Division showing compliance with current adopted standards in effect at the time of submission, including water quality BMP's, to the Land Development Division for review and acceptance for the entire development area, and submit a micro storm drainage study with each subsequent plat or phase showing compliance with the approved macro and adopted standards. The developer shall secure permits to construct any improvements as necessary to mitigate impacts from rate, volume, and quality of runoff from each proposed phase, prior to recording the plat or prior to issuance of a building permit,

whichever occurs first, as required by the Land Development Division.

9. The developer shall obtain a floodplain certificate from Development Services prior to beginning any construction activities within the floodplain.
10. The developer shall submit verification of vertical and horizontal sight distance for the drive connection to public right-of-way to the Land Development Division and make improvements to ensure local jurisdiction and/or minimum AASHTO adequate sight distance standards are met, prior to issuance of any certificate of occupancy.
11. The developer shall submit documentation verifying the compliance of the proposed septic system with current City building codes as part of the building plan review. If the proposed septic system cannot meet either the building code or Missouri Department of Natural Resources (MDNR) requirements, the developer shall be responsible for providing sewer service by other means which may require the extension of a public sanitary sewer main.
12. The developer shall submit an affidavit, completed by a landscape architect licensed in the State of Missouri, verifying that street trees have been installed in accordance with the approved street tree planting plan and are healthy prior to a certificate of occupancy.
13. The developer shall submit an affidavit, completed by a landscape architect licensed in the State of Missouri, verifying that all landscaping required of the approved plan has been installed in accordance with the plan and is healthy prior to a certificate of occupancy.
14. All signage shall conform to 88-445 and shall require a sign permit prior to installation.
15. Fire Department access roads shall be provided prior to construction/demolition projects begin. (IFC-2018 § 501.4 and 3310.1; NFPA 241-2013 § 7.5.5).
16. The project shall meet the fire flow requirements as set forth in Appendix B of the International Fire Code 2018. (IFC-2018 § 507.1).
17. Fire hydrant distribution shall follow IFC-2018 Table C102.1
18. Fire hydrants shall be installed and operable prior to the arrival of any combustible building materials onto the site. (IFC-2018 § 501.4 and 3312.1; NFPA -2013 § 8.7.2).
19. The developer shall submit a streetscape plan with street tree planting plan per 88-425-03 for approval and permitting by the Parks and Recreation Department's Forestry Division prior to beginning work in the public right-of-way.
20. The developer shall grant the City any necessary easements for future construction of N.E. Shoal Creek Parkway at the time the parkway is constructed.
21. The developer shall submit water main extension drawings prepared by a registered professional engineer in Missouri to the main extension desk for review, acceptance and contracts per the Kansas City water rules and regulations for water main extensions and relocations.

A copy of said development plan is on file in the office of the City Clerk with this ordinance and is made a part hereof.

Section C. That the Council finds and declares that before taking any action on the proposed amendment hereinabove, all public notices and hearings required by the Zoning and Development Code have been given and had.

I hereby certify that as required by Chapter 88, Code of Ordinances, the foregoing ordinance was duly advertised and public hearings were held.

Secretary, City Plan Commission

Approved as to form and legality:

Sarah Baxter
Assistant City Attorney