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**File #: 220521**

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ORDINANCE NO. 220521

Rezoning an area of about 3.7 acres generally located at 8300 N. Green Hills Road from District R-80 to MPD and approving a development plan to allow for an existing landscaping business to remain. (CD-CPC-2021-00168)

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 88-20-A1330 rezoning an area of about 3.7 acres generally located at 8300 N. Green Hills Road from District R-80 (Residential) to MPD (Master Planned Development), and more specifically described as follows:

That part of the Southwest Quarter of Section 8, Township 51 of Range 33, Kansas City, Platte County, Missouri, described as follows: Commencing at the northeast corner of the Southwest Quarter of Section 8, thence along the east line of Section 8, a distance of 587 feet, thence North 88 degrees 41 minutes 42 seconds West, a distance of 190 feet to the true point of beginning of tract to be herein described; thence South 15 degrees 54 minutes 45 seconds West, a distance of 149.83 feet, thence South 0 degrees 25 minutes 48 seconds West, a distance of 45 feet, thence South 88 degrees 41 minutes 42 seconds East, a distance of 386 feet, thence North 0 degrees 25 minutes 48 seconds East, a distance of 483.15 feet, thence North 55 degrees 41 minutes 32 seconds West to point North 88 degrees 41 minutes 42 seconds West of the true point of beginning, thence South 88 degrees 41 minutes 42 seconds East to the true point of beginning, except that part in road.

is hereby rezoned from District R-80 (Residential) to MPD (Master Planned Development), all as shown outlined on a map marked Section 88-20A-1330, 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. Per 88-435-02-A, outdoor storage stacked items may not exceed a total of 7 feet in height above grade.
2. The following deviations from otherwise applicable standards of this zoning and development code are approved pursuant to section 88-280-51 because the City

Council determines that the resulting development provides a greater level of public benefit that would otherwise be provided with strict compliance with the requirements:

- a. A deviation to pedestrian circulation requirements is approved in that no dedicated pedestrian circulation systems will be required to connect buildings with other amenities/uses on the site.
  - b. A deviation to the required parking lot and drive standards is approved to allow the existing gravel parking lot and drive to remain.
  - c. A deviation to required bicycle parking standards is approved in that no bicycle parking will be provided.
3. An administrative adjustment for alternative compliance is approved pursuant to 88-425-13 to allow existing tree cover to satisfy landscaping requirements, which will be maintained or replaced on the site.
  4. 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 Section 88-415 requirements.
  5. The developer shall obtain a floodplain certificate from Development Services prior to beginning any construction activities within the floodplain.
  6. 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.
  7. 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.
  8. 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.
  9. 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.

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 grant on City approved forms, a stream buffer easement to the City or show and label the final stream buffer zones on the subdivision plat within a private open space tract, as required by Chapter 88 and Land Development Division, prior to issuance of any stream buffer permits.
12. Developer shall comply with all Federal Emergency Management Agency (FEMA) and City floodplain regulations (Code of Federal Regulations, Title 44, Chapter I, Subchapter B and Code of Ordinances of Kansas City, Missouri, Chapter 28 - Floodplain Management, respectively), and specifically must address storage of prohibited materials and/or equipment within the mapped special flood hazard areas by relocating materials, anchoring equipment as allowed, and/or receiving approval of a robust emergency operations plan to show full compliance with applicable regulations prior to approval of Development Plan.
13. As portions of the subject property lie within a stream corridor subject to Zoning and Development Code, Kansas City, Missouri, Chapter 88-415, Stream Buffers , existing, lawfully established facilities may remain; however, the developer must not further alter any of the buffer zones except for allowed uses outlined in the stream buffer regulations and as long as any required permits are obtained prior to initiating work.
14. The developer shall ensure that water and fire service lines should meet current Water Services Department rules and regulations prior to a certificate of occupancy.

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  
Senior Associate City Attorney



Authenticated as Passed

  
Quinten Lucas, Mayor

  
Marilyn Sanders, City Clerk

JUN 23 2022  
Date Passed