

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 240879

Rezoning an area of about 13 acres generally located at 5500 Bennington Avenue from District R-80 to District MPD and approving a development plan to allow for the expansion of urban agriculture uses. (CD-CPC-2024-00088).

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-1443, rezoning an area of about 13 acres generally located at 5500 Bennington Avenue from District R-80 (Residential) to District MPD (Master Planned Development) and approving a development plan to allow for the expansion of urban agriculture uses, said section to read as follows:

Section 88-20A-1443. That an area legally described as:

Sec-36 Twp-49 Rng-33---Beg 29' E & 1.30' N of th se cor SE 1/4 NW 1/4 to tru pob th N 396' th W 550' th N 85.8' th wly 770' th sly 481.8' th ely 1320' to tru pob.

is hereby rezoned from R-80 (Residential) to MPD (Master Planned Development), all as shown outlined on a map marked Section 88-20A-1443, 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. RV (recreational vehicles) must only be sited on approved RV pads.
2. No detailed sign plan was provided. All signage must comply with 88-445-06.
3. All animal and agriculture activity (including housing and grazing with associated structures or equipment) shall comply with Chapter 14 of the Code of Ordinances.
4. The developer shall submit an affidavit prepared by an engineer licensed in the State of Missouri, verifying that all outdoor lighting has been installed in accordance 88-430 at the property lines prior to a certificate of occupancy.
5. The developer shall submit an affidavit, completed by a landscape architect licensed in the State of Missouri, verifying that all landscaping and street trees required of the approved plan has been installed in accordance with the plan and is healthy prior to a certificate of occupancy.
6. The developer shall secure approval of an MPD final plan (for each phase) from the City Plan Commission prior to a building permit.

7. Ten mobile pens/livestock retainment structures are permitted on the subject site. If any killing, butchering, or dressing is done on-site, it must be located within a permitted accessory building, which shall be located not less than 200 feet from any property line.
8. Per 88-425-13, an administrative adjustment is approved to site 20 trees and 24 shrubs in lieu of the required street trees and interior/exterior parking lot landscaping requirements, per the landscape plan to be installed during phase two.
9. All dumpsters and mechanical equipment/utility cabinets shall be installed and constructed per 88-425.
10. Building UAC1 is subject to a project plan prior to building permit review. Glazing on UAC east elevation, first floor, for retail space shall be designed with vertical oriented transparency and positioned closer to the ground for the elevation facing Bennington Avenue per the windows/transparency guidelines in the KC Spirit Playbook Citywide Development Guidelines.
11. ADA parking spaces and pedestrian paths adjacent to building GH1 shall be paved when the structure is permitted.
12. ADA parking spaces and pedestrian paths adjacent to building B1 shall be paved when the RV PAD sites are activated.
13. Public congregation/access, related to the CSA, retail sales, and the composting facility is limited to the eastern parking lot of the site, as described on the approved site plan.
14. Activation of the RV pads triggers the requirement to comply with Chapter 72 of the Code of Ordinances, and any applicable axillary permits.
15. Fire hydrant distribution shall follow IFC 2018 Table C102.1.
16. A required Fire Department access road shall be an all-weather surface. (IFC 2012: § 503.2.3) (No Grass Pavers Allowed)
17. Fire Department access roads shall be provided before construction/demolition projects begin. (IFC 2018 § 501.4 and 3310.1; NFPA 241 2013 § 7.5.5)
18. The developer shall provide fire lane signage on fire access drives.
19. The turning radius for Fire Department access roads shall be 30 feet inside and 50 feet outside radius. (IFC 2018: § 503.2.4)
20. Required Fire Department access roads shall be designed to support a fire apparatus

with gross axle weight of 85,000 pounds. (IFC 2018: § 503.2.3)

21. A sidewalk along Bennington Avenue (covering the entire eastern property line) is required to be installed when building UAC1 is constructed, identified in the future associated project plan, and building permits.
22. Lodging is limited to accessory uses associated with the urban agriculture/composting facility and related educational purposes. A STR permit may not be issued, and lodging uses may not be advertised on public sites/booking service providers.
23. All new buildings and construction will have to meet the requirements of the KCBRC and 2018 IBC.
24. The developer shall meet the fire flow requirements as set forth in Appendix B of the project International Fire Code 2018. (IFC 2018 § 507.1)
25. 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 241 2013 § 8.7.2)
26. Required Fire Department access roads shall be a minimum unobstructed width of twenty (20) feet and 13 ft. 6 in clearance height. The developer must also follow requirements of the Kansas City, Missouri Public Works Department, and the Missouri Department of Transportation (MODOT) related to street planting. (IFC 2018: § 503.2.1)
27. Dead-end fire apparatus access roads in excess of 150 feet (45 720 mm) in length shall be provided with an approved area for turning around fire apparatus. (IFC 2018: § 503.2.5)
28. Security gates which span across a fire access road shall provide a means for emergency operation. Electric gates shall require a siren sensor device typically referred to as a “yelp gate” (IFC 2018 § 503.6).
29. Project shall provide information on Yurts. (Flame resistance, how the yurts are to be used i.e. camping, educational). Any future temporary membrane structures (example yurts) must be permitted through the Fire Department. (IFC 2018§3103.2).
30. The access off 55th Terrace shall be marked as emergency vehicle and personal residence (detached dwelling unit) access only, immediately following the construction of the Bennington Avenue driveway, as depicted on the approved plans.
31. If there is a change in the right-of-way for Fremont Avenue, and the right-of-way

is vacated, plans must be resubmitted to reflect compliance with access road turnaround requirements (IFC 2018§503.2.5) and fire hydrant distance to structures. (IFC 2018§507.5)

32. The developer shall identify an addressing plan for emergency response purposes on the final MPD plan. The buildings shall be labeled "A" closest to Bennington increasing west.
33. Wayfinding signage installed within the site shall comply with 88-445.
34. 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.
35. 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.
36. 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.
37. The developer shall submit a streetscape plan for approval and permitting by the Land Development Division prior to beginning construction of the streetscape improvements in the public right-of-way, and construct ADA compliant ramps at all required locations where new private drives are being added, or where existing sidewalks are modified or repaired.
38. Branch service lines one- and one-half inches and larger in diameter for domestic water services or fire protection lines shall be connected to the main by cutting in a minimum 6" branch service tee, installing three gate valves, and two solid sleeves on the main. Line valves on the main shall be the same nominal size as the main.
39. The developer shall ensure that water and fire service lines shall meet current Water Services Department rules and regulations prior to a certificate of occupancy.
40. The developer shall have a water flow test done to ensure there is adequate water pressure to serve the development.
41. No water service line will be less than 1 1/2" in diameter where three or more units or a commercial building will be served by one domestic service line and meter.
42. A full flow fire meter shall be required when the fire protection service line serves more than one building, or combination service lines 6 inches and larger, or that have private fire hydrants connected to them.



43. The developer shall employ a Missouri professional engineer to design water main extension plans to install a new public fire hydrant along Bennington Avenue to meet the 300' maximum spacing requirement. Plans shall be designed and under contract (permitted) prior to building permit issuance and shall follow Kansas City Water Services Department rules and regulations for water main extensions.
44. The developer shall obtain the executed and recorded City approved grading, temporary construction, drainage/sewer, or any other necessary easements from the abutting property owner(s) that may be required prior to submitting any public improvements crossing properties not controlled by the developer and include said document(s) within the public improvement applications submitted for permitting.
45. The developer must grant a BMP easement to the City as required by the Kansas City Water Services Department, prior to recording the plat or issuance of any building permits.
46. The developer shall submit a storm drainage analysis from a Missouri licensed civil engineer to the Kansas City Water Services Department evaluating proposed improvements and impact to drainage conditions. Since this project is within a "Combined Sewer Overflow" (CSO) district, the project shall be designed to retain rainfall of 1.5-inch depth over the disturbed area to simulate natural runoff conditions and reduce small storm discharge to the combined sewer system and manage the 10-year storm and 100-year storm per currently adopted APWA standards. The analysis shall be submitted prior to issuance of any building permits, and the developer shall secure permits to construct any improvements required by the Kansas City Water Services Department prior to issuance of any certificate of occupancy.
47. That the public sanitary sewer system need not be extended, provided that the developer demonstrates that the proposed private sewage disposal system complies with Chapter 18, Kansas City Building Code, in the City's Code of Ordinances, MDNR requirements, and Health Department requirements prior to recording the final plat or issuance of a building permit, whichever occurs first.
48. The developer shall submit plans for grading, siltation, and erosion control to the Kansas City Water Services Department for review and acceptance and secure a site disturbance permit for any proposed disturbance area equal to one acre or more prior to beginning any construction activities.
49. That the developer shall complete Phase 1 of the project, including construction of the driveway off Bennington Avenue, within one year of passage of this ordinance.

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.

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Section C. That the development plan described above is hereby approved with the following deviations from Chapter 88, Code of Ordinances:

1. A deviation from accessory building/structure separation zoning standards, permitting accessory buildings/structures to be less than 10 feet from all other accessory and principal buildings on the same lot.
2. A deviation from 88-328-02-B, the setback requirements for a composting facility, to be setback less than 250 feet from property lines and at least 500 feet from any residential dwelling unit, per the approved site plan.
3. A deviation from the temporary portable storage container specific use standards, to permit the use of five shipping containers to be used as permanent storage buildings, unless otherwise approved through a building permit.
4. A deviation to permit gravel, as described on the approved site plan, for vehicular and loading use.
5. A deviation to permit a fence along all property lines of 10 feet.
6. A deviation from on-site pedestrian standards, permitting internal connections inconsistent with 88-450-03-C.2.

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

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

**FAILED**

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Sara Copeland, FAICP  
Secretary, City Plan Commission

Approved as to form:

  
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Sarah Baxter  
Senior Associate City Attorney