

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 250380

Rezoning an area of about 18.2 acres generally located at 3808 E. 78th Street from Districts M1-5, M3-5, and R-6 to District MPD and approving a development plan, with associated preliminary plat, to allow for a demolition debris landfill to continue operation on the existing site. CD-CPC-2024-00041

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-1488, rezoning an area of about 18.2 acres generally located at 3808 E. 78th Street from Districts M1-5 (Manufacturing 1), M3-5 (Manufacturing 3), and R-6 (Residential 6) to District MPD (Master Plan Development) and approving a development plan, with associated preliminary plat, to allow for a demolition debris landfill to continue operation on the existing site, said section to read as follows:

Section 88-20A-1488. That an area legally described as:

Part of an unplatted tract of land, located in the Northeast Quarter of Section 15 and the Northwest Quarter of Section 14 and part of Lot 3 and Lot 4, Hoelzels Blue River Heights, a subdivision of land, all in Township 48 North, Range 33 West in Kansas City, Jackson County, Missouri.

is hereby rezoned from Districts M1-5 (Manufacturing 1), M3-5 (Manufacturing 3), and R-6 (Residential 6) to District MPD (Master Plan Development), all as shown outlined on a map marked Section 88-20A-1488, 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. Applicants, or the property owner, have sole responsibility for maintenance and care of the demolition debris landfill area.
2. All demolition debris landfills must be compacted by the use of machines for this purpose as the fill is introduced into the landfill area.
3. All demolition debris landfills must be operated so that they do not violate any city ordinances, state statutes, or federal laws relating to the health, safety, or general welfare of the inhabitants of the city, and may not have an adverse impact on water supplies or waterways, air or the visual environment.
4. At such time as the landfill reaches the finished topography as approved, the final 12 inches must be earth cover and must be properly graded and seeded by the

applicant or otherwise landscaped and improved in accordance with plans approved at the time of special use approval.

5. The demolition debris landfill use is approved for 5 years, in accordance with 88-380-01-E. Extensions may be approved through an amendment to the MPD plan.
6. Employees of the city have the right to enter upon the site to make all reasonable inspections.
7. The developer shall submit an affidavit, completed by a landscape architect licensed in the State of Missouri, verifying that all landscaping required (including the 65 ft buffer) of the approved Final MPD plan has been installed in accordance with the plan and is healthy prior to a certificate of occupancy.
8. 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 with approved plans and that lighting levels do not exceed that shown on the approved lighting plan or 88-430 at the property lines prior to any certificate of occupancy.
9. No detailed sign plan was provided. All signage must comply 88-445.
10. Driveways and parking areas shall be constructed and comply with Chapter 56 of the Kansas City Municipal Code to prevent the tracking of mud and debris from penetrating the public right-of-way.
11. A third party inspection, conducted by an engineer licensed in the State of Missouri, shall be completed annually. Upon completion of the inspection, an affidavit completed by the engineer shall be provided to the Development Management Division. The affidavit shall certify the extent to which the landfill has been reduced in volume and in height and certify that all conditions are being met.
12. The developer shall secure approval of an MPD final plan from the City Plan Commission prior to a building permit or within six months of the preliminary plan approval.
13. Per 40-23 of the Kansas City Code of Ordinances, the business/operations at 3808 E. 78th Street (Hoelzel Enterprises, Hoelzel Mobile Crushing, LLC, or Frank Hoelzel) is subject to a business/occupation license audit. This audit needs to be completed prior to the final MPD submission.
14. Only rock, concrete, asphalt, or other solid minerals will be stored and processed on the site. For example, other outdoor storage or disposal of junked vehicles, shipping containers (not including those identified on the subject plans as machine trailers), or other materials (including waste) are not permitted on the site.

15. Building height shall follow 88-140-04-M-1 regulations, and accessory structures 88-305-03.
16. (Long Range Planning Condition) The following details shall be clarified in the MPD final plan,
 - 16.1. Connect paved concrete staff parking lots to compacted aggregate driveways.
 - 16.2. Provide species list and exact location of landscaping within the landscape buffer.
 - 16.3. Specify the quantity and type of the 6 material piles, including the rock crusher, on the processing plan.
 - 16.4. Provide spatial or ground figure representation of the phasing plan associated with each plan sheet.
17. Prior to issuance of any permits on the site the applicant must consolidate the lots through a general warranty deed with the County or through a minor subdivision lot consolidation through the City.
18. Required Fire Department access roads shall be a minimum unobstructed width of twenty (20) feet and 13 ft. 6 in clearance height. Check with Streets & Traffic (KCMO Public Works) or Missouri Department of Transportation (MODOT) that may have street planning regulations that supersede the Fire Code. (IFC 2018: § 503.2.1)
19. 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)
20. Required Fire Department access roads shall be an all-weather surface. (IFC 2012: § 503.2.3)
21. Fire hydrant distribution shall follow IFC 2018 Table C102.1.
22. The turning radius for Fire Department access roads shall be 30 feet inside and 50 feet outside radius. (IFC 2018: § 503.2.4)
23. 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)
24. The developer shall meet the fire flow requirements as set forth in Appendix B of the 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. 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.
27. 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.
28. 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.
29. The developer shall have a water flow test done to ensure there is adequate water pressure to serve the development.
30. The developer shall submit a storm drainage analysis from a Missouri licensed civil engineer to the Kansas City Water Services Department, in accordance with adopted standards, including a BMP level of service analysis prior to approval and issuance of any building permits, and the developer shall secure permits to construct any improvements as required by the Kansas City Water Services Department prior to issuance of any certificate of occupancy.
31. 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.
32. The developer shall submit an analysis to verify adequate capacity of the existing sewer system as required by the Kansas City Water Services Department prior to issuance of a building permit to connect the private system to the public sewer main and depending on adequacy of the receiving system, make other improvements as may be required.
33. The developer shall relocate the existing public sanitary sewer. Public infrastructure plans shall be submitted for review and approval by the Kansas City Water Services Department. A 20 foot wide sanitary sewer easement centered on the new sewer line must be provided, and the existing sewer easement shall be released. Permit for the relocation must be obtained prior to the issuance of any building permits

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(excluding an electrical permit for a security fence/gate) or recording the final plat, whichever occurs first.

34. The developer shall 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.
35. The developer shall provide a letter, signed and sealed by a Missouri professional engineer, explaining the current site conditions and how it relates to the applicability of the City's stream buffer ordinance.
36. The developer shall enter into a covenant agreement for the maintenance of any storm water detention area tracts as required by the Kansas City Water Services Department, prior to recording the plat. 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 development plan described above is hereby approved with the following deviations from Chapter 88, Code of Ordinances:

1. A deviation from the required bicycle parking regulations to permit zero (0) long term and (0) short term bicycle facilities on the subject site.
2. A deviation from the vehicular use area regulations to permit gravel driveways on the subject site, per site plan.

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.

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



Authenticated as Passed
Quinton Lucas
Quinton Lucas, Mayor

Marilyn Sanders, City Clerk
MAY 15 2025

Date Passed

Sara Copeland
Sara Copeland, FAICP
Secretary, City Plan Commission

Approved as to form:

Sarah Baxter
Sarah Baxter
Senior Associate City Attorney