



## Legislation Details (With Text)

<b>File #:</b>	240381	<b>Version:</b>	1	<b>Name:</b>	
<b>Type:</b>	Ordinance	<b>Status:</b>		Passed	
<b>File created:</b>	4/4/2024	<b>In control:</b>		Council	
<b>On agenda:</b>	5/2/2024	<b>Final action:</b>		5/2/2024	
<b>Title:</b>	Sponsor: Director of City Planning and Development Department  Rezoning an area of about 1.5 acres generally located at N.E. Vivion Road and N. Chouteau Trafficway from District UR to District UR and approving a development plan to allow for a drive-through facility. (CD-CPC-2023-00178).				
<b>Sponsors:</b>	Director of City Planning & Development				
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	1. Docket Memo 4222, 2. 4-2-2024-CPC PPT, 3. CPC Approved Plan (04-02-2024), 4. CPC Disposition Letter (04-02-2024), 5. 05_CD-CPC-2023-00178_VIVCHOAMENDMENT (1), 6. 5-1 NP 240381, 7. Authenticated Ordinance 240381				

Date	Ver.	Action By	Action	Result
5/2/2024	1	Council	Passed	Pass
5/1/2024	1	Neighborhood Planning and Development Committee	Adv and Do Pass	Pass
4/17/2024	1	Neighborhood Planning and Development Committee	Hold on Agenda	
4/11/2024	1	Council	referred	

### ORDINANCE NO. 240381

Sponsor: Director of City Planning and Development Department

Rezoning an area of about 1.5 acres generally located at N.E. Vivion Road and N. Chouteau Trafficway from District UR to District UR and approving a development plan to allow for a drive-through facility. (CD-CPC-2023-00178).

#### 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-1430, Rezoning an area of about 1.5 acres generally located at N.E. Vivion Road and N. Chouteau Trafficway from District UR (Urban Redevelopment) to District UR (Urban Redevelopment) and approving a development plan to allow for a drive-through facility, said section to read as follows:

Section 88-20A-1430. That an area legally described as:

Antioch Resurvey Lt 4 exc row & Antioch Resurvey Lt 3 & s 20' Lt 2.

is hereby rezoned from District UR (Urban Redevelopment) to District UR (Urban Redevelopment), all as shown outlined on a map marked Section 88-20A-1430, 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 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 at the property lines prior to a certificate of occupancy.
2. The developer shall screen all roof and/or ground mounted mechanical and utility equipment in compliance with 88-425-08.
3. 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.
4. All signage shall conform to 88-445 and shall require a sign permit prior to installation.
5. 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.
6. The applicant is exempt from submitting a UR final plan for approval from the City Plan Commission for Building Z as long as there is no expansion that would trigger a major amendment to the approved UR preliminary development or demolition of the existing structures. All other properties will require a UR final plan.
7. All City Planning and Development and Park Department site plan corrections related to landscaping shall be resolved prior to the issuance of a final certificate of occupancy.
8. The developer shall submit plans to the Parks and Recreation Department and obtain permits prior to beginning construction of streetscape improvements (including but not limited to sidewalks, curbs, gutters, streetscape elements, pedestrian and street lighting) on the Parks jurisdictional streets and construct improvements, ADA compliant ramps at all required locations where new private drives are being added, or where existing sidewalks are modified or repaired. Such improvements shall be installed per the Parks and Recreation Department standards.
9. The developer shall submit a letter to the Parks and Recreation Department from a licensed civil engineer, licensed architect, or licensed landscape architect, who is registered in the State of Missouri, stating the condition of the sidewalks, curbs, and gutters along boulevard/parkway, which is a parks and recreation jurisdictional street. The letter shall identify state of repair as defined in Chapters 56 and 64, Code of Ordinances, for the sidewalks, curbs, and gutters. It shall identify the quantity and location of sidewalks, curbs, and gutters that need to be constructed, repaired, or reconstructed. The developer shall secure permits to repair or reconstruct the identified sidewalks, curbs, and gutters as necessary along all development street frontages, as

required by the Parks and Recreation Department, prior to recording the plat or issuance of any certificate of occupancy permits including temporary certificate of occupancy permits

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 deviation from Chapter 88, Code of Ordinances:

The Council hereby grants a deviation from 88-430-02-B(3) to allow for drive-through functions and required vehicle stacking areas to be located in front and street side yard.

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.

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Diane Binckley, AICP  
Secretary, City Plan Commission

Approved as to form:

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Sarah Baxter  
Senior Associate City Attorney