

COMPARED VERSION
COMMITTEE SUBSTITUTE TO ORIGINAL ORDINANCE

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 250537

Rezoning an area of about 0.6 acres generally located at 3809 Roanoke Road from Districts B3-2 and R-5 to District B3-3 and approving a development plan to allow for a multi-unit residential building with limited commercial space. (CD-CPC-2025-00054 and CD-CPC-2025-00056)

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-1494, rezoning an area of about 0.6 acres generally located at 3809 Roanoke Road from Districts B3-2 (Community Business) and R-5 (Residential 5) to District B3-3 (Community Business) and approving a development plan to allow for a multi-unit residential building with limited commercial space, said section to read as follows:

Section 88-20A-1494. That an area legally described as:

All that part of Lot 1 and 2, Hamilton Hill, a subdivision of land in Kansas City, Jackson County, Missouri, more particularly described as: Beginning at the intersection of the east right-of-way line of Roanoke Road and the north right-of-way line of 39th Street, as now established; thence North 3° 14' 41" East along said east right-of-way line, a distance of 200.24 feet to a point on the north line of the south 207.75 feet of Lots 1 and 2; thence South 87° 18' 38" East along said north line, a distance of 129.73 feet; thence South 3° 14' 03" West, a distance of 200.36 feet to a point on said north right-of-way of Roanoke Road; thence North 87° 15' 13" West along said north right-of-way line, a distance of 129.76 feet to the point of beginning.

Also being shown as Tract 2, on the minor subdivision lot split of part of Lot 1, Lot 2, and Lot 3, Hamilton Hill, a subdivision of land in Kansas City, Jackson County, Missouri, recorded July 25, 2022, as Document No. 2022E0069738, in Book 54, page 64.

is hereby rezoned from Districts B3-2 (Community Business) and R-5 (Residential 5) to District B3-3 (Community Business), all as shown outlined on a map marked Section 88-20A-1494, 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 screen all roof and/or ground mounted mechanical and utility equipment in compliance with Section 88-425-08 of the Zoning and Development Code.
2. 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, including landscaping along the north property line, has been installed in accordance with the plan and is healthy prior to a certificate of occupancy.
3. All signage shall conform to 88-445 and shall require a sign permit prior to installation.
4. Prior to issuance of the certificate of occupancy for each lot within the plat 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.
5. The developer shall pay a fee in-lieu of providing 4 trees (8 caliper inches) in the amount of \$1,480.00 to the Tree Fund prior to a certificate of occupancy.
6. Aerial fire apparatus access roads shall be provided for any building that is 30 feet in height or greater. Aerial fire apparatus roads are a minimum 26 feet wide, at least 15 feet away from the building but not more than 30 feet from the structure. (IFC-2018 § D105).
7. Buildings equipped with a fire standpipe system shall have an operable fire hydrant within 100 feet of the Fire Department Connection (FDC). (IFC2018 § 507.5.1.1)
8. 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). Fire hydrant distribution shall follow IFC-2018 Table C102.1.
9. The developer shall meet the fire flow requirements as set forth in Appendix B of the International Fire Code 2018. (IFC-2018 § 507.1)
10. The developer shall provide fire lane signage on fire access drives.
11. The developer shall add reinforcement to the exterior doors of the property for safety. Items such as steel braces to reinforce wooden door frames or metal door frames have been proven to lower the risk of crimes.

12. The developer shall consider all units in the multi-family development to have 180-degree eye viewers, such as peep holes which will allow a person to view outside their apartment prior to opening the door.
13. The developer shall be responsible for dedication of parkland, private open space in lieu of parkland, or payment of cash-in-lieu of either form of dedication, or any combination thereof in accordance with 88-408. Should the developer choose to pay cash-in-lieu of dedicating all or a portion of the required area, the amount due shall be based upon the 2025 acquisition rate of \$20,065.67 per acre. This requirement shall be satisfied prior to a certificate of occupancy.
14. 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.
15. Proposed on-street parking shall be approved by the Public Works Department prior to the issuance of a permit from the Land Development Division for construction. Requests for on-street parking require review by Public Works staff during the plan review process.
16. 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.
17. The developer shall submit a letter to the Land Development Division from a licensed civil engineer, licensed architect, or licensed landscape architect, who is registered in the State of Missouri, that identifies sidewalks, curbs, and gutters in disrepair as defined by Public Works Department's "OUT OF REPAIR CRITERIA FOR SIDEWALK, DRIVEWAY AND CURB revised 11/5/2013" and based on compliance with Chapters 56 and 64, Code of Ordinances, for the sidewalks, curbs, and gutters where said letter shall identify the quantity and location of sidewalks, curbs, and gutters that need to be constructed, repaired, or reconstructed to remedy deficiencies and/or to remove existing approaches no longer needed by this project. 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 Land Development Division and prior to issuance of any certificate of occupancy permits including temporary certificate of occupancy permits.
18. The developer shall grant a City approved pedestrian right-of-way easement, for the portions of the public sidewalks approved to be outside of the street right-of-way, to the City as required by the Land Development Division, prior to recording the plat.

19. The developer shall enter into a covenant agreement for the maintenance of any decorative paving and landscaping located within the public right-of-way as required by the Land Development Division of the Public Works Department, prior to the issuance of any certificate of occupancy or recording the plat.
20. The developer shall have a water flow test done to ensure there is adequate water pressure to serve the development.
21. The developer shall ensure that water and fire service lines should meet current Water Services Department rules and regulations prior to issuance of a certificate of occupancy.
22. The developer shall hire a Missouri professional engineer to design and submit a water main extension plan set for installation of an additional public fire hydrant. The plans shall follow the Kansas City Water rules and regulations and provide public fire hydrants along the perimeter public streets at 300' max. spacing. The plans shall be approved and under contract (permitted) prior to building permit issuance.
23. 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.
24. 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.
25. The developer shall secure permits to extend public sanitary and storm water conveyance systems to serve all proposed lots within the development and determine adequacy of receiving systems as required by the Kansas City Water Services Department, prior to recording the plat or issuance of a building permit, whichever occurs first.

26. The developer shall provide acceptable easement and secure permits to relocate sanitary sewers out from under proposed buildings and structures. Any existing public lines located under proposed structures must be abandoned in place or removed and easement vacated, or relocated and new easements shall be provided; as required by the Kansas City Water Services Department prior to issuance of a building permit.
27. The developer shall enter into a covenant agreement for the maintenance of any stormwater detention area as required by the Kansas City Water Services Department, prior to issuance of building permit.
28. 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 may be required.

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29. North facing balconies shall be Juliet balconies.

30. Any changes to the rear setback or the number of units will require a major amendment approved by the City Council in accordance with 88-516-06-A or, if authorized, a variance by the board of zoning adjustment.

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:

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- ~~1. A deviation to 88-120-04 Rear Setback (abutting an R-5 District) in the amount of 30 feet to allow a 0 foot setback.~~
- 2.1. A deviation to 88-120-04 Side Setback (interior) in the amount of 8 feet to allow a 0 foot setback.
- 3.2. A deviation to 88-120-04 Lot Area per Unit in the amount of ~~5222~~ square feet to allow ~~348378~~ square feet of lot area per unit, to allow for a maximum of 69 units

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.

Sara Copeland, FAICP
Secretary, City Plan Commission

Approved as to form:

Sarah Baxter
Senior Associate City Attorney

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