



CITY PLAN COMMISSION STAFF REPORT

City of Kansas City, Missouri
City Planning & Development Department
www.kcmo.gov/cpc

04/16/24

Docket #1

Request

CD-CPC-2024-00042
Zoning Code Text Amendments

Applicant

City of Kansas City, MO

APPROVAL PROCESS



REQUIRED PUBLIC ENGAGEMENT

Public engagement as required by 88-505-12 does not apply to this request.

SUMMARY OF REQUEST + KEY POINTS

Redirecting certain permitting and inspection functions from the City Planning and Development Department to the Water Services and Public Works Departments in response to Ordinance 230741.

CONTROLLING + RELATED CASES

Ordinance 230741

Amending Chapter 60, Code of Ordinances of Kansas City, Missouri, by repealing Section 60-32, Construction of private sewage disposal systems, and enacting in lieu thereof a new section of like number and subject matter; Amending Chapter 61-20, Code of Ordinances of Kansas City, Missouri, by repealing Section 61-20, Enclosing natural drain ditches, and enacting in lieu thereof a new section of like number and subject matter; Amending Chapter 63, Code of Ordinances of Kansas City, Missouri, by repealing Sections 63-21, Title and authority, and 63-24, Definitions, and enacting in lieu thereof new sections of like number and subject matter; Amending Chapter 64, Code of Ordinances of Kansas City Missouri, by repealing Section 64-4, and enacting in lieu thereof a new section of like number and subject matter; Amending Chapter 2, Code of Ordinances

of Kansas City, Missouri by enacting a new Article XIX entitled "City Permits", Section 2-2300 entitled "Permitting Standards" all for the purpose of transferring certain permitting functions from the City Planning and Development Department to the Water Services and Public Works Departments; Directing the City Manager to begin transition of these permits from the City

Planning and Development Department to the Water Services and Public Works Departments before May 1, 2024, including taking steps to address any needed staffing, funding, and legislative changes to effectuate the transition; and directing the City Manager to review implementation of these process changes and report back to Council in one year.

PROFESSIONAL STAFF RECOMMENDATION

Docket #1 Recommendation
 Approve

PLAN REVIEW

Zoning and Development Code Text Amendments makes changes to Chapter 88 of the Kansas City, MO Municipal Code. These amendments can be periodic to “clean up” components of the Zoning and Development Code or address policy and urban planning best practices. The proposed Zoning and Development Code Text Amendment responds to departmental changes triggered by Ordinance 230741.

88-405-10-B.5

If providing a temporary turnaround on (off-site) adjacent property is not practical or the developer is not able to obtain the required off-site temporary easement, the ~~city planning and development director~~ director of public works may approve one of the following options ...

Summary

- Under subdivision regulations, the proposed amendment redirects authority to approve waivers related to providing temporary turnarounds to the Director of Public Works.

88-405-10-D.2

Intersection radii must comply with the city's Standards, Specifications, and Design Criteria, provided that the ~~city planning and development director~~ director of public works may require a greater or reduced radius when anticipated traffic or roadway and intersection improvements warrant.

Summary

- Under subdivision regulations, the proposed amendment redirects authority to approve intersection radii design to the Director of Public Works.

88-405-21-B.1 (a),(c)

(a) The developer may post a performance bond for all or a portion of the required improvements, in an amount estimated by the ~~city planning and development director~~ director of public works or director of water services (as applicable) to be sufficient to cover the entire cost of construction, engineering, installation, and dedication of the improvements to be covered by the bond. Bonds for partial improvements may be accepted only if the balance of the public improvements are completed before release of the final plat for recording.

(c) Within 2 years of the date that the performance bonds are posted, the developer must obtain all required construction permits and post performance and maintenance bonds for completion of the required improvements. The ~~city planning and development director~~ director of public works or director of water services (as applicable) may, upon proof hardship, extend the 2-year life of the bond for a maximum of one additional year. Further extensions may be granted by the City Council. In the event of any time extension, the ~~city planning and development director~~ director of public works or director of water services (as applicable) may require an increase in the bond amount if the director determines that the original bond amount will not be sufficient to cover the costs of construction, engineering, installations, and dedication of the improvements to be covered by the bond.

Summary

- Under subdivision regulations, the director of public works or water services ensures financial guarantees for temporarily deferred improvements with the proposed amendment.

88-405-21-B.2(a)

The developer may enter into an escrow or a letter of credit agreement with the city. This form of financial guarantee requires that the applicant place in escrow or submit a letter of credit in an amount estimated by the ~~city planning and development director~~ director of public works or director of water services (as applicable) to be sufficient to cover the entire cost of construction, engineering, installation, and dedication of the improvements to be covered by the financial guarantee. Unless a competition date is properly extended by the ~~city planning and development director~~ director of public works or director of water services (as applicable) for the escrow or letter credit agreement, public improvements must be completed in accordance with the following timetable ...

Summary

- Under subdivision regulations, the director of public works or water services ensures financial guarantees for temporarily deferred improvements with the proposed amendment.

88-405-26

Wherever access to a subdivision is required across land within another municipality or political jurisdiction, the city plan commission may request an option from the city attorney that access is legally established and also from the ~~city planning and development director~~ director or of public works to ensure that the access road is adequately improved or that a performance bond has been duly executed and is sufficient to ensure construction of the access road.

Summary

- Under subdivision regulations, the director of public works engages in cooperation for inter-jurisdictional access needs with the proposed amendment.

88-415-08-B.3

The water services director must review the plan for compliance with the stream buffer regulations of this article and ~~recommend that the exception request be approved, approved with conditions or denied and forward such recommendation in writing to the city planning and development director by the deadline for review established by the city planning and development director~~ the application for exception. An exception may be ~~recommended for approval~~ when the water services director determines that a bona fide hardship exists and when the integrity of the stream corridor will be protected through avoidance, minimization, and appropriate mitigation measures.

Summary

- Under stream buffer regulations, the proposed amendment rewords the exception methodology.

88-415-10

Required stream buffers must be inspected by the water services director ~~who must provide written confirmation to the city of planning and development director~~ to confirm that such buffers conform to the approved stream buffer plan prior to recording of a plat or prior to the issuance of a building permit by the city planning and development director, ~~whichever occurs first~~. The property owner shall cause the stream buffer to be accessible to the water services director to facilitate inspection, construction, maintenance, and other activities related to the stream and public infrastructure in the buffer area.

Summary

- Under stream buffer regulations, the proposed amendment rewords the inspection recording methodology.

88-415-11

Upon the filling of any application required by this zoning and development code, the ~~city planning and development director~~ director of water services shall evaluate ~~shall provide a review to water services director~~

...

Summary

- Under stream buffer regulations, the proposed amendment rewords the plan review process.

88-570-02 and 88-570-02-D

The city planning and development director and the director of public works have~~s~~ the authority to review and approve the following administrative adjustments ...

D.1. The ~~city planning and development~~ director of public works is authorized to approve an administrative adjustment to the driveway and vehicle access standards of 88-230-03-E,

D.2 Such an administrative adjustment may be approved only when the ~~city planning and development~~ director of public works determines, in consultation with the other appropriate city officials that access to the subject lot cannot be safely accommodated by the alley or side (non-pedestrian) street access.

Summary

- Under administrative adjustment regulations for a P/O, the director of public works has authority over driveway and vehicle access standard administrative adjustments with the proposed amendment.

88-570-02-I

The ~~city planning and development~~ director of water services is authorized to approve an administrative adjustment allowing paved or unpaved trails to encroach into the streamside zone (See 88-415-05-A.1). Administrative adjustments for (paved or unpaved) trail encroachments into the streamside zone may be approved only when the ~~city planning and development~~ director of water services determines that alternative alignments are not feasible due to topography, the presence of existing structures such as bridges or flood control levees, the inability to acquire property to accommodate other trail alignments, or when that trail represents the termini of existing trails and trail rights-of-way. Streambanks and natural resource areas affected

by allowed encroachments must be stabilized in accordance with the city's Standards, Specifications and Design Criteria, and natural resources must be mitigated in accordance with 88-415-07-C and 88-415-8-B.4.

Summary

- Under administrative adjustment regulations for trails in streamside buffer zones, the director of public works has authority over administrative adjustments with the proposed amendment.

SPECIFIC REVIEW CRITERIA

Zoning and Development Code Text Amendments (88-510-07)

In reviewing and making decisions on zoning and development code text amendments, the City Planning and Development Director, City Plan Commission, and City Council must consider at least the following factors:

- A. Whether the proposed zoning and development Code text amendment corrects an error or inconsistency in the Zoning and Development Code or meets the challenge of a changing condition;**
N/A AN
- B. Whether the proposed zoning and development code text amendment is consistent with adopted plans and the stated purpose of this Zoning and Development Code; and**
N/A AN
- C. Whether the proposed zoning and development code text amendment is in the best interests of the City as a whole.**
N/A AN

ATTACHMENTS

1. Conditions Report [N/A]
2. Applicants Submittal
3. Public Engagement Materials [N/A]
4. Additional documents, if applicable [N/A]
5. KC Spirit Alignment [N/A]

PROFESSIONAL STAFF RECOMMENDATION

City staff recommends **APPROVAL** as stated in the conditions report.

Respectfully Submitted,

Ahna Nanoski, AICP
Lead Planner (Interim Development Management Division Manager)