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**File #: 250474**

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### ORDINANCE NO. 250474

Rezoning an area of about 6.14 acres generally located at 7800, 7802, and 7744 N. Oak Trafficway from District R-7.5 to District R-1.5 and approving a development plan to allow for the construction of multi-plex residential buildings. (CD-CPC-2025-00028 and CD-CPC-2025-00030)

#### 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-1489, rezoning an area of about 6.14 acres generally located at 7800, 7802, 7744 N Oak Trafficway from District R-7.5 (Residential 7.5) to District R-1.5 (Open Space) and approving a development plan to allow for the construction of multi-plex residential buildings, said section to read as follows:

Section 88-20A-1489. That an area legally described as:

All that part of Tracts A, B, C, & D, BONALY SUBDIVISION, a subdivision in the NW  $\frac{1}{4}$ , Section 14, Township 51, Range 33, in Kansas City, Clay County, Missouri, more particularly described as follows:

Beginning at the NE Corner of Tract A, said BONALY SUBDIVISION, thence S 00° 18' 57" W, along the east line of said BONALY SUBDIVISION, a distance of 334.58 feet; thence N 89° 29' 00" W, along the south line of said BONALY SUBDIVISION, a distance of 365.27 feet, to the SE corner of a tract of land described in Book 9404 at page 150 in the Recorder of Deeds Office, Clay County, Missouri; thence N 00° 25' 02" E, along the east line of said tract, a distance of 130.07 feet, to the NE corner of said tract; N 89° 31' 49" W, along the north line of said tract and its westerly extension, a distance 264.66 feet, to the NW corner of a tract of land described in Book 8809 at Page 8, in said recorder of deeds office; thence S 00° 28' 11" W, along the west line of said tract, a distance of 129.86 feet, to the SW corner of said tract, said point being on the south line of Tract C of said BONALY SUBDIVISION; thence N 89° 29' 00" W, along the south line of said Tract C, a distance of 272.66 feet, to the SE corner of Certificate of Survey of Tract D as recorded in Book 1699 at Page 629, of said recorder of deeds office; thence N 09° 19' 39" E, along the east line of said certificate of survey, a distance of 334.11 feet, to a point on the North line of said BONALY

SUBDIVISION; thence S 89° 31' 51" E, along the north line of said subdivision, a distance of 902.63 feet, to the point of beginning.

The above-described tract contains 267,545 sq. ft. or 6.14 acres more or less.

is hereby rezoned from District R-7.5 (Residential 7.5) to District R-1.5 (Open Space), all as shown outlined on a map marked Section 88-20A-1489, 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, completed by an ISA certified arborist, an SAF certified forester, a professional engineer, or a landscape architect licensed in the State of Missouri, verifying that all trees preserved and all trees planted to meet mitigation required of the approved plan, whichever is applicable, has been installed or preserved in accordance with the plan and is healthy prior to a certificate of occupancy.
2. 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.
3. 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.
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 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 developer shall meet the requirements outlined in Chapter 88-410-06-A through E as it relates to: Use, Location and Design; Ownership and Management of Open Space; Boundary Markers; and Legal Instrument for Permanent Protection with the Final Plat.



7. The applicant shall submit and gain approval of a street name plan prior to submittal of a final plat.
8. Prior to issuance of the certificate of occupancy, the applicant shall gain approval of and record a final plat in accordance with the Zoning and Development Code.
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. 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.
11. Required Fire Department access roads shall be an all-weather surface. (IFC-2012: § 503.2.3) (No Grass Pavers Allowed)
12. 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)
13. 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)
14. The turning radius for Fire Department access roads shall be 30 feet inside and 50 feet outside radius and (IFC-2018: § 503.2.4) shall provide fire lane signage on fire access drives.
15. 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.
16. 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.
17. 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.
18. The developer shall be responsible for tree preservation in an easement or platted tract, mitigation planting, or payment of cash-in-lieu of preservation or mitigation planting, or any combination thereof in accordance with 88-424. Should the developer choose to pay cash-in-lieu of preservation or mitigation of all or a

portion of the required area, the amount due shall be based upon the rate specified in 88-424. This requirement shall be satisfied prior to issuance of a certificate of occupancy, or prior to the recording of the final plat, whichever occurs first.

19. 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.
20. 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.
21. 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.
22. After the City Plan Commission enters its disposition for the development plan, the developer shall not enter into any agreement that would encumber or otherwise have any impact on the proposed right-of-way dedications for the planned project without the prior written consent of the Land Development Division.
23. The developer shall subordinate to the City all private interest in the area of any right-of-way dedication, in accordance with Chapter 88 and as required by the Land Development Division, prior to issuance of any construction permits within said right-of-way, and that the developer shall be responsible for all costs associated with subordination activities now and in the future.
24. The developer shall integrate into the existing streetlight system any relocated streetlights within the street right-of-way impacted by the new drive or approach



entrances as required by the Land Development Division, and the relocated lights must comply with all adopted lighting standards.

25. 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.
26. The developer shall design and construct all interior public streets to City standards, as required by Chapter 88 and the Land Development Division, including curb, gutter, storm sewers, streetlights, and sidewalks.
27. 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.
28. No water service tap permits will be issued until the public water main is released for taps.
29. The developer shall have a water flow test done to ensure there is adequate water
30. The developer shall employ a Missouri professional engineer to develop water main extension plans for approximately 400' of 8" DIP public water main and fire hydrants per the utility plan. The plans shall follow the Kansas City Water rules and regulations for water main extensions and submitted through CompassKC. The water main extension project shall be under contract (permitted) prior to either building permit issuance or plat recording.
31. The developer shall submit a final stream buffer plan to the Kansas City Water Services Department for approval prior to issuance of any building permits and obtain permits for the stream buffer prior to removal of any mature riparian species within the buffer zones due to construction activities on the site, in accordance with the Section 88-415 requirements.
32. The developer shall cause the area to be platted and processed in accordance with Chapter 88, Code of Ordinances of the City of Kansas City, Missouri, by making application under said code for a minor subdivision and submitting and recording a lot consolidation plat or replatting the property in accordance therewith.
33. 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.
34. 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.

35. 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.
36. 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.
37. The developer shall provide acceptable easement and secure permits to relocate sanitary sewers out from under proposed buildings and structures, while continuing to ensure individual service is provided to all proposed lots as required by the Kansas City Water Services Department. 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 recording the plat or issuance of a building permit, whichever occurs first.
38. The developer shall provide acceptable easement and secure permits to relocate sanitary sewers out from under proposed buildings and structures.
39. The developer shall grant a BMP and/or surface drainage easement to the City as required by the Kansas City Water Services Department, prior to recording the plat or issuance of any building permits.
40. The developer shall submit a preliminary stream buffer plan prior to approval of the plan in accordance with the Section 88-415 requirements.
41. The developer shall submit a copy of the design engineer's signed SWPPP (Storm Water Pollution Prevention Plan) prior to issuance of the site disturbance permit. The submission of the SWPPP is required by the City's MS4 Permit issued by the State.
42. The developer shall provide private (water, storm drainage, sanitary sewer) easements for any private mains prior to issuance of any building permits.
43. The developer shall provide covenants to maintain private water mains acceptable to the Kansas City Water Services Department for any private water mains prior to the issuance of any building permits.



44. The developer shall provide covenants to maintain private sanitary sewer mains acceptable to the Kansas City Water Services Department for any private sanitary sewer mains prior to the issuance of any building permits
45. The developer shall provide covenants to maintain private storm sewer mains acceptable to the Kansas City Water Services Department for any private storm sewer mains prior to the issuance of any building permits.
46. The developer shall submit covenants, conditions and restrictions to the Kansas City Water Services Department for approval by the Law Department and enter into covenant agreements for the maintenance of any private open space tracts with stream buffer zones or stormwater detention area tracts, prior to recording the plat.
47. The developer shall provide an erosion hazard analysis for areas where any improvements or public right-of-way dedications are proposed within stream buffer zones or adjacent to the outside of stream meanders as required by the Kansas City Water Services Department.
48. The developer shall grant on City approved forms, a stream buffer easement to the City, as required by Chapter 88 and the Kansas City Water Services Department, prior to issuance of any stream buffer 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 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, Mayor

Marilyn Sanders, City Clerk

JUN 12 2025

Date Passed

Sara Copeland, FAICP  
Secretary, City Plan Commission

Approved as to form:

Sarah Baxter  
Senior Associate City Attorney