



Agenda

Neighborhood Planning and Development Committee

Chairperson Ryana Parks-Shaw

Vice Chair Eric Bunch

Councilmember Nathan Willett

Councilmember Melissa Patterson Hazley

Wednesday, December 13, 2023

1:30 PM

26th Floor, Council Chamber

<https://us02web.zoom.us/j/84530222968>

PUBLIC OBSERVANCE OF MEETINGS

Members of the City Council may attend this meeting via videoconference.

Any closed session may be held via teleconference.

The public can observe this meeting at the links provided below.

Applicants and citizens wishing to participate have the option of attending each meeting or they may do so through the videoconference platform ZOOM, using this link:

<https://us02web.zoom.us/j/84530222968>

Public Testimony is Limited to 2 Minutes

Bough and Duncan

231041 Sponsors: Councilmember Andrea Bough

Rezoning an area of about 250 acres generally located at the northeast corner of Missouri Route 150 and Botts Road from Districts M2-2 and M3-5 to District MPD and approving a development plan which also serves as a preliminary plat to allow for about 2.5 million square foot of office, administrative, commercial, and manufacturing uses, including a substation on seven lots and four tracts. (CD-CPC-2023-00150).

Attachments: [Docket Memo CD-CPC-2023-00150](#)

HELD IN COMMITTEE

City Plan Commission

230936 Sponsor: Director of City Planning and Development Department

Amending Chapter 88, the Zoning and Development Code, for the purpose of creating a process to allow persons with disabilities to apply for a reasonable accommodation to the Zoning and Development Code, by enacting a new Section 88-571, Relief for Reasonable Accommodation, and by repealing Sections 88-805-02, Residential Use Group, and 88-810-700, Household, and enacting in lieu thereof new sections of like number and subject matter for the purpose of ensuring the City's regulations are in compliance with federal law.

Attachments: [RA & Group Home Docket Memo.docx](#)

ADDITIONAL BUSINESS

1. There may be a general discussion regarding current Neighborhood Planning and Development Committee issues.
2. Closed Session
 - Pursuant to Section 610.021 subsection 1 of the Revised Statutes of Missouri to discuss legal matters, litigation, or privileged communications with attorneys;
 - Pursuant to Section 610.021 subsection 2 of the Revised Statutes of Missouri to discuss real estate;
 - Pursuant to Section 610.021 subsections 3 and 13 of the Revised Statutes of Missouri to discuss personnel matters;
 - Pursuant to Section 610.021 subsection 9 of the Revised Statutes of Missouri to discuss employee labor negotiations;
 - Pursuant to Section 610.021 subsection 11 of the Revised Statutes of Missouri to discuss specifications for competitive bidding;
 - Pursuant to Section 610.021 subsection 12 of the Revised Statutes of Missouri to discuss sealed bids or proposals; or
 - Pursuant to Section 610.021 subsection 17 of the Revised Statutes of Missouri to discuss confidential or privileged communications with auditors.

3. Those who wish to comment on proposed ordinances can email written testimony to public.testimony@kcmo.org. Comments received will be distributed to the committee and added to the public record by the clerk.

The city provides several ways for residents to watch City Council meetings:

- Livestream on the city's website at www.kcmo.gov
- Livestream on the city's YouTube channel at <https://www.youtube.com/watch?v=3hOuBlg4fok>
- Watch Channel 2 on your cable system. The channel is available through Time Warner Cable (channel 2 or 98.2), AT&T U-verse (channel 99 then select Kansas City) and Google Fiber on Channel 142.
- To watch archived meetings, visit the City Clerk's website and look in the Video on Demand section: http://kansascity.granicus.com/ViewPublisher.php?view_id=2

The City Clerk's Office now has equipment for the hearing impaired for use with every meeting. To check out the equipment please see the secretary for each committee. Be prepared to leave your Driver's License or State issued Identification Card with the secretary and she will give you the equipment. Upon returning the equipment your license will be returned.

Adjournment



File #: 231041

ORDINANCE NO. 231041

Sponsors: Councilmember Andrea Bough

Rezoning an area of about 250 acres generally located at the northeast corner of Missouri Route 150 and Botts Road from Districts M2-2 and M3-5 to District MPD and approving a development plan which also serves as a preliminary plat to allow for about 2.5 million square foot of office, administrative, commercial, and manufacturing uses, including a substation on seven lots and four tracts. (CD-CPC-2023-00150).

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-1418, rezoning an area of about 250 acres generally located at the northeast corner of MO Route 150 and Botts Road from Districts M2-2 (Manufacturing 2 (Dash 2)) and M3-5 (Manufacturing 3 (Dash 5)) to District MPD (Master Plan Development) and approving a development plan which also serves as a preliminary plat to allow for about 2.5 million square foot of office, administrative, commercial, and manufacturing uses, including a substation on seven (7) lots and four (4) tracts, said section to read as follows:

Section 88-20A-1418. That an area legally described as:

W 1/2 OF SW 1/4 SEC 26 47 33 EXC PRT IN RD, M 150 HWY SEC-26 TWP-47 RNG-33 DEG W 219.42' TO A PT ON N ROW LI HWY 150 TH W ALG N ROW LI 772.02' TO A PT ON W LI SD 1/2 1/4 TH N ALG SD W LI 768.13' TO POB PT OF E 1/2 SW 1/4 DAF: BEG AT PT 1862.90' S OF NW COR OF E 1/2 SW 1/4 TH S 86 DEG E 963.40' TH ALG A CURV TO RI 60.26' TH TH S 32 DEG E 60' TH SWLY ALG A CURV TO LF 625.06' TH S 3 DEG W 158' MOL TO NLY ROW LI OF M-150 TH NWLY 46' MOL TH NWLY 164' MOL TH SWLY 176' MOL TH WLY 164' TH NWLY 238' MOL TO PT ON W LI S 1/2 SW 1/4 TH N ALG SD W LI 739' MOL TO POB,PRT E 1/2 SW 1/4 SEC 26 47 33BEG NW COR NE 1/4 SW 1/4 SD SEC TH S 03 DEG 31 MIN 59 SEC W ALG WLY LI E 1/2 SW 1/4 A DIST OF 1306.80 FT TO TPOB TH ELY ALG N LI SE 1/4 SW 1/4 SEC 696.97 FT TH SELY ALG CUR LT RADIUS 1370.00 FT INIT TANG S 18 DEG 49 MIN 32 SEC E A DIST OF 268.29 FT TH S 30 DEG 02 MIN 45 SEC E 339.58 FT TH SWLY ALG CUR LT RADIUS 730.00 FT INIT TANG S 57 DEG 12 MIN 22 SEC W A DIST OF 60.26 FT TH WLY PARL N LI SD 1/4 A DIST OF 963.40 FT TO PT W LI SD 1/4 1/4 TH NLY ALG SD W

LI 556.10 FT TO TPOB, PRT NE 1/4 SW 1/4 SEC 26 47 33 S 435.6 FT OF N 1306.8 FT OF W 1000 FT OF SD 1/4 1/4, PRT NE 1/4 SW 1/4 SEC 26 47 33 S 435.6 FT OF N 871.2 FT OF W 1000 FT OF SD 1/4 1/4, PRT NE 1/4 SW 1/4 SEC 26 47 33 N 435.6 FT OF W 1000 FT OF SD 1/4 1/4, PRT S 1/2 SEC 26 47 33 BEG NECOR LOT 2 HAWTHORNE PARK TH WLY ALG N LI SD SUB TO NW COR LOT 3 SD SUB TH NLY ALG NLY PROLG OF W LI SD LOT 3 TO PT 853.60 FT N OF SW COR LOT 4 SDSUB TH S 84 DEG 55 MIN 19 SEC W 465.59 FT TH SWLY ALG CUR LTR-890 FT A DIST OF 387.84 FT TH SWLY 50 FT TH N 30 DEG 02 MIN 45 SEC W 339.58 FT TH NWLYALG CUR RT R-1370.00 FT A DISTOF 268.29 FT PT N LI SE 1/4 SW1/4 SD SEC 26 A DIST OF 696.97FT ELY OF NW COR SD SE 1/4 SW 1/4 TH ELY ALG SD N LI TO PT 1000.00 FT ELY SD NW COR TH NLY PARL W LI NE 1/4 SW 1/4 SDSEC PT N LI SW 1/4 SEC 26 TH ELY ALG SD N LI TO PT W LI RR R/W TH SLY ALG SD RW TO BEG, M 150 HWY SEC-26 TWP-47 RNG-33 PT E 1/2 SW 1/4 DAF: BEG 250' W & 68' MOL N OF SE COR SW 1/4 TH N 91' MOL TH ALG A CURV RI 429.43' TH NWLY 261.63' TH SWLY ALG A CURV TO LF 574.81' TH S 158' MOL TH ELY 34' MOL TH LI HWY 150 TH E ALG SD N ROW LI 215' TO POB SELY 47' MOL TH E 137' MOL TO POB, RNG-33 TWP-47 SEC-26 PT OF SW 1/4 & SE 1/4 & N 50' LOT 3 HAWTHORNE PARK DAF: BEG 401.32' N OF SW COR OF LOT 4 HAWTHORNE PARK TH N 248.68' TH E 350' TH N 50' TH W 350' TO NW COR OF SD LOT 3 HAWTHORNE PARK TH N 153.6' TH S 84 DEG W 465.59' TH SWLY ALG CURV TO LF 387.04' TH SW 150' TH SWLY ALG CURV TO LF 44.04' TH NW 260.32' TH SWLY ALG CURV TO LF 50.25' TH SE 261.63' TH SWLY ALG A CURV TO LF429.43' TH S 91' MOL TO PT ON N LI 150 HWY TH E ALG SD N ROW LI 153' MOL TH NELY 493' MOL TH N 61 DEG E 634' MOL TO POB 429.43' TH S 1197' TO PT ON N LI 150 HWY TH E ALG SD N ROW LI 535.15' TH N 61 DEG E 759.63' TO POB, PRT SW 1/4 SE 1/4 SEC 26 47 33 BEG AT SW COR LOT 4 HAWTHORNE PARK TH W ALG N LI 147TH ST 645.15 FT TH N 61 DEG 45 MIN 23 SEC E 759.63 FT TO W LI LOT 3 SD SUB TH S ALG SD W LI 401.32 FT TO BEG, HAWTHORNE PARK LOT 3 EXC N 50 FT, 14664 COLORADO HAWTHORNE PARK LOT 4, HAWTHORNE PARK LOT 2, 14698 COLORADO /HAWTHORNE PARK LOT 1 (EX PT IN M-150)

is hereby rezoned from Districts M2-2 (Manufacturing 2 (Dash 2)) and M3-5 (Manufacturing 3 (Dash 5)) to District MPD (Master Plan Development), all as shown outlined on a map marked Section 88-20A-1418, 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 88-425-08.

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 has been installed in accordance with the plan and is healthy prior to a certificate of occupancy.
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 for MPD Final Plans that abut residential areas prior to a certificate of occupancy.
4. 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.
5. 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, have been installed or preserved in accordance with the plan and are healthy prior to a certificate of occupancy.
6. The developer shall enter into a covenant agreement for the maintenance of any stormwater detention area tracts as required by the Land Development Division, prior to recording the plat.
7. The developer shall submit a macro storm drainage study with the first plat or phase, from a Missouri-licensed civil engineer to the Land Development Division showing compliance with current adopted standards in effect at the time of submission, including water quality BMP's, to the Land Development Division for review and acceptance for the entire development area, and submit a micro storm drainage study with each subsequent plat or phase showing compliance with the approved macro and adopted standards. The developer shall secure permits to construct any improvements as necessary to mitigate impacts from rate, volume, and quality of runoff from each proposed phase, prior to recording the plat or prior to issuance of a building permit, whichever occurs first as required by the Land Development Division.
8. The developer shall submit a final stream buffer plan to the Land Development Division 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.

9. 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.
10. The developer shall submit plans to the Land Development Division and obtain permits for any construction required in the public right-of-way.
11. 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.
12. The developer shall submit plans for grading, siltation, and erosion control to the Land Development Division 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.
13. 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.
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. The developer shall submit an analysis to verify adequate capacity of the existing sewer system as required by the Land Development Division 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.
16. The turning radius for Fire Department access roads shall be 30 feet inside and 50 feet outside radius. (IFC-2018: § 503.2.4)
17. 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.
18. A required Fire Department access road shall be an all-weather surface. (IFC-2012: § 503.2.3). Fire Department access roads shall be provided prior to construction/demolition projects begin. (IFC-2018 § 501.4 and 3310.1; NFPA 241-2013 § 7.5.5) Required Fire Department access roads shall designed to support a fire apparatus with gross axle weight of 85,000 pounds and (IFC-2018: § 503.2.3) shall provide fire lane signage on fire access drives.

19. 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)
20. The project shall meet the fire flow requirements as set forth in Appendix B of the project International Fire Code 2018. (IFC-2018 § 507.1)
21. Buildings exceeding 62,000 square feet in area shall have at least two means of fire apparatus access. (IFC-2018: § D104.2) Buildings exceeding three (3) stories or 30 feet in height shall have at least two means of fire apparatus access. (IFC-2018: § D104.1)
22. New buildings shall have approved radio coverage for emergency responders within the building based on the existing coverage levels of the public safety communication systems utilized by the jurisdiction, measured at the exterior of the building. This section shall not require improvement of the existing public safety communication systems. (IFC 2018 510.1) and (NFPA1221)
23. Prior to ordinance request the submitted Traffic Impact Study must be approved by Public Works Department and the Missouri Department of Transportation. All necessary improvements identified and required by the TIS shall be reflected on a revised MPD plan and approved by staff prior to ordinance request. This includes any changes to the site access and circulation.
24. IFC (2018) § 503.1.1 The building labeled "Future Manufacturing 262,500 SF" shall be submitted for review and approval as part of the MPD Final Plan showing the method of meeting exceptions for fire access roads.
25. The developer shall submit a street naming plan to the Development Management Division prior to issuance of building permit for any phase/lot. The street naming plan shall be approved prior to Mylar approval of the first final plat.
26. IFC (2018) § D104.2. A second access road from the public streets onto the site shall be provided if the total building area exceeds 62,000 SF (exception: may be increased to 124,000 SF if buildings are fully sprinklered).
27. MPD final plan shall provide details and identify connections from parking areas to buildings; pedestrian connectivity across the campus shall include a 10' wide multi-use trail. All pedestrian circulation systems on the campus shall meet Section 88-450. The 10' trail shall be a publicly accessible trail with an agreement that the public would always be able to access it.
28. IFC (2018) § D104.1. The temporary access road that passes between buildings 203 and 251 shall be constructed on-site regardless of access to Missouri 150 Highway to provide for emergency vehicle circulation.

29. The developer shall secure approval of an MPD final plan from the Director of City Planning and Development prior to building permit.
30. The developer shall submit water main abandonment plans for abandonment of the 8" public water main in Colorado Avenue (approx. 660') and any other needed public water main and fire hydrant improvements. The plans shall be prepared by a registered professional engineer in Missouri and submitted to the water main extension desk for review, acceptance and contracts per the Kansas City Water rules and regulations for water main extensions and relocations.
31. The developer shall submit a preliminary stream buffer plan prior to approval of the plan in accordance with Section 88-415 requirements.
32. The developer shall submit a final stream buffer plan to the Land Development Division 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.
33. The developer shall provide private water main easements for any private water mains prior to the issuance of any building permits.
34. The developer shall provide covenants to maintain private storm and sanitary sewer mains acceptable to Kansas City Water for any private sewer mains prior to the issuance of any building permits.
35. The developer shall show the limits of the 100-year floodplain on the final plat and show the Minimum Low Opening Elevation (MLOE) of any structure on each lot that abuts a 100-year floodplain area (including detention basins and engineered surface drainage conveyances) on any plat and plan, as required by the Land Development Division.
36. The developer shall provide a covenant to maintain private water mains acceptable to Kansas City Water for any private water mains prior to the issuance of any building permits.
37. The developer shall grant on City approved forms, a stream buffer easement to the City, as required by Chapter 88 and Land Development Division, prior to issuance of any stream buffer permits.
38. The developer shall provide private storm water and private sanitary sewer easements for any private sewer mains prior to the issuance of any building permits.

39. A full flow fire meter shall be required when the fire protection service line serves more than one building, or combination service lines 6 inches and larger, or that have private fire hydrants connected to them.
40. Branch service lines one-and-one-half inches and larger in diameter for domestic water services or fire protection lines shall be connected to the main by cutting in a minimum 6" branch service tee, installing three gate valves, and two solid sleeves on the main. Line valves on the main shall be the same nominal size as the main.
41. 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.
42. The developer shall have a water flow test done to ensure there is adequate water pressure to serve the development.
43. The developer shall provide covenants to maintain private water mains acceptable to Kansas City Water for any private water mains prior to the issuance of any building 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 deviations from Chapter 88, Code of Ordinances:

1. Exception from Kansas City, Missouri Zoning and Development Code Section 88-430, Outdoor Lighting, and allow approval via the Final MPD Plan.
2. Deviation from 88-520-04 to allow administrative approval of Final MPD Plans by the Director of City Planning and Development, unless when it increases the total building square footage by more than 10% or proposes the addition or deletion of any uses or proposes building heights exceeding that stated on the MPD 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.

..end

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

Joseph Rexwinkle, AICP
Secretary, City Plan Commission

Approved as to form:

Sarah Baxter
Senior Associate City Attorney



City of Kansas City, Missouri

Docket Memo

Ordinance/Resolution #: 231041

Submitted Department/Preparer: City Planning

Revised 11/01/23

Docket memos are required on all ordinances initiated by a Department Director. More information can be found in [Administrative Regulation \(AR\) 4-1](#).

Executive Summary

Sponsors: Director of /City Planning and Development Department, Councilwoman Andrea Bough and Councilman Jonathan Duncan

Rezoning an area of about 250 acres generally located at the northeast corner of MO Route 150 and Botts Road from Districts M2-2 and M3-5 to District MPD which also serves as a preliminary plat to allow for about 2.5 million square foot of office, admin, commercial, manufacturing, including a substation on seven (7) lots and four (4) tracts. (CD-CPC-2023-00150).

Discussion

Please see City Plan Commission Staff Report for full discussion. This plan is requesting the following waiver and deviation from the Zoning and Development Code:

1. Exception from KCMO Zoning and Development Code Section 88-430 and allow approval via the Final MPD Plan.
2. Deviation from 88-520-04 to allow administrative approval of Final MPD Plans by the Director of City Planning and Development, unless when it increases the total building square footage by more than 10% or proposes the addition or deletion of any uses or proposes building heights exceeding that stated on the MPD plan.

Fiscal Impact

1. Is this legislation included in the adopted budget? Yes No
2. What is the funding source?
Not applicable as this is a zoning ordinance authorizing physical development of subject property on subject property.
3. How does the legislation affect the current fiscal year?
Not applicable as this is a zoning ordinance authorizing physical development of subject property on subject property.

4. Does the legislation have a fiscal impact in future fiscal years? Please notate the difference between one-time and recurring costs.
Not applicable as this is a zoning ordinance authorizing physical development of subject property on subject property.
5. Does the legislation generate revenue, leverage outside funding, or deliver a return on investment?
Not applicable as this is a zoning ordinance authorizing physical development of subject property on subject property.

Office of Management and Budget Review

(OMB Staff will complete this section.)

1. This legislation is supported by the general fund. Yes No
2. This fund has a structural imbalance. Yes No
3. Account string has been verified/confirmed. Yes No

Additional Discussion (if needed)

There is no direct fiscal impact associated with this ordinance.

Citywide Business Plan (CWBP) Impact

1. View the [FY23 Citywide Business Plan](#)
2. Which CWBP goal is most impacted by this legislation?
Housing and Healthy Communities (Press tab after selecting.)
3. Which objectives are impacted by this legislation (select all that apply):
 - Utilize planning approaches in neighborhoods to reduce blight, ensure sustainable housing, and improve resident wellbeing and cultural diversity.
 - Maintain and increase affordable housing supply to meet the demands of a diverse population.
 - Address the various needs of the City's most vulnerable population by working to reduce disparities.
 - Foster an inclusive environment and regional approach to spur innovative solutions to housing challenges.
 - Ensure all residents have safe, accessible, quality housing by reducing barriers.
 - Protect and promote healthy, active amenities such as parks and trails, play spaces, and green spaces.

Prior Legislation

None regarding this request.

Service Level Impacts

No impact expected.

Other Impacts

1. What will be the potential health impacts to any affected groups?
The zoning authorizes the entitlement of office, commercial and industrial development which have not been evaluated for its health impact.
2. How have those groups been engaged and involved in the development of this ordinance?
Not Applicable.
3. How does this legislation contribute to a sustainable Kansas City?
City Planning and Development staff evaluated this against the sustainability goals/ objectives of the The KC Spirit Playbook.
4. Does this legislation create or preserve new housing units?
No (Press tab after selecting)

The zoning authorizes the entitlement of office, commercial and industrial development.
Click or tap here to enter text.
5. Department staff certifies the submission of any application Affirmative Action Plans or Certificates of Compliance, Contractor Utilization Plans (CUPs), and Letters of Intent to Subcontract (LOIs) to CREO prior to, or simultaneously with, the legislation entry request in Legistar.

No - CREO's review is not applicable (Press tab after selecting)
Please provide reasoning why not:
Click or tap here to enter text.
6. Does this legislation seek to approve a contract resulting from an Invitation for Bid?

No(Press tab after selecting)

Click or tap here to enter text.

7. Does this legislation seek to approve a contract resulting from a Request for Proposal/Qualification (RFP/Q)?
No(Press tab after selecting)



File #: 230936

ORDINANCE NO. 230936

Sponsor: Director of City Planning and Development Department

Amending Chapter 88, the Zoning and Development Code, for the purpose of creating a process to allow persons with disabilities to apply for a reasonable accommodation to the Zoning and Development Code, by enacting a new Section 88-571, Relief for Reasonable Accommodation, and by repealing Sections 88-805-02, Residential Use Group, and 88-810-700, Household, and enacting in lieu thereof new sections of like number and subject matter for the purpose of ensuring the City's regulations are in compliance with federal law.

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section A. Amending Chapter 88, the Zoning and Development Code, for the purpose of creating a process to allow persons with disabilities to apply for a reasonable accommodation to the Zoning and Development Code, by enacting a new Section 88-571, Relief for Reasonable Accommodation, said section to read as follows:

88-571 RELIEF FOR REASONABLE ACCOMMODATION

88-571-01 – INTENT

It is the policy of the City of Kansas City, Missouri, pursuant to the federal Fair Housing Amendments Act of 1988, Title II of the Americans with Disabilities Act, and applicable state laws, to provide individuals with disabilities relief from requirements of this zoning and development code, city policies, and administrative practices to ensure equal access to housing and to facilitate the development of housing for individuals with disabilities.

Nothing in this section requires persons with disabilities or operators of group homes for persons with disabilities acting or operating in accordance with applicable zoning, licensing or land use laws or practices to seek reasonable accommodation under this Section.

88-571-03 – Requesting Reasonable Accommodations

To make specific housing available to one (1) or more individuals with disabilities, a disabled person or a person acting on his/her behalf at his/her request (collectively, the "applicant") may request a reasonable accommodation in the form of relief from any standard of this zoning and development code, adopted city policy, or administrative practice of the city applicable to such housing.

1. A request by an applicant for reasonable accommodation requesting relief from any requirement of this zoning and development code, adopted city policy, or administrative procedure shall be made orally or in writing on a reasonable accommodation request form provided by the city planning and development director. The form shall contain:
 - a. Name and address of the individual or entity requesting reasonable accommodation. If the applicant is applying on behalf of an individual with a disability, the name and address of the individual with a disability shall also be provided;
 - b. Address of the property for which the accommodation is requested;
 - c. The name, phone number, and address of the owner of the fee interest of the property (if other than the applicant);
 - d. Attestation that the applicant is (a) an individual with a disability, (b) applying on behalf of an individual with a disability, or (c) a developer or provider of housing for one or more individuals with a disability;
 - e. The nature of the disability that requires the reasonable accommodation. In the event that the specific individuals who are expected to reside at the property are not known to the applicant in advance of making the application, the applicant shall not be precluded from filing the application but shall submit details describing the range of disabilities that prospective residents are expected to have to qualify for the housing. The applicant shall notify the department in the event the residents at the location are not within the range described. The department shall then determine if an amended application and subsequent determination of reasonable accommodation is appropriate;
 - f. The specific type of accommodation requested by the applicant, applicable sections of this zoning and development code, policy titles, and practices for which the accommodation is sought. To the extent practicable, this portion should include information concerning the impact of the reasonable accommodation on the adjoining properties and area, the number of people who are expected to be availing themselves of the reasonable accommodation, the estimated number of people in an average week who will be necessary to provide services to the person(s) with disabilities at the property on an on-going basis, whether or not this type of reasonable accommodation is required to obtain a license from any State or County authority to operate, and any other information the applicant thinks would assist in determining the reasonableness of the accommodation;

- g. Documentation that the specific accommodation(s) requested by the applicant is necessary for the individual(s) with the disability to use and enjoy the dwelling, or is necessary to make the development of housing for individuals with disabilities financially or practically feasible.

- h. The applicant should also note, if known, whether this accommodation requires any additional permits or licensure (e.g. business license); and
- i. Whether the accommodation requested may be necessary to afford one (1) or more disabled persons equal opportunity to use and enjoy a specific dwelling.
- j. Any other information that the code administrator or department concludes is necessary in order to make the findings required by this Section.

The city planning and development department will provide the assistance necessary to an applicant in making a request for reasonable accommodation, including information which the department deems necessary to complete a reasonable accommodation request form. Upon the City's receipt of the necessary information to process the applicant's request for reasonable accommodation, the department shall use the information to complete a reasonable accommodation request form. When the department prepares a request for reasonable accommodation form in response to an oral request the form shall be presented to the requester for their input and approval.

- 2. The department will provide the assistance necessary to any applicant wishing to appeal a denial of a request for reasonable accommodation to ensure the process is accessible to the applicant. The applicant is entitled to be represented at all stages of the proceedings identified in this Section by a person designated by the applicant.
- 3. Should the information provided by the applicant to the department include medical information or records of the applicant, including records indicating the medical condition, diagnosis or medical history of the applicant, the department will treat such medical information as confidential.
- 4. The department shall provide written notice to the applicant, and any person designated by the applicant to represent the applicant in the application proceeding, of any request received by the department for disclosure of the medical information or documentation which the applicant has provided. The department will cooperate with the applicant, to the extent allowed by law, in actions initiated by the applicant to oppose the disclosure of such medical information or documentation.
- 5. All medical information or records of the applicant will be destroyed by the City after the time for appeal of the decision has expired.i98o

88-571-04 – Reviewing Authority

- 1. Requests for reasonable accommodation made pursuant to this section shall be

reviewed by the city planning and development director, using the criteria set forth in 88-571-05.

2. The city planning and development director shall issue a written decision on a request for reasonable accommodation within thirty (30) days of the date of the application, and may either grant, grant with modifications, or deny a request for reasonable accommodation in accordance with the required findings set forth in 88-571-05.
3. If necessary to reach a determination on the request for reasonable accommodation, the city planning and development director may request further information from the applicant consistent with applicable fair housing laws, specifying in detail the information that is required. The applicant shall have fifteen (15) days after the date of the request for additional information to provide the requested information. In the event a request for additional information is made, the 30-day period to issue a written determination shall be stayed. The city planning and development director shall issue a written determination within thirty (30) days after receipt of the additional information. If the applicant fails to provide the requested additional information within the 15-day period, the director shall issue a written determination within thirty (30) days after expiration of the 15-day period.

88-571-05 – Required Findings

1. The written decision to grant, grant with modifications or conditions, or deny a request for reasonable accommodation shall be consistent with applicable fair housing laws and based upon the following factors:
 - a. Whether the housing that is the subject of the request for reasonable accommodation will be used by an individual with a disability protected under the applicable fair housing laws.
 - b. Whether the requested accommodation is necessary to make housing available to an individual with disabilities protected under the applicable fair housing laws.
 - c. Whether the requested accommodation would impose an undue financial or administrative burden on the city.
 - d. Whether the requested accommodation would require a fundamental alteration in the nature of the zoning and development code or building program.
 - e. Whether the requested accommodation would, under the specific facts of the case, result in a threat to the health or safety of other individuals or substantially damage the property of others.
2. Factors for Consideration – Necessity. The city planning and development director may consider, but is not limited to, the following factors in determining whether the

requested accommodation is necessary to provide one or more individuals with a disability an equal opportunity to use and enjoy a dwelling:

- a. Whether the requested accommodation will affirmatively enhance the quality of life of one or more individuals with a disability.
 - b. Whether the individual(s) with a disability will be denied an equal opportunity to enjoy the housing type of their choice absent the accommodation.
 - c. In the case of developers or providers of housing for individuals with disabilities, whether the requested accommodation is necessary to make a facility or facilities of a similar nature or operation economically viable in light of the relevant market and market participants.
 - d. In the case of developers or providers of housing for individuals with disabilities, whether the existing supply of facilities of a similar nature and operation in the community is sufficient to provide individual(s) with a disability an equal opportunity to live in a residential setting.
3. Factors for Consideration – Fundamental Alteration/Reasonableness. The city planning and development director may consider, but is not limited to, the following factors in determining whether the requested accommodation would require a fundamental alteration in the nature of a city program:
- a. Whether the requested accommodation would fundamentally alter the character of a neighborhood.
 - b. Whether the accommodation would result in a substantial increase in traffic or insufficient parking.
 - c. Whether granting the requested accommodation would substantially undermine any express purpose of any of the city’s comprehensive plan or the intent of this zoning and development code.
 - d. In the case of a developer or provider of housing for individuals with disabilities, whether the requested accommodation would create an institutionalized environment due to the number of, and distance between, facilities that are similar in nature.
4. In making the findings, the director may approve alternative reasonable accommodations that provide an equivalent level of benefit to the applicant with respect to (a) enabling the individual(s) with the disability to use and enjoy the dwelling, or (b) making the development of housing for individuals with disabilities financially or practically feasible.

88-571-06 – Written Decision

1. The written decision of the city planning and development director on a request for reasonable accommodation shall explain the basis of the decision, including those criteria in 88-571-05 which were dispositive. All written decisions shall give notice of the applicant's right to appeal and to request reasonable accommodation in the appeal process set forth in 88-571-07. The notice of decision shall be sent to the applicant by certified mail.
2. The written decision of the director shall be final unless an applicant files an appeal to the Board of Zoning Adjustment in accordance with 88-571-07.
3. If the city planning and development director fails to render a written decision on the request for reasonable accommodation within the thirty (30) day period established by 88-571-04, the request shall be deemed granted.

88-571-07 – Appeals

1. Within fifteen (15) days of the date of the city planning and development director's decision, an applicant may appeal an adverse decision to the board of zoning adjustment as set forth in 88-575.
2. If an individual needs assistance in filing an appeal on an adverse decision, the city planning and development director shall provide or arrange for assistance to ensure that the appeals process is accessible. All applicants are entitled to be represented at all stages of the appeal proceeding by a person designated by the applicant.
3. All appeals shall contain a written statement of the grounds for the appeal. Any personal information related to the disability status identified by an applicant as confidential shall be retained and transmitted in a manner so as to protect the privacy rights of the applicant and shall not be made available for public inspection.
4. In considering an appeal of the decision of the director, the board of zoning adjustment shall consider (a) the application requesting a reasonable accommodation, (b) the director's decision, (c) the applicant's written statement on the grounds for appeal, and (d) the provisions of this Section, in order to determine whether the director's decision was consistent with applicable fair housing laws and the required findings established in 88-571-05.
5. There shall be no fee to appeal a decision issued under 88-571-06.

88-571-08 – Expiration

1. Any approval granted for a reasonable accommodation in accordance with this Section shall expire twenty-four (24) months from the effective date of the approval unless:
 - a. Construction of the approved work has commenced in accordance with an approved building permit, where applicable.
 - b. A certificate of occupancy for the approved work has been issued.

- c. The use authorized by the reasonable accommodation is legally established.
 - d. An extension of time has been granted by the director in accordance with 88-571-08(2).
2. The director may approve up to three (3), one-year extensions of time for an approval of a reasonable accommodation, upon a showing of good cause by the applicant for each such extension. Any request for an extension of time for an approval of a reasonable accommodation shall be made in writing to the director at least thirty (30) days prior to the expiration date.

88-571-09 – Future Interest of Accommodation

Any accommodation granted to an individual with a disability shall be considered personal to that individual and shall not run with the land. Accordingly, the director (or the board of zoning adjustment on appeal) may condition the approval of any such accommodation on (a) removal of any improvements constructed pursuant to the accommodation, where the removal would not constitute an unreasonable financial burden, when the need for which the accommodation was granted no longer exists; (b) time limits and/or expiration of the accommodation, when the need for which the accommodation was granted no longer exists; or (c) recordation of a covenant, building restriction, or deed restriction putting prospective buyers of the subject property on notice regarding the personal nature of the accommodation and any conditions relating thereto.

88-571-10 – Resubmission

No request for reasonable accommodation that has been denied in whole or in part may be resubmitted within one (1) year of the date of the denial, except upon a showing of materially changed conditions.

88-571-11 – Modification

Any request to modify an approved accommodation shall be treated as a new application unless, in the opinion of the director, the requested modification results in only a minor change, is within the authority of the director to approve, and is consistent with the original approval.

88-571-12 – Fees

The city shall not impose any additional fees or costs in connection with a request for reasonable accommodation under the provisions of this section or an appeal of a denial of such request by the city planning and development director. Nothing in this section obligates the city to pay an applicant's attorney fees or costs.

88-571-13 – Stay of Enforcement

While an application for reasonable accommodation or appeal of a denial of said application is pending, the city will not enforce the subject zoning ordinance against the applicant. All other laws and regulations otherwise applicable to the property that is the subject of the request shall remain in full force and effect.

88-571-14 – Record-Keeping

The city planning and development director shall maintain records of all oral and written requests submitted under the provisions of this section and the city's responses thereto, as required by State law.

Section B. Repealing Sections 88-805-02, Residential Use Group, and 88-810-700 Household and enacting in lieu thereof new sections of like number and subject matter for the purpose of ensuring the City's regulations are in compliance with federal law. .

88-805-02 RESIDENTIAL USE GROUP

The residential use group includes uses that provide living accommodations to one or more persons. The group includes two use categories: household living and group living.

88-805-02-A. HOUSEHOLD LIVING

Residential occupancy of a dwelling unit by a household with tenancy arranged on a basis of 30 consecutive days or more.

88-805-02-B. GROUP LIVING

Residential occupancy of a structure by other than a "household," typically providing communal kitchen/dining facilities. Examples of group living uses include but are not limited to fraternities, sororities, convents, monasteries, nursing homes and the following specific use types:

1. GROUP HOME

A single dwelling occupied on a permanent basis by a group of unrelated persons with disabilities, including those recovering from alcoholism or addiction to drugs. Group homes may also be occupied by paid staff and caregivers. It expressly excludes halfway houses for alcoholics, drug addicts, prisoners or juvenile delinquents. Group homes for eight or fewer unrelated persons with disabilities, with up to two additional persons acting as houseparents or guardians, are considered "households" and are allowed as-of-right in all districts that allow household living uses.

2. DOMESTIC VIOLENCE RESIDENCE

A residential building in which temporary housing is provided for up to 8 persons who are victims of domestic violence. Any children or support staff using sleeping accommodations at a domestic violence residence will be counted in determining maximum occupancy.

3. DOMESTIC VIOLENCE SHELTER

A building in which temporary housing is provided for more than 8 persons who are victims of domestic violence.

4. NURSING HOME

As defined in Chapter 198, RSMO.

5. CONVENT/MONASTERY

A residential building housing persons (such as nuns or monks) under religious vows.

88-810-700 - HOUSEHOLD

A household is any of the following:

- a. An individual; or
- b. Two or more persons related by blood, marriage, or adoption; or
- c. A group of not more than five persons, excluding servants, who need not be related by blood or marriage, living together and subsisting in common as a separate nonprofit housekeeping unit which provides one kitchen; or
- d. A group of eight or fewer unrelated disabled persons, including those recovering from alcoholism or addiction to drugs, which may include two additional persons acting as houseparents or guardians who need not be related to each other or to any of the disabled persons residing in the home.

Section C. That the Council finds and declares that before taking any action on the proposed amendment hereinabove, all public notices and hearings required by law have been given and had.

..end

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

Joseph Rexwinkle, AICP
Secretary, City Plan Commission

Approved as to form:

Sarah Baxter
Senior Associate City Attorney



City of Kansas City, Missouri

Docket Memo

Ordinance/Resolution #: 230936

Submitted Department/Preparer: City Planning

Revised 8/3/23

Docket memos are required on all ordinances initiated by a Department Director. More information can be found in [Administrative Regulation \(AR\) 4-1](#).

Executive Summary

This is an amendment to the zoning and development code proposed by the Law Department as part of a settlement of a lawsuit.

Discussion

Under federal law the city must provide reasonable accommodation to all persons with a disability when such persons formally request such. The city does comply with this as a matter of practice, however the zoning and development code contain no language outlining the request process or expressly authorizing the city planning and development director to grant relief from standards of the zoning and development code if such relief is necessary to provide the reasonable accommodation requested. This amendment provides such a process and authorizes the director to grant relief when necessary to provide accommodation. It also clarifies the definition of group living so that it matches federal law. The existing definition of group home states that group homes are for disabled persons but expressly excludes alcoholics and drug addicts (who are not actively using) which is in conflict with federal law because both are considered disabilities.

Fiscal Impact

1. Is this legislation included in the adopted budget? Yes No
2. What is the funding source?
None identified.
3. How does the legislation affect the current fiscal year?
Unknown.
4. Does the legislation have a fiscal impact in future fiscal years? Please notate the difference between one-time and recurring costs.
Unknown. While CPD staff currently provide reasonable accommodation it is typically in the form of providing the accommodation during a public hearing, rather than for relief from a zoning standard and is done informally (i.e. no

records are collected, no application form, etc.). The typical process for obtaining relief from a zoning standard is pursuing a variance from the Board of Zoning Adjustment, which is an approximately 5 week process from beginning to end. The applicant must prove hardship or practical difficulty to obtain the variance. A disabled person requiring such relief would usually receive the variance due to their being disabled. It is possible, though unlikely, this will result in an increased workload for CPD and we are not permitted to collect a fee for this service.

5. Does the legislation generate revenue, leverage outside funding, or deliver a return on investment?

No. It is CPD's understanding that federal law prohibits us from collecting a fee for this service.

Office of Management and Budget Review

(OMB Staff will complete this section.)

1. This legislation is supported by the general fund. Yes No
2. This fund has a structural imbalance. Yes No
3. Account string has been verified/confirmed. Yes No

Additional Discussion (if needed)

There is no account string to verify as this ordinance has no fiscal impact.

Citywide Business Plan (CWBP) Impact

1. View the [FY23 Citywide Business Plan](#)
2. Which CWBP goal is most impacted by this legislation?
Housing and Healthy Communities (Press tab after selecting.)
3. Which objectives are impacted by this legislation (select all that apply):
- Maintain and increase affordable housing supply to meet the demands of a diverse population
 - Broaden the capacity and innovative use of funding sources for affordable housing
 - Invest in neighborhood stabilization and revitalization to reduce blight, ensure sustainable housing, and improve the wellbeing of residents while sustaining their diverse cultures
 - Ensure all occupants of residences have quality, efficient, and healthy housing with minimal economic or regulatory barriers
 - Address the various needs of the City's most vulnerable population

- Utilize planning approaches to improve the City's neighborhoods

Prior Legislation

None.

Service Level Impacts

The amendment would formalize the existing accommodations process, providing for an application procedure for requesting reasonable accommodation and require the department to retain certain records regarding such requests. This will increase workload for the department, but the extent to which it will affect the department's service delivery is unknown. Such provisions are not customary in other city's zoning codes so it is not something easily compared.

Other Impacts

1. What will be the potential health impacts to any affected groups?
Unknown.
2. How have those groups been engaged and involved in the development of this ordinance?
This is an amendment initiated from the settlement of a lawsuit.
3. How does this legislation contribute to a sustainable Kansas City?
Unknown.
4. Department staff certifies the submission of any applicable Affirmative Action Plans or Certificates of Compliance, Contractor Utilization Plans (CUPs), Non-Discrimination documents, and Letters of Intent to Subcontract (LOIs) to CREO prior to the legislation entry request in Legistar.

No - CREO's review is not applicable (Press tab after selecting)
Please provide reasoning why not:
Click or tap here to enter text.
5. Does this legislation seek to approve a contract resulting from an Invitation for Bid?

No(Press tab after selecting)

6. Does this legislation seek to approve a contract resulting from a Request for Proposal/Qualification (RFP/Q)?

No(Press tab after selecting)