



**KANSAS CITY
MISSOURI**

City Planning and Development

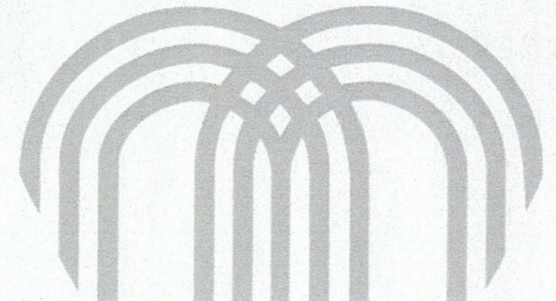
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Ordinance 240218

Rezoning and Development Plan: Botham Residential
CD-CPC-2023-00169 & CD-CPC-2023-00170

March 6, 2024

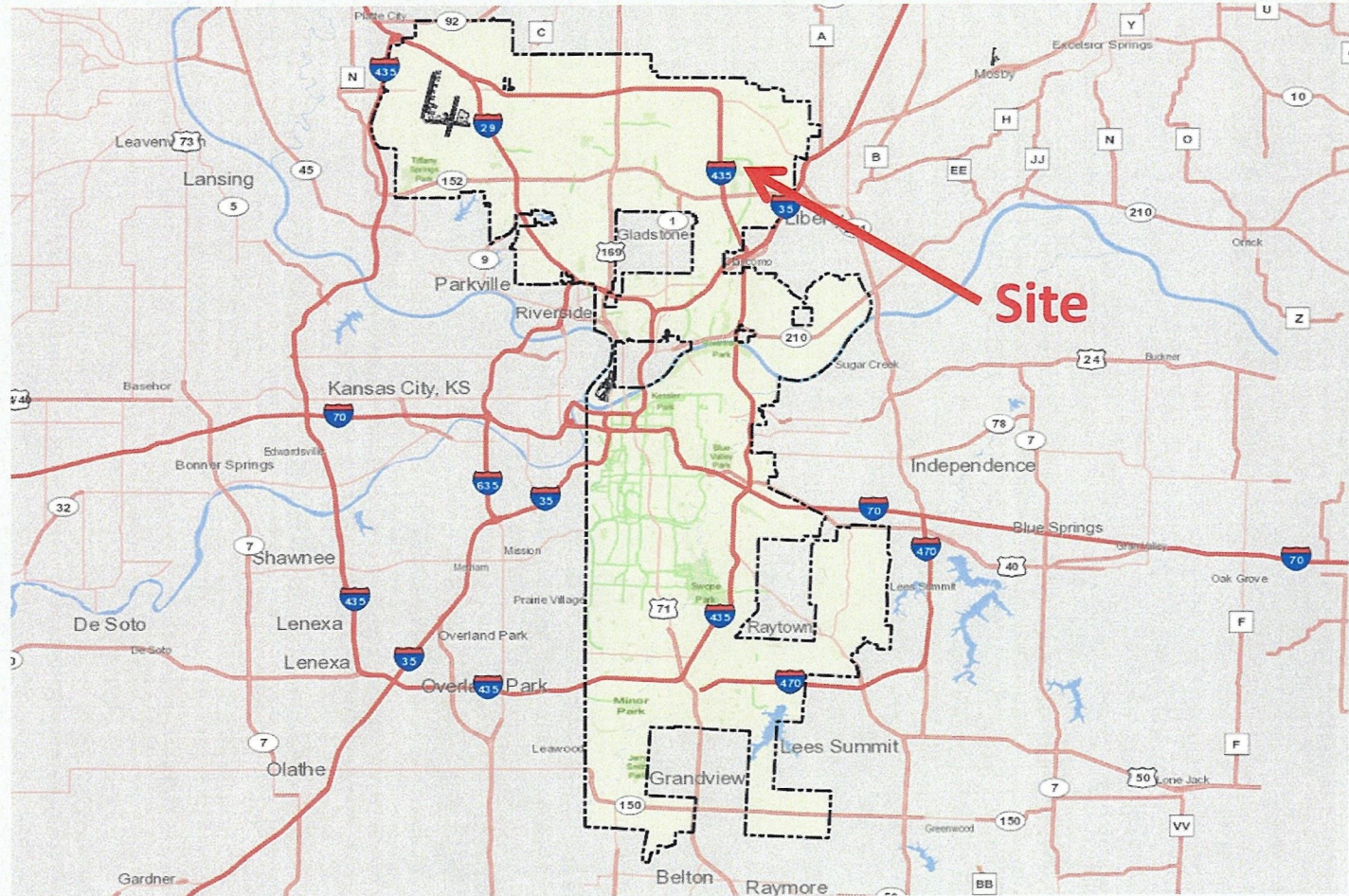
Neighborhood Planning & Development Committee





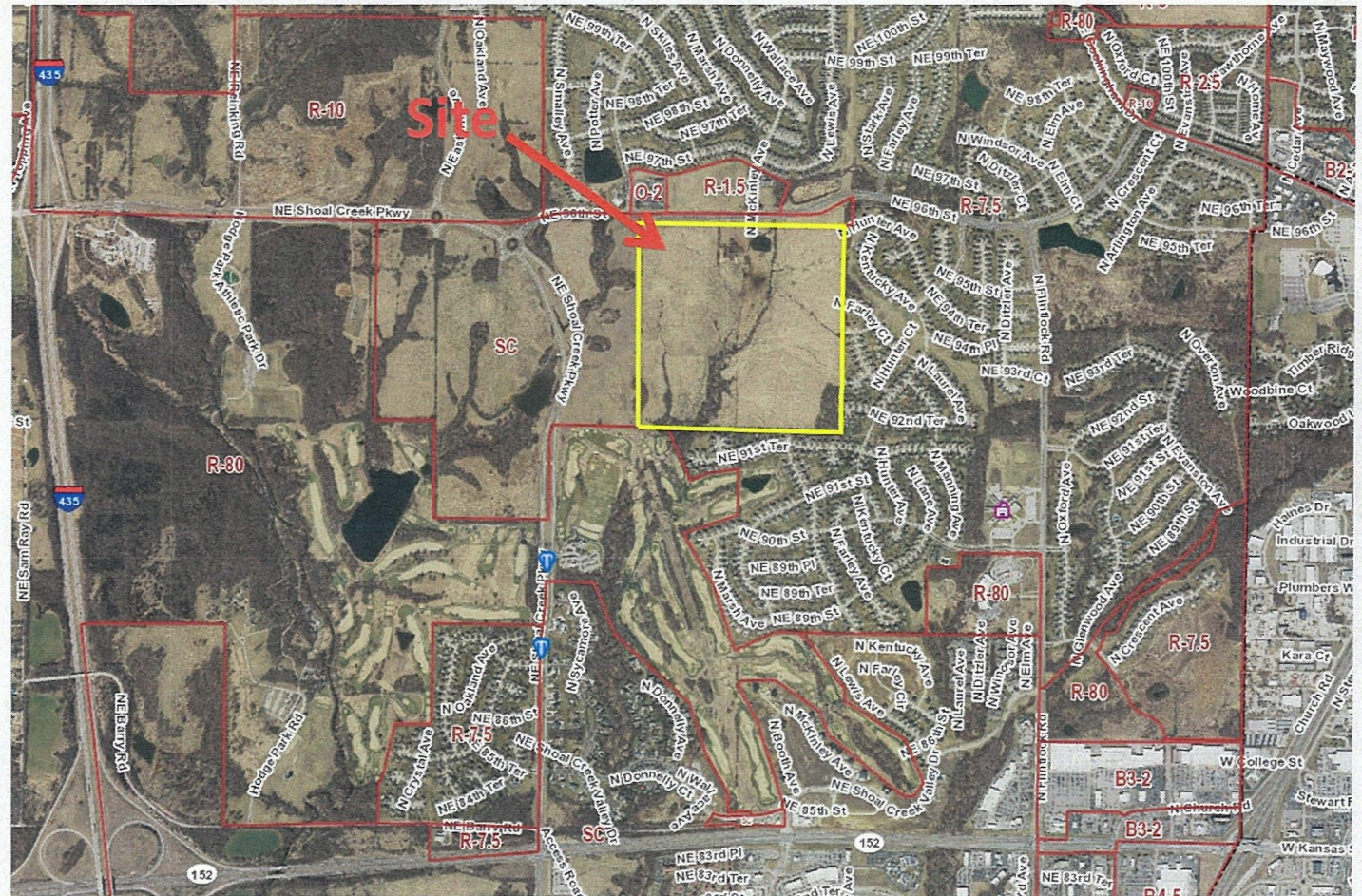
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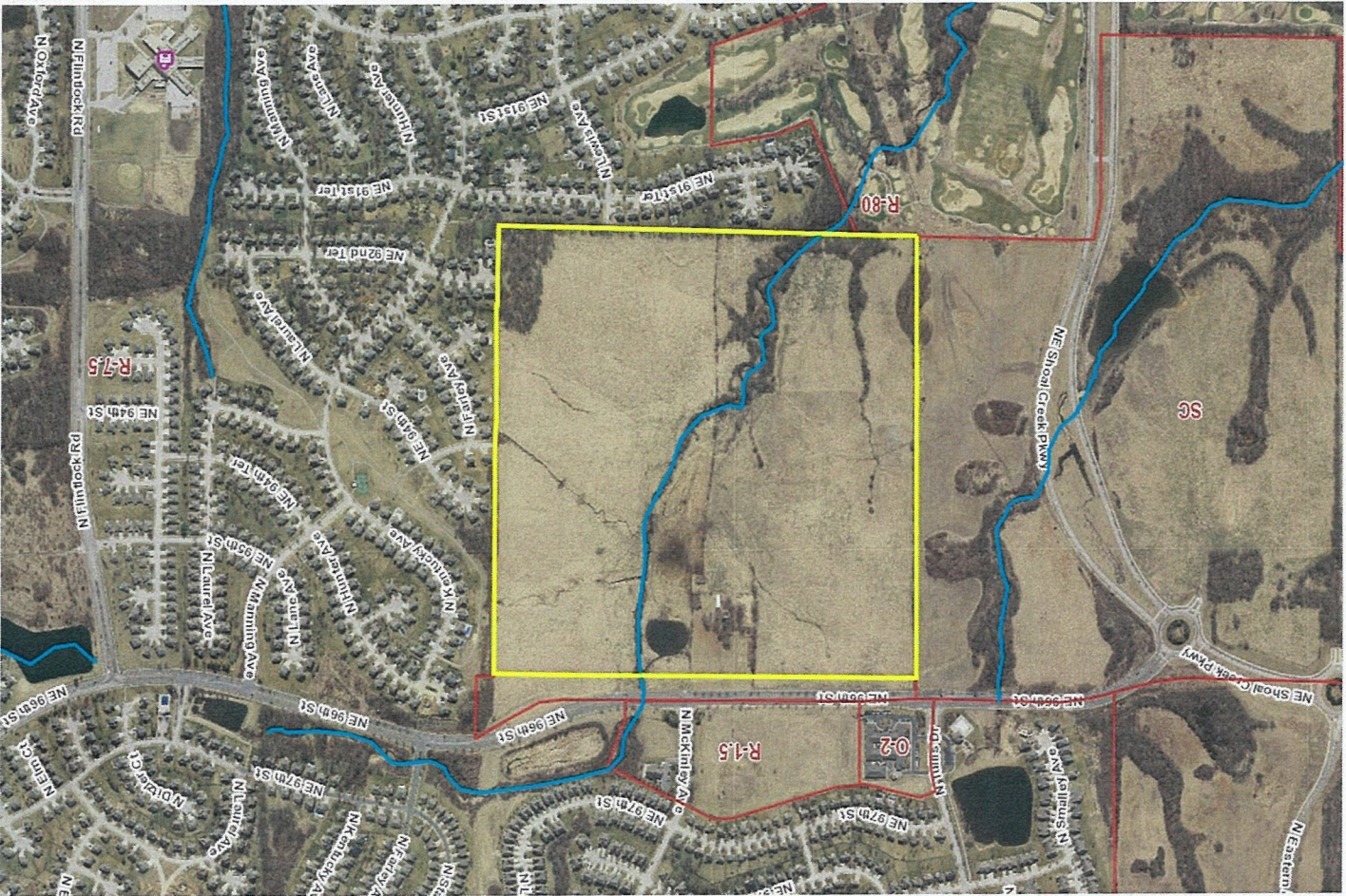
Location



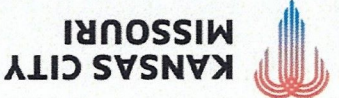


Location





Location



City Planning and Development

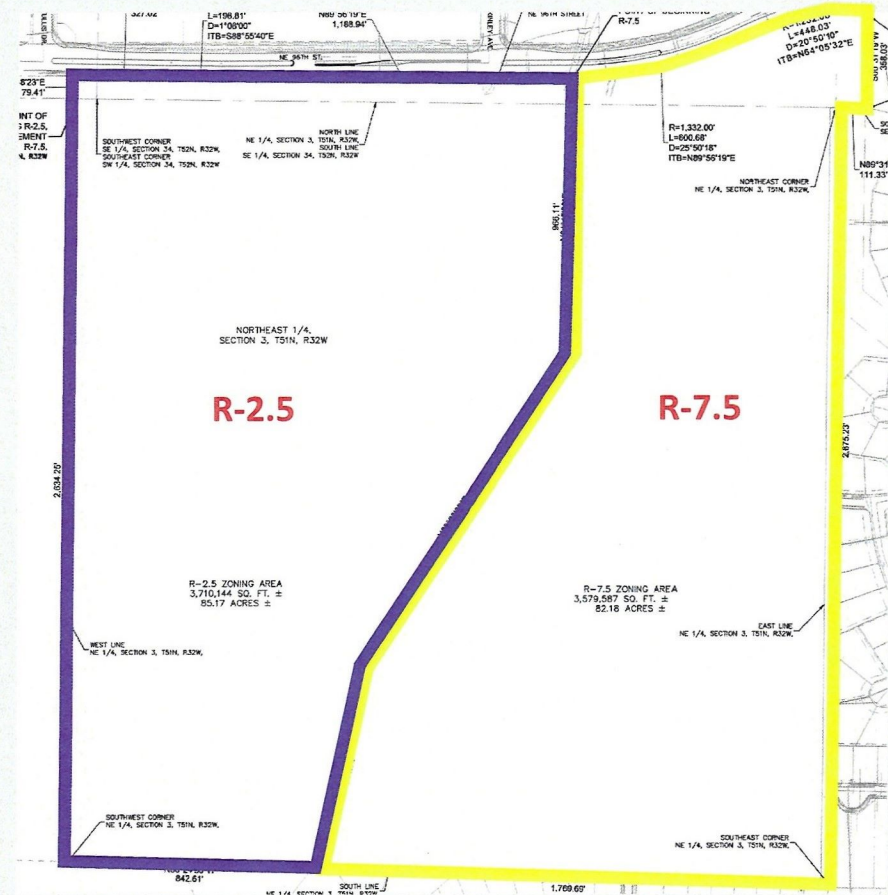


Looking South from Northeast 96th Street



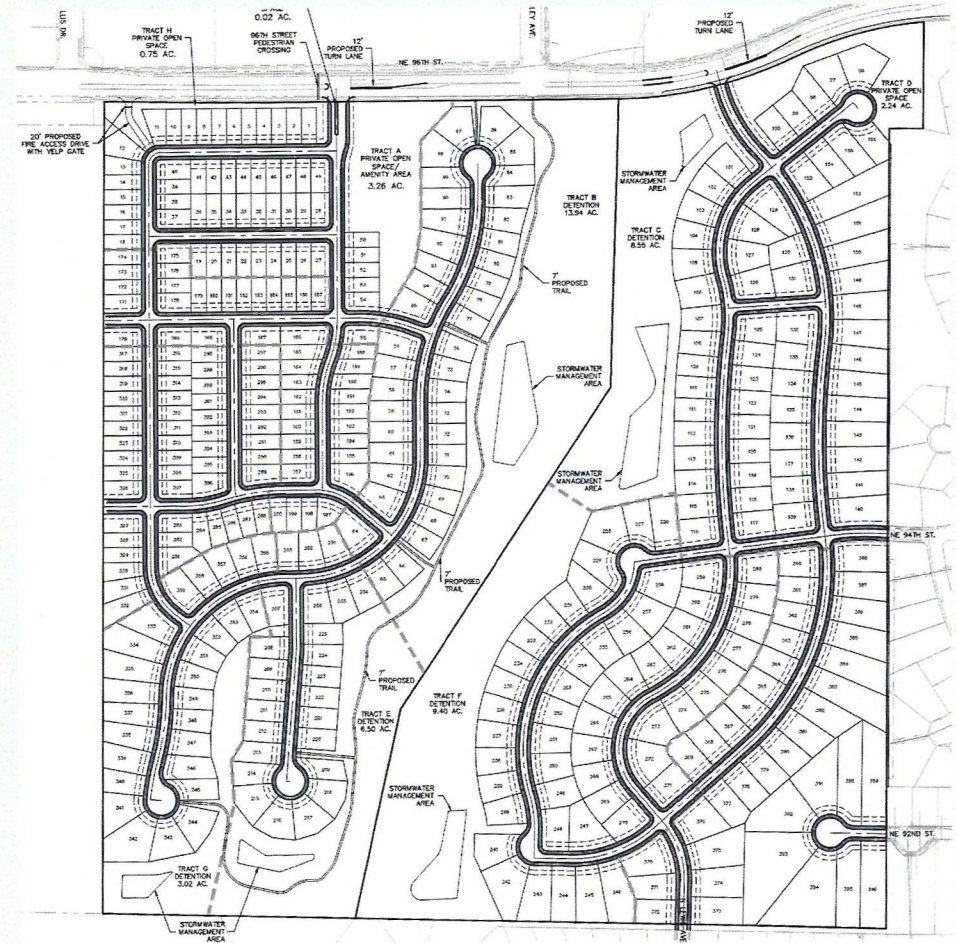
Rezoning

- **East** of Regulated Stream Proposed to be **R-7.5**
- Existing neighborhood to the east is zoned R-7.5
- **West** of Regulated Stream Proposed to be **R-2.5**



Development Plan

- 396 units
- All single unit buildings
- 9 Phases
- Stream Buffer divides development



Sidewalk Standards

- **88-450-03-B** requires that pedestrian access is provided as a direct route from the public right of way to the building.
- **88-405-07** requires that sidewalks must be provided in accordance with the Department of Public Works Standards, Specifications, and Design Criteria.
- **88-517-09-C** states that City Council may approve a Development Plan that deviates from the lot and building standards of **Sections 88-110-06, 88-120-04, 88-130-05 and 88-140-04** and the residential vehicular use area dimensions contained in **Table 420-03 of Section 88-420-12**
 - The Zoning and Development Code does not grant City Council to approve Development Plans which deviate from Section **88-450-03-B** or **88-405-07**

Sidewalk Standards

- **88-405-25-C** states that modifications or waivers of subdivision design standards the CPC and Council must determine the following conditions exist:
 1. that there are special circumstances or conditions affecting the property;
 2. that the waiver or modification is necessary for reasonable and acceptable development of the property in question and is not a greater modification or waiver than is required to allow reasonable and acceptable development of the subject property; and
 3. that the granting of the waiver or modification **will not be detrimental to the public welfare** or injurious to other property in the vicinity in which the subject property is situated.
- This section refers to deviations to Preliminary Plats and does not take into consideration Development Plans which serve as a Preliminary Plat
- Removal of the sidewalks from both sides of the street from the plan is detrimental to public welfare as it removes safe crossings for pedestrians.

Authority to Grant Deviations

- If a deviation is granted to the sidewalk standards staff believes that it can only be granted by the Board of Zoning Adjustment
- The Board of Zoning Adjustment has the authority to variances to the 400 Series of the Zoning and Development Code.
- Ordinance 230082, approved by City Council on February 2, 2023, upheld staff's recommendation that sidewalks on both side of the street are a requirement.

City Plan Commission Recommendation Ordinance 240218

Rezoning

Case No. CD-CPC-2023-00169

Approval

Development Plan

Case No. CD-CPC-2023-00170

Approval with Conditions

Botham Residential