City of Kansas City, Missouri

Docket Memo

Ordinance/Resolution #: 250380
Submitted Department/Preparer: City Planning
Revised 6/10/24

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

Rezoning an area of about 18.2 acres generally located at 3808 E 78th St from district M1-5, M3-5, and R-6 to District MPD and approving a development plan, with associated preliminary plat, to allow for a demolition debris landfill to continue operation on the existing site. CD-CPC-2024-00041

Discussion

The MPD, Master Planned Development, district is intended to accommodate development that may be difficult, if not impossible, to carry out under applicable zoning district standards. A rezoning to MPD, with an associated Development Plan, was suggested by City Staff so the property owner could bring the property into compliance with municipal regulations and protect City interests through conditions attached to the case, which a standard rezoning application could not provide. An unpermitted demolition debris landfill, which has expanded over the years, occupies the subject site.

City Council Key Points

- Split zoned site = M1-5 (Industrial), M3-5 (Industrial), R-6 (Residential)
- Rezoning to MPD (Master Planned Development) with associated development plan and preliminary plat.
- Existing use = the storage of demolition debris (mostly rock, concrete, and asphalt), the crushing of those materials, office for employees, and storage of post-production materials.
- The proposed MPD abates zoning violations by permitting a demolition debris landfill to operate on the subject site.
- Public testimony in opposition to the project was received. They raised concerns over the location of the existing use, the expansion without proper approvals, and proximity to residential properties.
- City Plan Commission = Approval, Subject to Conditions.

Fiscal Impact

1. Is this legislation included in the adopted budget? ☐ Yes ☒ No

2. What is the funding source?
   Not applicable – as this is an ordinance authorizing a rezoning and development plan.

3. How does the legislation affect the current fiscal year?
   Not applicable – as this is an ordinance authorizing a rezoning and development plan.

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 an ordinance authorizing a rezoning and development plan

5. Does the legislation generate revenue, leverage outside funding, or deliver a return on investment?
   This ordinance approves a rezoning and development plan for an existing unpermitted business. A legally compliant/licensed business can generate revenue.

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)
Click or tap here to enter text.

Citywide Business Plan (CWBP) Impact

1. View the Adopted 2025-2029 Citywide Business Plan

2. Which CWBP goal is most impacted by this legislation?
   Inclusive Growth and Development (Press tab after selecting.)

3. Which objectives are impacted by this legislation (select all that apply):

   ☐ Align the City's economic development strategies with the objectives of the City Council to ensure attention on areas traditionally underserved by economic development and redevelopment efforts.
   ☒ Ensure quality, lasting development of new growth.
   ☐ Increase and support local workforce development and minority, women, and locally owned businesses.
   ☐ Create a solutions-oriented culture to foster a more welcoming business environment.
   ☐ Leverage existing institutional assets to maintain and grow Kansas City's position as an economic hub in the Central United States.
   ☐

Prior Legislation

14138A: DISMISSED (2010)
A request for approval of a Conditional Use Permit to allow for a rock-crushing business in a district zoned M-2b (heavy industry).

CD-BZA-2018-11457: DENIED
A property zoned M3-5 (Manufacturing) and R-6 (Residential) and approximately 9 acres in size, generally located on the west side of the Union Pacific Railroad between E. 75th Terrace to the north and Bruce R. Watkins Drive to the south, to consider an appeal to the determination that the property is being used as a demolition debris landfill and that the portion of the property zoned R-6 is being used for outdoor storage.

CD-CPC-2023-00013: CONTINUED OFF DOCKET
A request to approve a rezoning from R-6 (Residential) to M3-5 (Manufacturing) to permit an existing nonconforming business on the subject site on about 6 acres generally located at 3808 E 78th St.

FRANK W HOELZEL V BOARD OF ZONING ADJUSTMENT: UNDER REVIEW
WHEREAS, it has been represented to this Court by a Verified Petition that Relator is aggrieved by the April 12, 2022 decision to the Board of Zoning Adjustment of the City of Kansas City, Missouri ("BZA") reflected in its office April 20, 2022, denying the Application of Relator to overturn alleged violations of the Zoning and Development Code of the City of Kansas City, Missouri and that such decision is illegal, unreasonable, not supported by competent and substantial evidence and for the other reasons stated in Relator's Petition.

Service Level Impacts

N/A

Other Impacts

1. What will be the potential health impacts to any affected groups?
   Not applicable – as this is an ordinance authorizing a rezoning and development plan.

2. How have those groups been engaged and involved in the development of this ordinance?
   Public engagement as required by 88-505-12 does apply to this request. The applicant hosted a meeting on 11/20/2024. A summary of the meeting is attached to the City Plan Commission staff report.

   Public testimony in opposition to the project was received.

3. How does this legislation contribute to a sustainable Kansas City?
   Not applicable – as this is an ordinance authorizing a rezoning and development plan.

4. Does this legislation create or preserve new housing units?
   No (Press tab after selecting)

   Click or tap here to enter text.
   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)