

# COMMUNITY PROJECT/REZONING

## Ordinance Fact Sheet

**Case No.** CD-CPC-2021-00093

### Brief Title

A request to approve a rezoning from District R-7.5 (Residential 7.5) to District B1-1 (Neighborhood Business 1 dash 1) on about 1.5 acres located at 5200 Raytown Road, to allow for retail sales.

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**Ordinance Number**

### Details

<b>Location:</b> 5200 Raytown Road
<b>Reason for Legislation:</b> Rezoning require Council approval.

### Positions/Recommendations

<b>Sponsors</b>	Jeffrey Williams, AICP, Director Department of City Planning & Development
<b>Programs, Departments or Groups Affected</b>	3rd District (Ellington, Robinson)
<b>Applicants / Proponents</b>	<b>Applicant</b> Robert Hawkins 5200 Raytown Rd Kansas City, MO 64133  <b>City Department</b> City Planning & Development <b>Other</b>
<b>Opponents</b>	<b>Groups or Individuals</b>  <b>Basis of Opposition</b>
<b>Staff Recommendation</b>	<input checked="" type="checkbox"/> <b>For</b> <input type="checkbox"/> <b>Against</b>  <b>Reason Against</b>
<b>Board or Commission Recommendation</b>	City Plan Commission (7-0) 08-17-2021 By Baker, Beasley, Crawl, Enders, Hill, Rojas, Sadowski <input checked="" type="checkbox"/> <b>For</b> <input type="checkbox"/> <b>Against</b> <input type="checkbox"/> <b>No Action Taken</b> <input type="checkbox"/> <b>For, with revisions or conditions</b> (see details column for conditions)
<b>Council Committee Actions</b>	<input type="checkbox"/> <b>Do Pass</b> <input type="checkbox"/> <b>Do Pass (as amended)</b> <input type="checkbox"/> <b>Committee Sub.</b> <input type="checkbox"/> <b>Without Recommendation</b> <input type="checkbox"/> <b>Hold</b> <input type="checkbox"/> <b>Do not pass</b>

### PLAN REVIEW

The existing building on the property has been occupied by various retail sales businesses since around 1940, including a dairy store, convenience store, retail flowers, TV repair and a carry-out BBQ business, all under the CLNU classification. In June 2018, there was a fire in the building that, because of problems with the renovation contractor, caused the building to be vacant for almost 2 years. As a result, the property has lost its Certificate of Legal-Nonconformance and the applicant requests to rezone the property to B1-1 to allow for retail sales. The applicant has indicated that he has a prospective tenant that would like to operate a retail clothing business out of the existing building on the site.

### REZONING ANALYSIS

In reviewing and making decisions on proposed zoning map amendments, the city planning and development director, city plan commission, and city council must consider at least the following factors:

#### **88-515-08-A. Conformance with adopted plans and planning policies;**

The proposed rezoning complies with the recommended land use map of the Blue Ridge Area Plan within the area on which the building is located.

#### **88-515-08-B. Zoning and use of nearby property;**

The majority of the adjacent and nearby properties are zoned low-density residential (R-7.5). The applicant currently owns additional property to the north and south of the subject site.

#### **88-515-08-C. Physical character of the area in which the subject property is located;**

The surrounding area generally slopes downward to this subject site. There are some existing trees that could potentially provide visual screening between the existing building

and the nearby homes.

**88-515-08-D. Whether public facilities (infrastructure) and services will be adequate to serve development allowed by the requested zoning map amendment;**

The existing public facilities are adequate for the proposed request and the existing building.

**88-515-08-E. Suitability of the subject property for the uses to which it has been restricted under the existing zoning regulations;**

The current zoning allows for single-family residential uses and very limited commercial uses. The proposed zoning seems appropriate to allow for limited retail sales, while also maintaining the character of the area.

**88-515-08-F. Length of time the subject property has remained vacant as zoned;**

The property has been vacant for approximately 3 years.

**88-515-08-G. The extent to which approving the rezoning will detrimentally affect nearby properties; and**

The property has historically operated various commercial businesses on the site. The proposed zoning district of B1-1 seems appropriate for the site. In addition, several of the commercial uses of the B1 zoning would still require a special use permit, even if the rezoning is approved.

**88-515-08-H. The gain, if any, to the public health, safety, and welfare due to denial of the application, as compared to the hardship imposed upon the landowner, if any, as a result of denial of the application.**

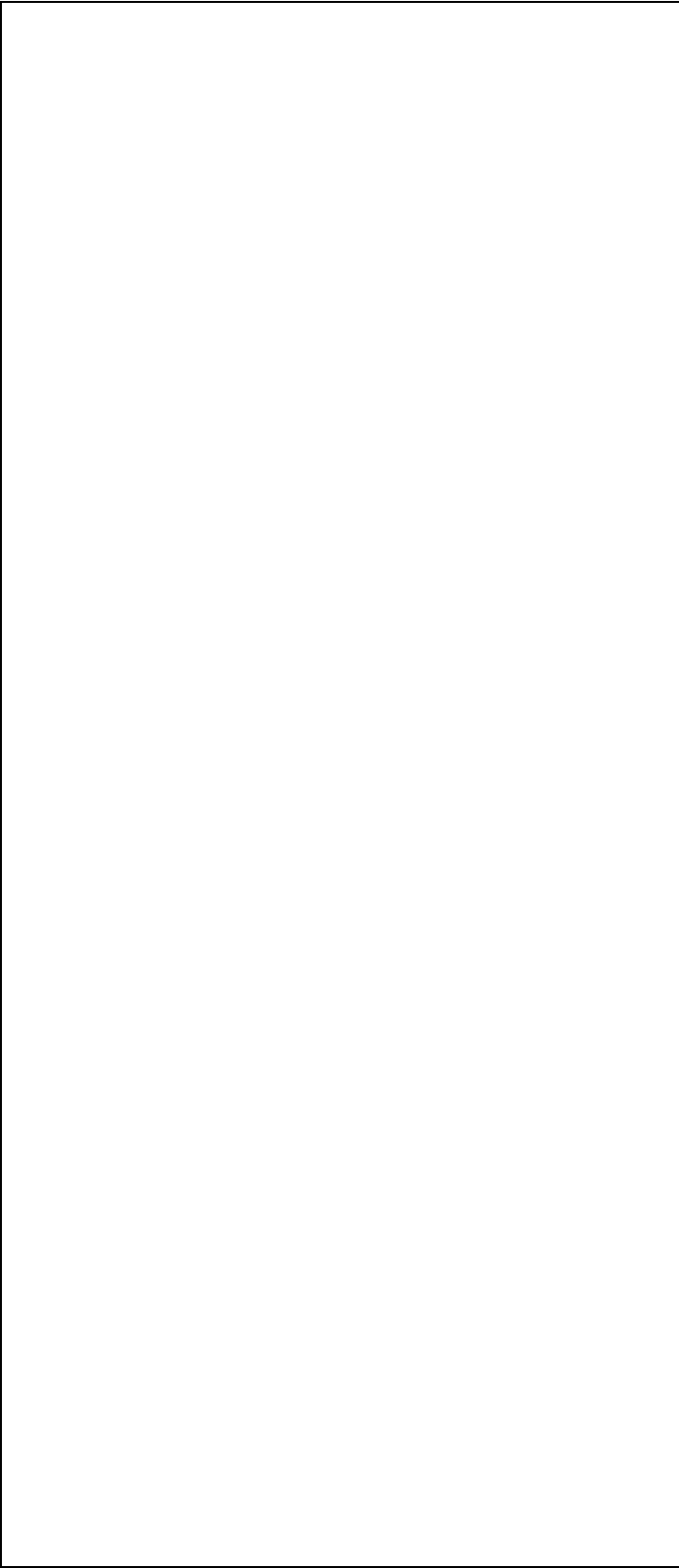
The hardship imposed upon the landowner has already prevented the applicant from using the property for commercial uses for approximately 3 years.

**CPC RECOMMENDATION**

On August 17, 2021 the CPC recommended approval of CD-CPC-2021-00093 without conditions.

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<b>Policy or Program Change</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Operational Impact Assessment</b>	



**Finances**

<p><b>Cost &amp; Revenue Projections – Including Indirect Costs</b></p>	
<p><b>Financial Impact</b></p>	
<p><b>Funding Source(s) and Appropriation Account Codes</b></p>	

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**Fact Sheet Prepared By:**      **Date:** 08-26-2021

Zach Nelson  
Staff Planner

**Reviewed By:**                      **Date:** 08-26-2021

Jeff Williams  
Director  
City Planning &  
Development Department

**Initial Application Filed:** 05-10-2021

**City Plan Commission:** 08-17-2021

**Revised Plans Filed:** N/A

**Reference Numbers:**

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