



CITY PLAN COMMISSION STAFF REPORT

City of Kansas City, Missouri
City Planning & Development Department
www.kcmo.gov/cpc

09/05/2023

Project Name
STR Rezoning

Docket 1

Request

CD-CPC-2023-00114
Rezoning without Plan

CD-CPC-2023-00119
Area Plan Amendment

Applicant and Owner

Lorene Bayan
3244 Paseo Blvd
Kansas City, MO 64109

Location 3244 Paseo Blvd
Area About .18 acres
Zoning R-0.5
Council District 3rd
County Jackson
School District KCMO 110

Surrounding Land Uses

North: Residential Uses, zoned R-.05
South: Residential Uses, zoned R-0.5
East: Residential Uses, zoned R-1.5
West: Residential Uses, zoned R-0.5

Major Street Plan

Paseo Blvd is identified on the City's Major Street Plan. Paseo Blvd is an Established Boulevard.

Land Use Plan

The Midtown/Plaza Area Plan recommends Residential High Density for this location.

APPROVAL PROCESS



PROJECT TIMELINE

The application for the subject request was filed on 07/03/2023. Scheduling deviations from 2023 Cycle O have occurred.

- Public engagement requirement was not satisfied by 8/09/2023.

NEIGHBORHOOD AND CIVIC ORGANIZATIONS NOTIFIED

The Center City Neighborhood Association is tied to the subject site.

REQUIRED PUBLIC ENGAGEMENT

Public engagement as required by 88-505-12 does apply to this request. Applicant hosted a meeting on 8/26/2023. A summary of the meeting is attached to the staff report, see Attachment #3.

EXISTING CONDITIONS

A detached dwelling (single-family home) is on the subject site.

SUMMARY OF REQUEST + KEY POINTS

The applicant is seeking approval of a rezoning and area plan amendment in order to obtain a permit for a Short Term Rental.

PROFESSIONAL STAFF RECOMMENDATION

- Docket #1.1 CD-CPC-2023-00114 Recommendation DENIAL
- Docket #1.2 CD-CPC-2023-00119 Recommendation DENIAL

CONTROLLING + RELATED CASES

Ordinance 230267 APPROVED

Amending Chapter 88, Code of Ordinances, by repealing Section 88-321, Short Term Rental Regulations, and enacting in lieu thereof a new section of like number and subject matter; repealing Sections 88-110-03, 88-120-03, 88-130-04 and 88-140-03, Uses, and enacting in lieu thereof new sections of like number and subject matter; repealing Section 88-260-03, Use Regulations and Lot and Building Standards (Urban Redevelopment) and Section 88-280-04, Use Regulations and Lot and Building Standards (Master Planned Development), and enacting in lieu thereof new sections of like number and subject matter; repealing Section 88-810-1582, Short Term Rental Intermediary; and appropriating \$ 1,000.00 for the purpose of educating the public about the new regulations; all in order to establish the zoning districts in which short-term rentals are permitted to be located and effectuate the transfer of the regulation of short term rentals from Chapter 88 to Chapter 56 of the Code of Ordinances; and recognizing this ordinance as having an accelerated effective date.

Ordinance 230268 APPROVED

Amending Chapter 56, Code of Ordinances, by enacting new Article VIII, entitled "Short-Term Rental Registration," which would become effective June 15, 2023, and requires short-term rentals operating in the City to register with the City on an annual basis, pay an annual registration fee, certify various safety information and the identity of the natural person who will reside on the property as a long-term resident or such person who has management control and responsibility for the short-term rental, and provides zoning and density restrictions for non-resident short-term rentals, penalty provisions for both short-term rentals and their booking service providers for noncompliance with such registration requirements, and places recordkeeping requirements on both short-term rentals and their booking service providers.

PLAN REVIEW

The applicant is seeking to rezoning the subject property from R-0.5 (Residential) to B1-1 (Neighborhood Business) to allow for the site to be eligible for a Short Term Rental permit.

- Non-resident short term rentals are prohibited for any property residentially zoned.
 - o Sans prior approval under 88-321.
- Non-resident short term rentals are permitted in the B1-1 zoning district, subject to the density requirements (1,000 ft away from another short term rental).

Area plan amendments accompany rezoning applications when the future land use does not align with the rezoning request.

PLAN ANALYSIS

Residential Lot and Building (88-110), Use- Specific (88-300), and Development Standards (88-400)

**indicates adjustment/deviation*

Standards	Applicability	Meets	More Information
Lot and Building Standards (88-110)	No	-	-
Accessory or Use- Specific Standards (88-305 – 385)	No	-	-

Boulevard and Parkway Standards (88-323)	No	-	-
Parkland Dedication (88-408)	No	-	-
Parking and Loading Standards (88-420)	No	-	-
Landscape and Screening Standards (88-425)	No	-	-
Outdoor Lighting Standards (88-430)	No	-	-
Sign Standards (88-445)	No	-	-
Pedestrian Standards (88-450)	No	-	-

SPECIFIC REVIEW CRITERIA

Zoning and Development Code Map Amendments, Rezoning (88-515-08)

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:

- A.** Conformance with adopted plans and planning policies;
The associated area plan amendment, from Residential High Density to Mixed Use Neighborhood does not align with the Midtown/Plaza Area Plan. City staff does not support the area plan amendment or rezoning because the character of the surrounding area supports a variety of housing types, not business uses (outside of specific nodes along Paseo, subject site not included). A B- zoning, at this location, and a Mixed Use Neighborhood land use would permit commercial uses such as hospitals, animal grooming, restaurants, small entertainment venues, and pawn shops by right. Residential housing is the predominant land use in the surrounding area. AE
- B.** Zoning and use of nearby property;
There are no properties within 500 ft of the subject site zoned B-. AN
- C.** Physical character of the area in which the subject property is located;
The subject site is within an established residential neighborhood. AN
- D.** Whether public facilities (infrastructure) and services will be adequate to serve development allowed by the requested zoning map amendment;
No new construction proposed with the rezoning request. AN
- E.** Suitability of the subject property for the use to which it has been restricted under the existing zoning regulations;
When considering the effect Short Term Rentals have on residential neighborhoods, the City Council made a conscious choice to restrict new Short Term Rental permits to non-residential zoning districts, with a density requirement. AN
- F.** Length of time the subject property has remained vacant as zoned;
N/A.
- G.** The extent to which approving the rezoning will detrimentally affect nearby properties; and
The rules and regulation change regarding Short Term Rentals was initiated because of property owners complaining about the effects Short Term Rentals have on residential neighborhoods. As mentioned

above, the City Council then made a conscious choice to restrict new Short Term Rental permits to non-residential zoning districts, with a density requirement. AN

- 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. *Simply rezoning a property to a commercial designation to qualify for a Short Term Rental permit would set a precedent similar rezonings to occur throughout the City. The hardship imposed by the nature of the rezoning (spot commercial zoning) on the general public, and disregard for the City Council's policy change, outweighs the hardship imposed on the landowner. The lack of a Short Term Rental permit does not strip the property owner of all value of 3244 Paseo. AN*

ATTACHMENTS

1. Conditions Report [N/A]
2. Applicants Submittal
3. Public Engagement Materials
4. Additional documents, if applicable [N/A]

PROFESSIONAL STAFF RECOMMENDATION

City staff recommends **DENIAL** as stated in the conditions report.

Respectfully Submitted,

Ahnna Nanoski, AICP
Lead Planner

3244 Paseo
KCMO 64109
June 29, 2023

Kansas City Planning & Development
Ms. Ahnna Nanoski, Lead Planner
414 E 12th St
Kansas City, Mo 64106

Re: Re-Zoning of 3244 Paseo, KCMO 64109 for STR

I am the property owner of the site listed above. I intend to comply with Kansas City new regulations regarding Short Term Rental in the city. The current Zoning is R-5 and I am requesting the new B1-1, Area Plan Amendment (mixed use neighborhood) change.

The site has is rectangular in shape with 50.96 front feet along the westside of The Paseo and 150 feet along the north side of E. 33rd Street, with 7,644 SF total area. It is improved with a 2 story, 3 bedrooms, 2.5 baths single family dwelling. Access to the site is via sidewalk along Paseo and curved driveway from E. 33rd St.

Currently, the Short-Term Rental includes the 1st & 2nd floor only which include a 2nd floor balcony and a 1st floor rear deck. There is a 6 feet high wooded fence around the back yard. Excluded from STR is the basement and 2 car garage.

This STR is managed by Evolve Vacation Rental and all taxes are collected and remit to the taxing authorities.

Thank you kindly for this consideration.

Lorene Bayan (Wilson)
Lorene Bayan (Wilson)
Bayalor2012@gmail.com
816-550-1726

LORENE BAYAN
3244 PASEO BLVD
KANSAS CITY, MO 64109

AUGUST 14, 2023

TO: AHNNA NANOSSKI, LEAD PLANNER
publicengagement@kcmo.org

SUBJECT: MEETING HOST

THIS LETTER IS TO CONFIRM THE DEFAULT MEETING HOST IS LORENE BAYAN, THE APPLICANT FOR THE PUBLIC ENGAGEMENT MEETING. THE SUBJECT OF REZONING APPLICATION FOR 3244 PASEO BLVD. KANSAS CITY, MO 64109.

A CERTIFIED LETTER WAS MAILED AUGUST 3 AND RECEIVED AUGUST 5 TO PETER A. HUGHES, THE CENTER CITY NEIGHBORHOOD COUNCIL, PRESIDENT. NO FURTHER CONTACTS WERE MADE ON BEHALF OF THE NEIGHBORHOOD ASSOCIATION. THERE ARE NO OTHER ACTIVE NEIGHBORHOOD ASSOCIATION WITHIN THE SUBJECT AREA.

LORENE BAYAN
BAYALOR2012@GMAIL.COM
(816) 550-1726

Public Meeting Notice

Please join _____

for a meeting about _____

case number _____

proposed for the following address:

Meeting Date:

Meeting Time:

Meeting Location:

Project Description:

If you have any questions, please contact:

Name:

Phone:

Email:

You are receiving this notice in accordance with city code that requires a public meeting with neighborhoods for certain types of development projects. You can read more about the process requirements at kcmo.gov/publicengagement



If you would like further information on this proposed project, please visit the city's planning and permitting system, Compass KC, at Compasskc.kcmo.org. You may search by project type and address/case number to find project details.

Sincerely,



CITY OF
KANSAS CITY,
MISSOURI

CITY PLANNING & DEVELOPMENT

Public Meeting Summary Form

Project Case # CD-CPC-2023-00114

Meeting Date: 8/26/2023

Meeting Location: Mohart Multi-Purpose Center
3200 Wayne K.C., MO. 64109

Meeting Time (include start and end time):

10 AM to 11 AM

Additional Comments (optional):

