

# COMMUNITY PROJECT/REZONING

**200589**

Ordinance Number

## Ordinance Fact Sheet

**Case No.** CD-CPC-2019-000242

### Rezoning

to approve a rezoning from District R-2.5 (residential) to District B4-1 (Heavy Business/Commercial) for the purpose of allowing for the continued use for construction company offices and vehicle storage.

### Details

**Location:** 4336 Woodland Avenue.

**Reason for Legislation:** Rezoning applications require City Council approval.

**HISTORY**  
This property is owned MS Consulting, LLC. The owner has been using the site as an office and vehicle storage location for a construction company, a use which is prohibited by current zoning. The case is before the Commission due to Zoning Enforcement Action, referenced in Related Relevant Cases below.

**AREA PLAN**  
The current area plan of record is the Heart of the City Area Plan. The plan was adopted in April 11, 2011 by Resolution No. 110159. The future land use recommends Mixed Neighborhood. This land use is primarily intended to accommodate and promote neighborhood serving retail sales or service uses, as well as mixed-use development consisting of businesses used on a building's lower floors and residential uses on upper floors. This land use corresponds with a B1 and B2 zoning categories.

The request by the applicant to rezone the existing use from a R-2.5 zoning to B4 zoning is not recommended by the area plan. In most cases an upzoning is not recommended in an area plan, but this particular area site could support a lower intensity commercial use with support from the existing residents living in the area.

**RELATED RELEVANT CASES**  
Development Compliance Case 18-0455731-505428, opened on February 23, 2018, is currently pending before the Municipal Court, depending on action taken by the City Plan Commission.

**EXISTING CONDITIONS**  
The property is approximately half an acre in size and located in a primarily residential area. There are small pockets of B1-1, limited business zoning to the north. There is currently an existing building on the site, being used for office purposes with

### Positions/Recommendations

<b>Sponsors</b>	Jeffrey Williams, AICP, Director Department of City Planning & Development
<b>Programs, Departments or Groups Affected</b>	3 <sup>rd</sup> District (Ellington, Robinson)
<b>Applicants / Proponents</b>	<b>Applicant</b> Malaika Gilreath MS Consulting LLC 4336 Woodland Ave Kansas City, MO 64110  <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 type="checkbox"/> For
	<input checked="" type="checkbox"/> Against  <b>Reason Against</b>
<b>Board or Commission Recommendation</b>	City Plan Commission (8-0) 6-2-2020 By Allender, Baker, Beasley, Crowl, Enders, Hill, Rojas, Sadowski <input type="checkbox"/> For <input checked="" type="checkbox"/> Against <input type="checkbox"/> No Action Taken
	<input type="checkbox"/> For, with revisions or conditions (see details column for conditions)
<b>Council Committee Actions</b>	<input type="checkbox"/> Do Pass
	<input type="checkbox"/> Do Pass (as amended)
	<input type="checkbox"/> Committee Sub.
	<input type="checkbox"/> Without Recommendation
	<input type="checkbox"/> Hold
	<input type="checkbox"/> Do not pass

outdoor equipment storage behind and to the north of the building.

#### NEARBY DEVELOPMENTS

North: Undeveloped parcels with a commercial structure on the northern corner of the block.

East: Undeveloped parcels and Highway 71 beyond.

South: Single family homes.

West: Single family homes.

#### KEY POINTS

- Rezoning from R-2.5 to B-4
- Zoning Code Enforcement case
- Request does not conform to Area Plan

#### 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;

This plan does not conform with the adopted plans (Heart of the City Area Plan) or the general requirements of Chapter 88 as it pertains to commercial use and vehicular storage.

88-515-08-B. Zoning and use of nearby property; The nearby zoning and uses are primarily residential in nature.

88-515-08-C. Physical character of the area in which the subject property is located; There are several vacant/undeveloped parcels near this site, however, there are also many properties with single family homes, which is the primary character-defining use of the area.

88-515-08-D. Whether public facilities (infrastructure) and services will be adequate to serve development allowed by the requested zoning map amendment; The public facilities are expected to be sufficient for this use, however no plan has been reviewed to determine if the public facilities are sufficient for other B-4 uses that would be permitted with the approval of this rezoning.

88-515-08-E. Suitability of the subject property for the uses to which it has been restricted under the existing zoning regulations; While the property does not have a residential building type on it, it is currently zoned for residential use and could reasonably be redeveloped for residential use in the future. A rezoning to a less intense commercial zoning, to allow for office use, may be appropriate at this

location , as the area plan calls for mixed-use community uses here; however , the storage of equipment at this location is not allowed and does not seem compatible or suitable due to the intensity of the particular use and the noise and visual quality associated with it .

While it may seem, at present, that the commercial use proposed (office and vehicle storage)is an acceptable option, the applicant has made a very limited investment in the site, with no physical improvements which meet the standards in set out in Chapter 88. The biggest concern for staff is two fold; one, that as we continue to see investment in this area, properties such as this, that are not improved and do not fit the overall character of the neighborhood may impeded that investment and two, that if this user were to vacate the property, other uses allowed in B-4 zoning (including but not limited to motor vehicle repair, towing, and car wash) would be permitted by right.

88-515-08-F. Length of time the subject property has remained vacant as zoned;  
The property is not vacant.

88-515-08-G. The extent to which approving the rezoning will detrimentally affect nearby properties; and  
The rezoning would make legal the intense commercial use of outdoor vehicle and equipment storage. Additionally, it would allow other more intense commercial uses in the future if this property were to be sold .

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.  
There is limited to no expected gain to the public with the rezoning of this property ; this rezoning and the associated use does not provide a service to the surrounding neighborhood and provides only benefit to the applicant.

Overall, this application, filed in September 2019, has stalled in our processes, with the invoice remaining unpaid for a number of months and the applicant having never completed the required public engagement, as well as in Municipal Court. Staff has given the applicant numerous extensions on the public engagement deadlines and our enforcement staff has requested extensions before the court. The request is not in conformance with the Area Plan or the other regulations of the request use in our zoning code and an area plan

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amendment has not been filed. After nine months of attempting to take this case through our process in its entirety, with little result, staff is recommending denial of this rezoning.

PROFESSIONAL STAFF RECOMMENDATION  
 City Planning and Development Staff recommends DENIAL of CD-CPC-2019-00242.

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

**Finances**

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

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Appropriation Account Codes	

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<b>Fact Sheet Prepared By:</b> Jamie Hickey Lead Planner	<b>Date:</b> 7/17/2020	
<b>Reviewed By:</b> Joe Rexwinkle, AICP Division Manager Development Management	<b>Date:</b> 7/6/2020	<b>Initial Application Filed:</b> 12/20/2019 <b>City Plan Commission:</b> 6/2/2020 <b>Revised Plans Filed:</b> N/A
<b>Reference Numbers:</b> Case No. CD-CPC-2019-00242		