

To: "Foster, Katrina" <Katrina.Foster@kcmo.org>, "McCoy, Keema" <Keema.McCoy@kcmo.org>, "Roland, Le'Shyeka" <LeShyeka.Roland@kcmo.org>, "Halpern, Carlota" <Carlota.Halpern@kcmo.org>, "Smith, Markus" <Markus.Smith@kcmo.org>
Subject: PZED Committee

Regarding 190282 – Rezoning N.E. 81st Terrace

Please bring to the attention of Mr. Taylor, as Chair, and the members of the PZED Committee:

I represent the owners of three medical office buildings located adjacent to the property which is the subject of the above-referenced rezoning request. I note that the fact sheet list only one opponent and lists the basis of opposition as violation of covenants. I wish to bring to your attention that the owners of all three of the adjacent medical office buildings oppose the rezoning request, have appeared at two prior planning commission meetings, and have signed petitions to require a super-majority for approval of the rezoning. It is true that existing recorded covenants prohibit the building of any structure other than a medical office building within the Barry Pointe Medical Office Park within which the subject property lies, but the basis for the opposition goes far beyond the existence of recorded covenants. The owners of the three existing medical buildings have spent millions of dollars to build their buildings and establish their medical practice in a medical office park, and each of them relied upon the existing zoning and recorded covenants to protect them from uses not compatible with the medical office park. The subject property lies right in the middle of the existing medical office park, and it is surrounded by the existing medical office buildings. Rezoning is completely incompatible with the surrounding area, and would have a substantial negative financial impact on the owners of the three existing medical office buildings.

As is noted in the staff report, the existing owner has been in violation of current zoning for numerous months. There are cars currently parked on a section of the subject property in violation of current zoning, and also in violation of the requirement to have parking areas paved (it is just gravel at present). Further, cars are currently parked on the subject property in an area designated as common area on the recorded plat.

While the opposing adjacent owners may have private remedies through the recorded restrictions, their opposition goes far beyond the violation of covenants and involves severe financial hardship which would result from any change in the zoning upon which they relied when they invested millions of dollars in the development of the medical office park. The current owner was aware of the zoning restrictions and recorded covenants when the property was purchased, and has violated the existing zoning even after notice. It would be unconscionable to reward its misdeeds by allowing the rezoning request. The City Plan Commission voted 6 to 1 to deny the rezoning request.

Best regards,

Jim Mueller

Attorney for Barry Pointe Medical Office Building, Sterling Management, and Singhal Plastic Surgery



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