Ordinance #

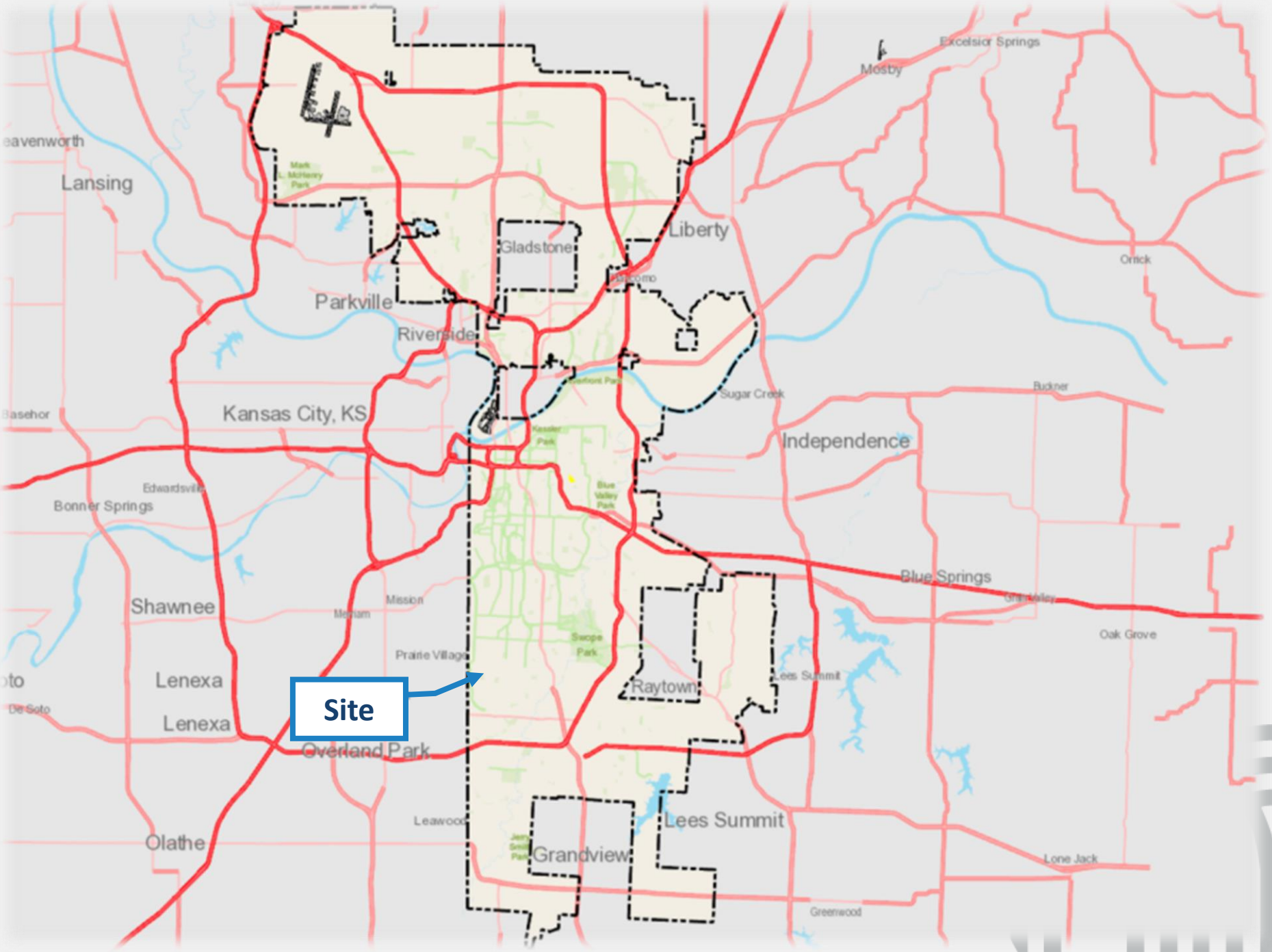
CD-CPC-2025-00091

The applicant is seeking approval to rezone the subject property (from residential to B1-1) to expand fencing regulations applicable to the site.

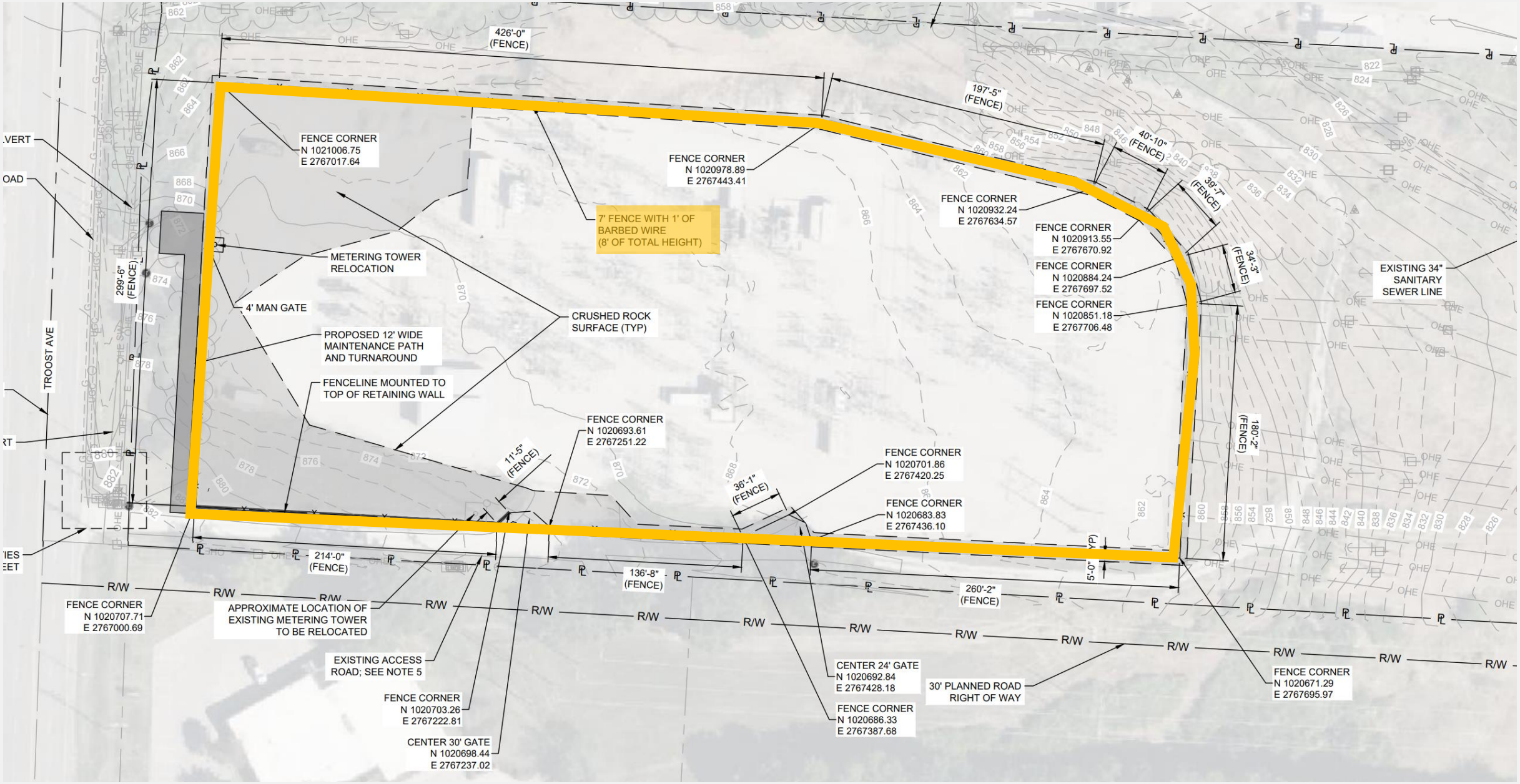
date

Prepared for

Neighborhood Planning and Development Committee


Site
Lansing
Leavenworth
Kansas City, KS
Parkville
Riverside
Gladstone
Liberty
Mosby
Excelsior Springs
Orrick
Sugar Creek
Buckner
Independence
Blue Springs
Oak Grove
Lees Summit
Raytown
Grandview
Lone Jack
Greenwood
Overland Park
Prairie Village
Mission
Merriam
Shawnee
Lenexa
Olathe
Bonner Springs
Edwardsville
Basehor
De Soto
Leawood

E 86th Ter
Site
E 87th St
Troost Ave


426'-0" (FENCE)
197'-5" (FENCE)
40'-10" (FENCE)
39'-7" (FENCE)
34'-3" (FENCE)
180'-2" (FENCE)
299'-6" (FENCE)
214'-0" (FENCE)
136'-8" (FENCE)
260'-2" (FENCE)
11'-5" (FENCE)
36'-1" (FENCE)
5'-0" (TYP)
FENCE CORNER N 1021006.75 E 2767017.64
FENCE CORNER N 1020978.89 E 2767443.41
FENCE CORNER N 1020932.24 E 2767634.57
FENCE CORNER N 1020913.55 E 2767670.92
FENCE CORNER N 1020884.24 E 2767697.52
FENCE CORNER N 1020851.18 E 2767706.48
FENCE CORNER N 1020693.61 E 2767251.22
FENCE CORNER N 1020701.86 E 2767420.25
FENCE CORNER N 1020683.83 E 2767436.10
FENCE CORNER N 1020707.71 E 2767000.69
FENCE CORNER N 1020703.26 E 2767222.81
CENTER 30' GATE N 1020698.44 E 2767237.02
CENTER 24' GATE N 1020692.84 E 2767428.18
FENCE CORNER N 1020686.33 E 2767387.68
FENCE CORNER N 1020671.29 E 2767695.97
7' FENCE WITH 1' OF BARBED WIRE (8' OF TOTAL HEIGHT)
METERING TOWER RELOCATION
4' MAN GATE
CRUSHED ROCK SURFACE (TYP)
PROPOSED 12' WIDE MAINTENANCE PATH AND TURNAROUND
FENCELINE MOUNTED TO TOP OF RETAINING WALL
APPROXIMATE LOCATION OF EXISTING METERING TOWER TO BE RELOCATED
EXISTING ACCESS ROAD; SEE NOTE 5
30' PLANNED ROAD RIGHT OF WAY
EXISTING 34" SANITARY SEWER LINE
TROOST AVE
R/W
PL

CD-CPC-2025-00091

	88	27-10	48-43
R-zoned properties		No fences or wall over six feet high shall be erected on a residential lot	**Any bared wire fence**, or thing dangerous and liable to snag, tear, cut or otherwise injure anyone coming in contact therewith [constitutes a nuisance]
B-zoned properties	Outside of a required setback, fences in commercial districts can be over 6 ft. *fencing regulations for specific situations.		**Any bared wire fence**, or other thing dangerous and liable to snag, tear, cut or otherwise injure anyone coming in contact therewithin and **located less than six ft above grade** (constitutes a nuisance]

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Timeline

- Email correspondence about multiple Evergy substations.
- 8625 Troost Ave B = 7 ft security mesh fence with barbed wire.
  - Special exception for the height.
    - BZA cannot approve barbed wire.
  - Rezoning → Unusual request, due process to accomplish fencing goals.

88-515-08 - REVIEW CRITERIA

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;

88-515-08-B. zoning and use of nearby property;

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

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

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

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

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

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.

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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:

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88-515-08-B. zoning and use of nearby property;

The use of this site remains the same; the proposed rezoning is to allow a new fence to be installed. Ideally, a fence would screen and enhance a visual aesthetic along the corridor; a chain link fence with barbed wire does neither of these. To better align with the area plan, implement the staff recommendation of installing a decorative wall or fence with increased landscaping

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

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

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

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

The use is allowed to remain in operation in the R-2.5 zoning district. The existing chain link fence with barbed wire is currently noncompliant, and future fences must comply with the Kansas City Municipal Code.

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

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

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

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.

- From a land use/zoning perspective, city staff does not believe the proposed rezoning (to B1-1) will detrimentally affect nearby properties.
  - The construction and aesthetics of fencing can affect the neighborhood.
- If the proposed rezoning is denied, the property owner cannot install the fence they desire and will need to reconstruct and/or seek a special exception for the existing fence.
  - No special exception to permit barbed wire on the fence.

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Staff Recommendation

Approval

City Plan Commission

Approval