



CITY PLAN COMMISSION STAFF REPORT

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

09.18.2024

Project Name
Taqueria Ibarra Rezoning

Docket #2

Request
CD-CPC-2024-00113
Rezoning

Applicant & Owner
Randall Brack
Trinity Christian Center

Location 5005 N Brighton Ave
Area About 2.29 Acres
Zoning R-6
Council District 2
County Clay
School District North Kansas City

Surrounding Land Uses
North: Residential Uses, zoned R-6
South: I-35 ROW
East: Residential Uses, zoned R-6
West: Residential Uses, zoned R-6

KC Spirit Playbook Alignment
N/A

Land Use Plan
The Briarcliff/Winnwood Area Plan recommends Institutional Land Use for this location. This application is consistent with the approved area plan.

Major Street Plan
N Brighton Ave, in this section, is identified on the City's Major Street Plan as a Thoroughfare.

APPROVAL PROCESS



SUMMARY OF REQUEST + KEY POINTS

The applicant is seeking to rezoning the subject site to B3-2 to permit a mobile vendor park on the subject site.

PROJECT TIMELINE

The application for the subject request was filed on 8/12/2024. No scheduling deviations from 2024 Cycle 9.2 have occurred.

NEIGHBORHOOD AND CIVIC ORGANIZATIONS NOTIFIED

The subject site is not located within a registered neighborhood or homes association.

REQUIRED PUBLIC ENGAGEMENT

Public engagement as required by 88-505-12 does apply to this request. Applicant hosted a meeting on 9/10.2024. A summary of the meeting is attached to the staff report, see Attachment #3.

EXISTING CONDITIONS

A religious assembly structure occupies the subject site.

PROFESSIONAL STAFF RECOMMENDATION

Docket #2 Recommendation
Approval

CONTROLLING + RELATED CASES

ZDC-2024-0084 IN VIOLATION

Notice of Violation = As owner did maintain premises which is being used for the storage of a commercial vehicle in a district zoned R-2.5. This use is first allowed in zoning district B-4.

Notice of Violation = As owner did maintain a premises which is being used for the Temporary Use of operating a mobile food unit exceeding 15 nonconsecutive days in a calendar year in district zoned R-2.5. This use is first allowed with a Temporary Use Permit.

CD-AA-2024-00022 DENIED

A request to approve a Temporary Use Permit for a mobile food truck.

CD-BZA-2024-00052 UNDER REVIEW

A request to appeal determinations related to a denied Temporary Use Permit on about 2.29 acres generally located at 5005 N Brighton Ave.

PLAN REVIEW

The applicant is seeking to rezone the subject site from R-6 (Residential) to B3-2 (Community Business) to allow for a mobile vendor park to be located on the subject site.

Per Section 88-358-01, mobile vendor parks are allowed on private property in B3-, B4-, M1-, DC-, and DX-districts.

Section 88-358-02-B, permits one mobile food vendor operating on a lot for a period of 46 days or more. Temporary use permits for one mobile food vendor on a lot may be approved for up to one year and may be renewed annually.

PLAN ANALYSIS

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	No	-	-
Accessory or Use- Specific Standards (88-305 – 385) 358, Mobile Vendor Parks	Yes	-	Temporary Use Permit required to operate over 46 days, may be renewed annually.
Boulevard and Parkway Standards (88-323)	No	-	-
Parkland Dedication (88-408)	No	-	-
Tree Preservation and Protection (88-424)	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;

Yes, the Briarcliff-Winnwood Area Plan states that the B3- zoning district corresponds with “community-serving retail sales or service uses generally of a higher intensity and larger scale than what is allowed in a Mixed-Use Neighborhood area(s). This category should include a mix of business and residential uses designed to enhance the pedestrian environment of the community.” The proposed rezoning supports a mixture of residential, business, and religious uses near a thoroughfare. AN

B. Zoning and use of nearby property;

The subject site is ~600 ft away from a B3-2 zoned district, adjacent to NE Vivion Rd. AN

C. Physical character of the area in which the subject property is located;

The subject site is within an established residential neighborhood adjacent to I-35. AN

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

City staff does not believe a mobile vendor park will affect existing public facilities or infrastructure. AN

E. Suitability of the subject property for the use to which it has been restricted under the existing zoning regulations;

Traditionally, churches and schools match their surrounding zoning district. Planners see an interest from schools and churches to have different zoning designations to accommodate campus-style or activity center use or development standards. 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

ZDC-2024-0084 was initiated by a complaint from a nearby property. However, city staff does not believe the operational characteristics of a mobile vendor park will have a detrimental effect on nearby properties. 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.

City staff believes that activity levels of the religious assembly and a food truck are comparable, thus the general public would gain little due to the denial of the application. The mobile food vendor would have to relocate if the zoning proposal is denied. AN

ATTACHMENTS

1. Conditions Report [N/A]
2. Applicants Submittal
3. Public Engagement Materials

PROFESSIONAL STAFF RECOMMENDATION

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

Respectfully Submitted,

Ahna Nanoski, AICP
Planning Supervisor

TRINITY CHRISTIAN CENTER
REZONING 5005 N. Brighton Ave. KC, MO. 64119
CD-CPC-2024-00113

Around the end of March 2022, a family in the neighborhood visited our church service, and at the end of the service approach me and introduced themselves. This family explained that they had started a food truck as their livelihood and for a few weeks had parked their truck in a particular parking lot off of Vivion Road. They had been generously supplying a fee to the owner of the parking lot. After being there for a few weeks, a woman approached them, stating and explaining that she was the property owner, and that she did not want a food truck, or any type of vendor on her property. They explained that the post office stated that it was post office property, and the woman informed them that it was not the post office property, but hers. These people quickly apologized because they had been misinformed, closed up shop, and began to look around to see if there was a potential place where they could conduct business. After explaining their story to me, I informed Judy and Luis that our church would take some time to consider their inquiry, that I would talk with our leadership, and most importantly we would pray about it. About a week later after meeting with leadership a couple of times, and talking with members of the congregation, and as we had been praying, we sensed a great piece in our hearts and so we informed Judy and Luis that we would open our parking lot for them to do business. The name of their business is Taqueria Ibarra. And, for just over the last two years we have enjoyed getting to know this family and their business. They do attend our church on occasions, Luis and other family and friends have helped our church in various projects concerning building maintenance, and we have found that there has been great camaraderie for the church, for the community, and with the food truck. The presence of that food truck being on our property most certainly has increased our connection in the community, especially when there are times we extend outreach opportunities and programs. We have also noticed that the presence of the food truck being there, has helped in the protection and security of the property during their business times. Truly, a good friendship, as well as opportunity to connect and serve the community has started to flourish because of the food truck being on our parking lot.

Because of this, we seek to follow through with the recommendation of the Board of Zoning Adjustment of Kansas City, and change the status of our current zoning from R-6 to B-3.

At this time there is great favor of the community concerning the food truck. Every neighbor we have talked to around us support the food truck or could care less about the food truck, but would support it being on the parking lot doing business. There has been in the last two years a complaint only from one individual and these complaints were immediately followed up and corrections have been made so to comply with the codes of Kansas City, Missouri.

For the 28 years that I have had the privilege of being the pastor of this church, our focus and vision for Trinity Christian Center is that of compassion and outreach into the community. Trinity Christian Center has been known for its outreaches of food and clothing distribution, counseling, and assistance with benevolence. Trinity Christian Center works hard at being a good neighbor and supporting our community, and has earned a very positive reputation because of this.

Buildings and Property

Since this church has existed, from its inception and start in the village of Claycomo back in 1957, and with its move to its current address in 1970, the fundamental purpose of this church has been to preach the gospel, and to provide a place of worship and service to its members and to the community. The property and buildings which Trinity Christian Center owns as a sovereign assembly, serves the needs of its congregation, as well as the church's vision to be an extension of the love, grace, and mercy of God. We have been blessed, even though we are small congregation, with volunteers who come and do maintenance on the buildings, as well as on the church campus grounds. Effort and care is constantly given to the necessary presentation and upkeep of our campus. We also have individuals with which we compensate on a regular basis to do our cleaning and yard maintenance. Because of the area of where the church is located, we do have a lot of transient, as well as homeless people that come upon the property on a weekly basis. Many of these people ask for help and we minister to them, while some come and seek to do potential detrimental harm to the building and properties. Because of this increasing reality of those who were trying to break in, several years ago, Trinity Christian Center has security cameras as well as security lighting installed and operational, and consistently monitored, that helps to curb the threat of potential break-in and theft. It also serves as a deterrent not only at night but during the daytime for individuals seeking to do

the same. (Speaking again of the food truck, Taqueria Ibarra, has helped us many times with providing food for hungry people, supplying water, also if they had had a big day where a lot of trash has been left around, these people get out and walk the yard and pick up excessive trash. What a blessing! The church also provides a very large dumpster not only for its own trash, but this helps and serves the food truck for its needs. Should the generator which provides power for the food truck develop mechanical issues, the church has granted access for power supply for them as needed.) And since Trinity Christian Center has a solid reputation of being a good neighbor, we take it seriously and we work very hard to make certain that if there are issues or problems, then we as a church correct any situations as quickly as possible to ensure the welfare and safety of the people of the community as well as our church, as well as compliance with the codes and laws of the city of Kansas City, Missouri.

SO... WHAT ABOUT THE FUTURE?

The entire purpose of our request is to simply change our status from the R-6 to B3. At this time we are making no alterations, changes, or additions to the existing property, and there are no plans for any future changes or expansions to the property and or the buildings. We just simply seek the opportunity to help the family that has been a blessing to this church, to this community, as well as to the city of Kansas City, Missouri.

1. **So, will the food truck always remain at Trinity Christian Center?** We have opened the door to Judy and Luis and allowing them the opportunity to be on the parking lot. If they choose to be here another year, or three years, or... that will be up to them as well as the process of permitting through the city of Kansas City, Missouri. But... What if in a year, or two, or... their business continues to flourish and grow as it has been, and they decide move away to a brick and mortar site for a more permanent place? Then, that is their choice to do as they have been blessed to do, and we will wish them well and pray for them and their business that it will continue to flourish. And we are just going to continue to be... A church... That ministers to the community. Should these people decide to leave, we will not actively go out and pursue another food truck, or food trucks to replace them simply because we have changed our zoning code. That's not our purpose, that's not what we are about. If they were to leave, and at some point someone were to come to us much like they did, having been deceived and

taken advantage of, then we would do the exact same thing. We would listen to their story, we would try to get to know them and research them out, and we would most certainly pray to have the peace of God, and then if our leadership and congregation is in agreement, we would consider the potential of another food truck or trailer. However, right now they are the only ones.

2. So, what about multiple food trucks, or trailers, or vendors, or, or, or...

Again, that is not what Trinity Christian Center is about. We are a church whose primary purpose is to preach the gospel, and to provide a place of worship and service to its members and to the community. Nothing more... And nothing less. We are very grateful for what we believe to be God's sovereign hand in helping us to build relationships in the community with families, business owners, schools and other churches, as well as connections within the city and county government. We seek to help and build people. We would never have three, four, or 12 food trucks or trailers on the property because this would pose way too big of a risk for the safety of people who would come onto the campus to utilize the services of these food trucks, as well as it would create a very unsafe environment for the traffic flow off of Brighton Avenue onto the parking lot. No, we would never plan nor would we never have multiple vendors because this would not be safe.

3. So, what would happen if Trinity Christian Center chooses to close its doors and cease to be a church?

As stated earlier Trinity Christian Center is a sovereign church fellowship affiliated with the Assemblies of God who are based in Springfield, Missouri. It is also a part of the Northern Missouri District of the Assemblies of God, based in Columbia, Missouri. Potentially at some point (in the distant future), the current pastor may choose to retire, or resign. The call and the purpose of this church of why it exists is held within the heart of its people, and they will elect another pastor who has a heart and vision for this church and for the congregation, and for the people of this community. Should this church ever fold or something happened to where the church would choose to dissolve, then according to the Constitution and Bylaws of the Northern Missouri District Council of the Assemblies of God, as well as the General Counsel of the Assemblies of God, then the decision-making of what to do with the church and its properties resides within the General Counsel and the District Council based upon the recommendations that come from the pastor and the

congregation. **However...** The Assemblies of God are not in the practice of closing churches... Quite the contrary, they are known for their ability to research, restructure, reform, then relaunch, so that the church continues to be the purpose of what it was established to be. This particular property that is located here at 5005 N. Brighton Ave., is considered by many in the community, as well as within the church community, to be a prime location for God's church. It is my full belief that the properties and buildings that right now are known as Trinity Christian Center, will always serve the purposes of God as a church for years and years to come!

Thank you so very much for hearing and considering the request of Trinity Christian Center.

Most sincerely and respectfully,

Rev. Randall Brack
Pastor

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-CDC-2024-00113

Meeting Date: September 10, 2024

Meeting Location: Hope Thru Grace Fellowship 4907 N.Brighton Ave. KC, MO.64119

Meeting Time (include start and end time):

START = 7:05 pm END = 7:30 pm

Additional Comments (optional):

Meeting Sign-In Sheet

Project Name and Address

Trinity Christian Center - zoning change

5005 N. Brighton Ave. 64119 - CD-CDC-2024-00113

Name	Address	Phone	Email
Bill Snyder	4907 N. Brighton	913-908-9478	
Wendy Snyder	" "	913-626-0657	
Randall Brack	5005 N. Brighton	816-801-0417	
Judith Rodriguez	5005 N. Brighton	816-699-4999	
David Johnson	314 NW 82nd St, KCMO	816-772-2383	
Mark Terwillegger	5008 N Brighton Ave KCMO 64119	816-674-4606	
matthildebrand	2904 NE 59th Terrace KCMO 64119	816-288-5273	
Ashley Summers	5049 N Brighton Ave Guild	816-838-5696	
Rosalie V. Summers	5049 N Brighton KC 64119	816-699-4381	
Judith Summers	5049 N Brighton KC 64119	816-204-7026	JudySummers38@yahoo.com
Kirk Austin	0588 Interurban RD Platte City	913 265 8881	

Name	Address	Phone	Email
Kara Soryensen	5012 N. Brighton Ave KCMO	816-783-7245	

Total of 12 in Attendance

Minutes from Trinity Christian Center Public Meeting

Project Case# CD-CDC-2024-00113

September 10, 2024

Location: Hope Thru Grace Fellowship

Start time; 7:05PM End Time; 7:30PM

Mr. Brack called the meeting to order. Mr. Brack thanked everybody who came, and then reminded the people that came, that if they had not signed the registration sheet to please do so. He also made available a copy for all who came of the narrative of why Trinity Christian Center was seeking to change their zoning from R6 to B3. Prayer was offered concerning the meeting. Mr. Brack made introductions of himself, as well as Judy Rodriguez the owner of the food truck, and also the host, Pastor Bill and Wendy Snyder, and thank them for the use of the building for the evening.

Mr. Brack explained that this neighborhood meeting was the start of three required meetings for the church, in the process of the consideration of the zoning change. Mr. Brack also explained a simple order of the evenings meeting, and that minutes of this meeting would be sent to the city as documentation and a record of the meetings discussion.

Mr. Brack shared from the first page and the first paragraph from the 5 page narrative, (narrative is included at the end of the minutes) of how the food truck had started, and how the church and the food truck began a friendship. Mr. Brack explained that Trinity Christian Center is following through with the recommendation of the Board of Zoning Adjustment of Kansas City, concerning changing their current zoning from R6 to B3.

Mr. Brack continued using the narrative, and upon completion of the first paragraph of page 3, Mr. Brack reintroduced Judy Rodriguez, and invited her to speak for just a moment. She spoke concerning the food truck and its purpose for their family, as well as the unique and distinctive opportunity that it has created for the community to come together. She also spoke, with much gratitude, concerning the wonderful support that the food truck has received not only from the community, but from the city of Kansas City, Missouri.

Mr. Brack then continued on page 3 from the narrative, concerning the purpose of the zoning change, as well as potential concerns that the community might have. In the narrative Mr. Brack poses three particular questions that people in the community could possibly ask and or be concerned about. 1. So, will the food truck always remain at Trinity Christian Center? 2. So, what about multiple food trucks, or trailers, or vendors, or, or, or...? 3. So, what would happen if Trinity Christian Center chooses to close its doors and cease being a church? Mr. Brack gave answers to these questions from the narrative. Mr. Brack concluded by saying that it is his full belief that the properties and the buildings that are known as Trinity Christian Center, will always serve the purposes of God as a church for years and years to come!

Mr. Brack then opened the opportunity to the people attending the meeting to ask questions.

1. Kara Jorgensen – Question... In choosing to change your zoning from R6, to B3, why did you not choose B1? Mr. Brack... Answer... We are simply following the suggestions of what was brought to us as a recommendation from the Board of Zoning Adjustment of Kansas City. This is what they ask us to consider to do, so that the food truck could be permitted to be on the parking lot.

Mr. Brack ask if there were any more questions. After about two minutes of silence, there appeared to be no further questions, so Mr. Brack ask everybody to stand, thank them once again for being at the meeting, and encourage them that if they had any other questions or concerns to feel free to contact him, or contact CompassKC and they will be glad to help. Mr. Brack dismissed and close the meeting.

Respectfully submitted,

Randall Brack