



**City Planning & Development Department
Development Management Division**

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STAFF REPORT

October 23, 2019

RE: Case No. CD-CPC-2019-00150 (Rezoning without Plan)
"8625 Troost Ave"

APPLICANT: Chris Woods
8509 W 145th Terrace
Overland Park, KS 66223

PROPERTY OWNER: Ben Shelby
Ben-Cal Inc
Kansas City, MO 64131

LOCATION: Located at 8625 Troost Ave, or generally located at southeast of the intersection of E 85th St and Troost Ave.

AREA: Approximately 5.83 acres.

REQUESTS: A request to approve a rezoning application in Districts B3-2 and M1-5 from Districts B3-2 (Community Business 3-2) and M1-5 (Manufacturing 1-5) to District B4-2 (Heavy Business/Commercial 4-2).

SURROUNDING LAND USE:

- North:** M1-5 and B3-2 – Trolley Trail right-of-way, automotive service shop, and restaurant "B.B.'s Lawn Side BBQ"
- South:** B3-2 and M1-5, and R-2.5 – office/warehouse, and KCP&L power station respectively
- East:** M1-5 – automotive repair and sales
- West:** (across Troost Ave) B3-2 – automotive repair and sales

LAND USE PLAN: The Red Bridge Area Plan was adopted by Resolution No. 170125 on March 2, 2017 by the City Council. The future land use map recommends a land use of "Commercial".

MAJOR STREET PLAN: Troost Ave listed as an "Established Arterial" on the City's Major Street. Additionally, E 85th St (not immediately adjacent to the site, but north of the Trolley Trail right-of-way) is listed as a "Local Link".

ARTERIAL STREET

IMPACT FEE: This site is located within Street Impact Fee Zone "G".

RELEVANT CASE

HISTORY: N/a, no relevant case history.

**NEIGHBORHOOD &
CIVIC ORGANIZATIONS**

NOTIFIED: Marlborough Community Coalition

PUBLIC ENGAGEMENT: The application was submitted prior to the effective date of October 1, 2019 for the Public Engagement Ordinance.

EXISTING CONDITIONS:

The site is currently split zoned with B3-2 along the front 1/3rd and M1-5 for the remaining rear (west) 2/3rds of the property.

PLAN REVIEW/ ANALYSIS:

Rezoning Analysis:

The applicant desires to rezone the property to unify the property with a consistent zoning designation, and to have consistent applicable zoning regulations that fit the character of the area. The applicant is proposing to renovate the existing building with a small addition to the rear for a food preparation service business. The proposed use falls within the "Manufacturing, Production and Industrial Service" specifically subcategory of "Artisan - Artisanal Food and Beverage Manufacturing". This use requires a Special Use Permit in the B3 zoning district, but is permitted by right in the M1 zoning district.

By rezoning the property to B4 allows for a consistent application of the City's Zoning and Development Code. The proposed use is allowed by right in the B4 zoning district and moves the property closer into conformance with the recommend land use of the Red Bridge Area Plan (see area plan analysis section below).

Rezoning Review Criteria (Section 88-151-08):

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;
 - Staff Review: The rezoning is consistent with the recommend land use of the Red Bridge Area Plan. See rezoning analysis section above.

- B. zoning and use of nearby property;
- Staff Review: The abutting zoning districts outside of the proposed rezoning area are similar to the proposed B4-2 zoning district, and the surrounding heavier commercial uses.
- C. physical character of the area in which the subject property is located;
- Staff Review: The proposed rezoning and existing structure are compatible with the surrounding properties.
- D. whether public facilities (infrastructure) and services will be adequate to serve development allowed by the requested zoning map amendment;
- Staff Review: There are adequate existing infrastructure facilities to serve this rezoning request.
- E. suitability of the subject property for the uses to which it has been restricted under the existing zoning regulations;
- Staff Review: The split zoning of the property does not provide a clear direction of the allowable land uses. This rezoning application would alleviate that issue for the foreseeable future.
- F. length of time the subject property has remained vacant as zoned;
- Staff Review: Not applicable to this application.
- G. the extent to which approving the rezoning will detrimentally affect nearby properties; and
- Staff Review: There are no foreseen detrimental effects to nearby properties. The rezoning request does not diminish the use and function of the existing parcels, or the use and function of the adjacent properties. The rezoning would align with the recommended land uses of the Red Bridge Area Plan.
- 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.
- Staff Review: Denial of the rezoning could delay the reuse of this existing building.

Area Plan Analysis:

The Red Bridge Area Plan was adopted on March 2, 2017, by Resolution No. 170125. The area plan recommends a land use of "Commercial" for this site, with some light industrial land use recommendations further to the south and west. The commercial land use category is "Primarily intended to accommodate "heavier" commercial activities and / or operations that are not found in or compatible with mixed-use neighborhood oriented environments. Included are large-scale commercial developments targeted in designated

areas along major arterials. This land use classification generally corresponds with the "B3" and "B4" zoning category within the zoning ordinance."

This proposal seeks to unify the zoning classification of property and move the property closer into conformance with the recommended land uses of the Area Plan; therefore a companion area plan amendment application is not required.

RECOMMENDATION:

The City Planning and Development Department staff recommends that **Case No. CD-CPC-2019-00150** be approved based on the application, plans, and documents provided for review prior to the hearing without conditions.

Respectfully submitted,



Christopher Hughey, AICP
Lead Planner

ATTACHMENTS:

1. Exhibit A - Location Docket Map