

Ordinance #

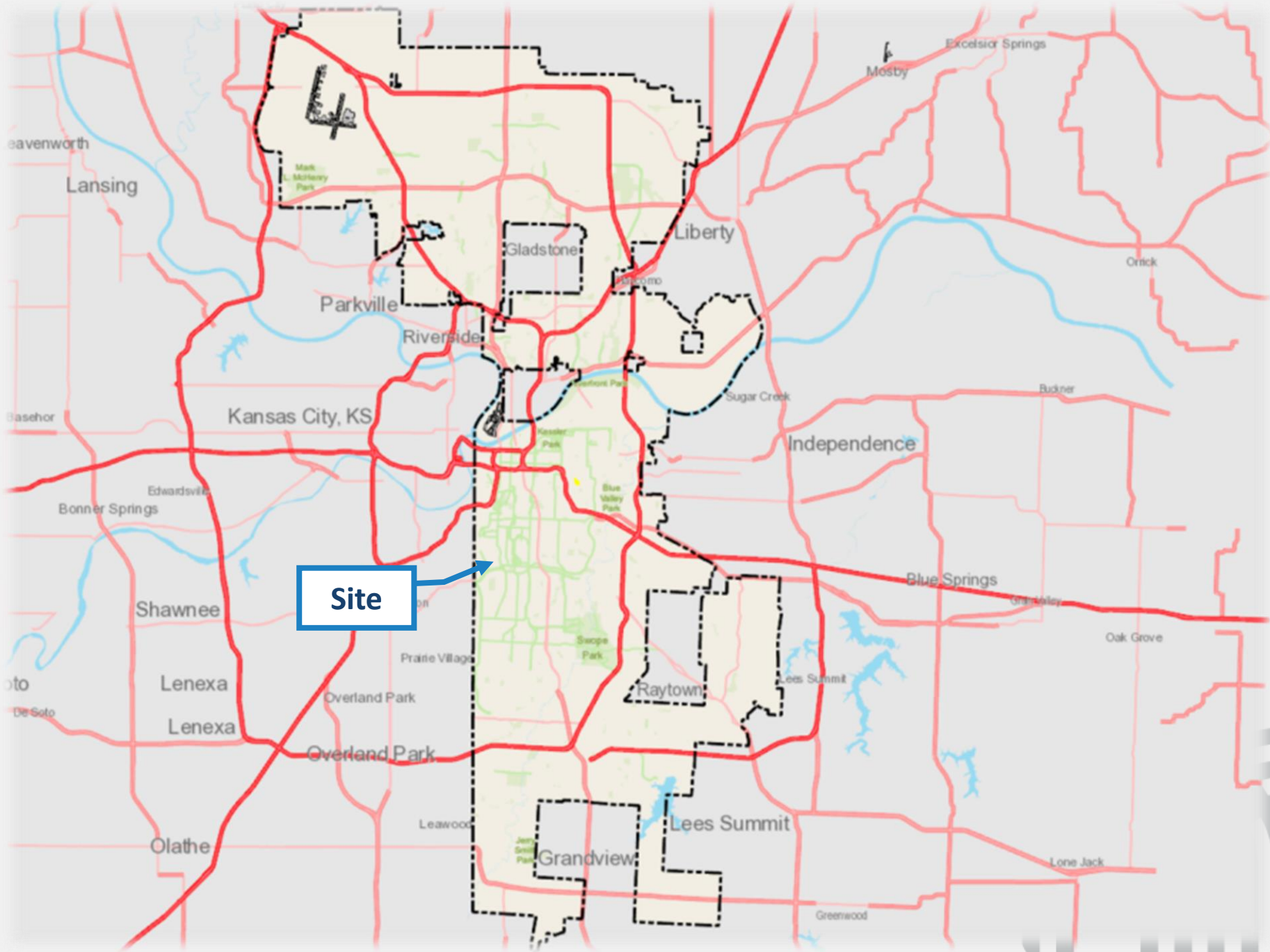
# CD-CPC-2024-00095

**Location:** 4438, 4442, 4444, 4450 Washington St

**Zoning District:** R-1.5

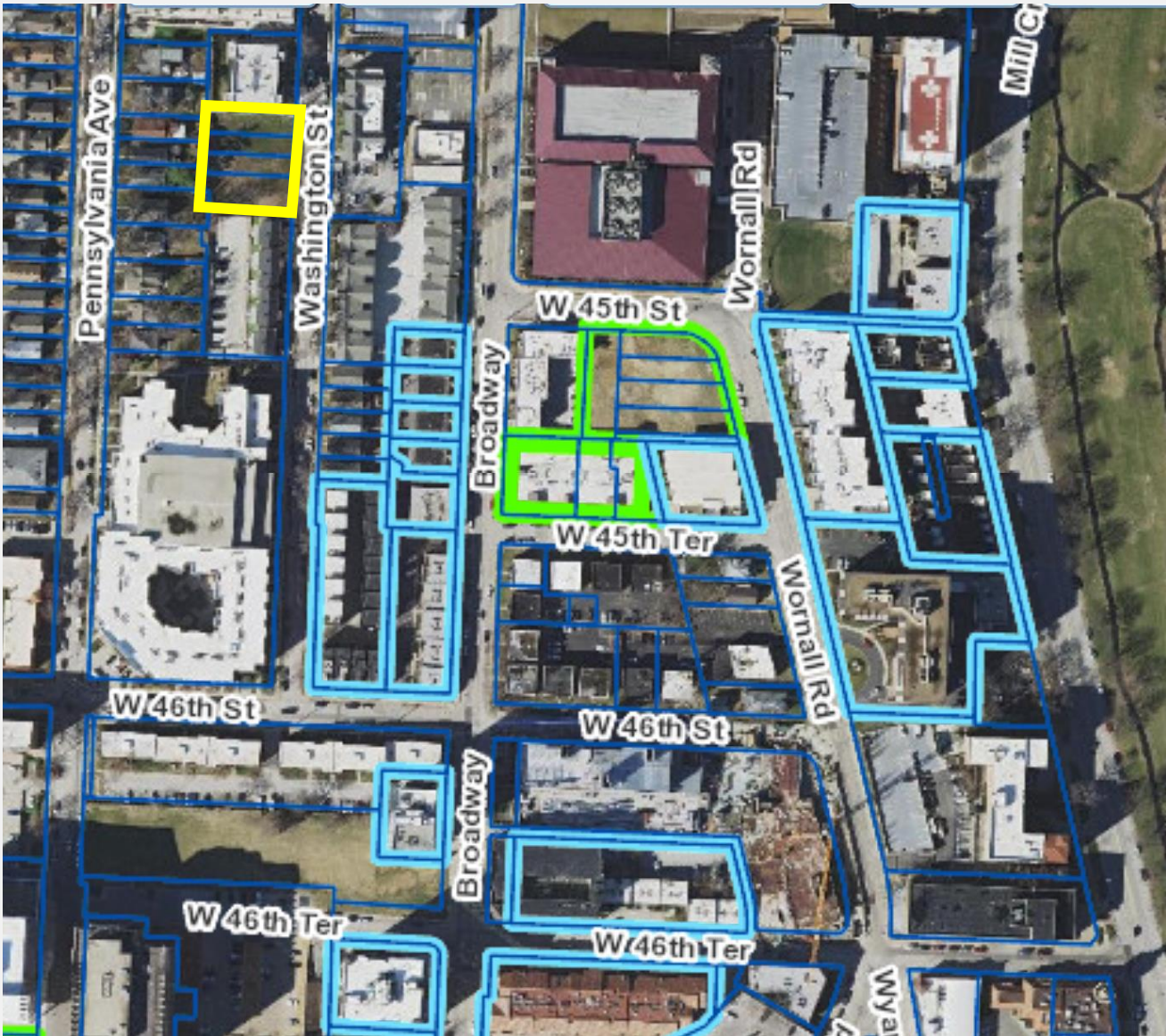
**Summary:** A request to rezone the subject properties to allow for the development of a 20-unit apartment complex.





Site





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## 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:

- A. conformance with adopted plans and planning policies;
- B. zoning and use of nearby property;
- C. physical character of the area in which the subject property is located;
- D. whether public facilities (infrastructure) and services will be adequate to serve development allowed by the requested zoning map amendment;
- E. suitability of the subject property for the uses to which it has been restricted under the existing zoning regulations;
- F. length of time the subject property has remained vacant as zoned;
- G. the extent to which approving the rezoning will detrimentally affect nearby properties; and
- 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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## 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:

### B. zoning and use of nearby property;

North (directly adjacent): 8-unit apartment complex, zoned R-1.5

East (directly adjacent): 18-unit apartment complex, zoned MPD

West (directly adjacent): Detached dwelling units, zoned R-6

South (directly adjacent): 10-unit townhomes, zoned R-1.5

# CD-CPC-2024-00095

## Nearby Property Case History, few examples

46<sup>th</sup> and Summit

- Rezoned from R-0.5 to R-0.75 in 2017

4551 Pennsylvania Ave

- Rezoned from R-1.5 to MPD in 2011

4435 Madison Ave

- Rezoned from R-4 to R-5 (R-0.5) in 2002

4400 Washington St

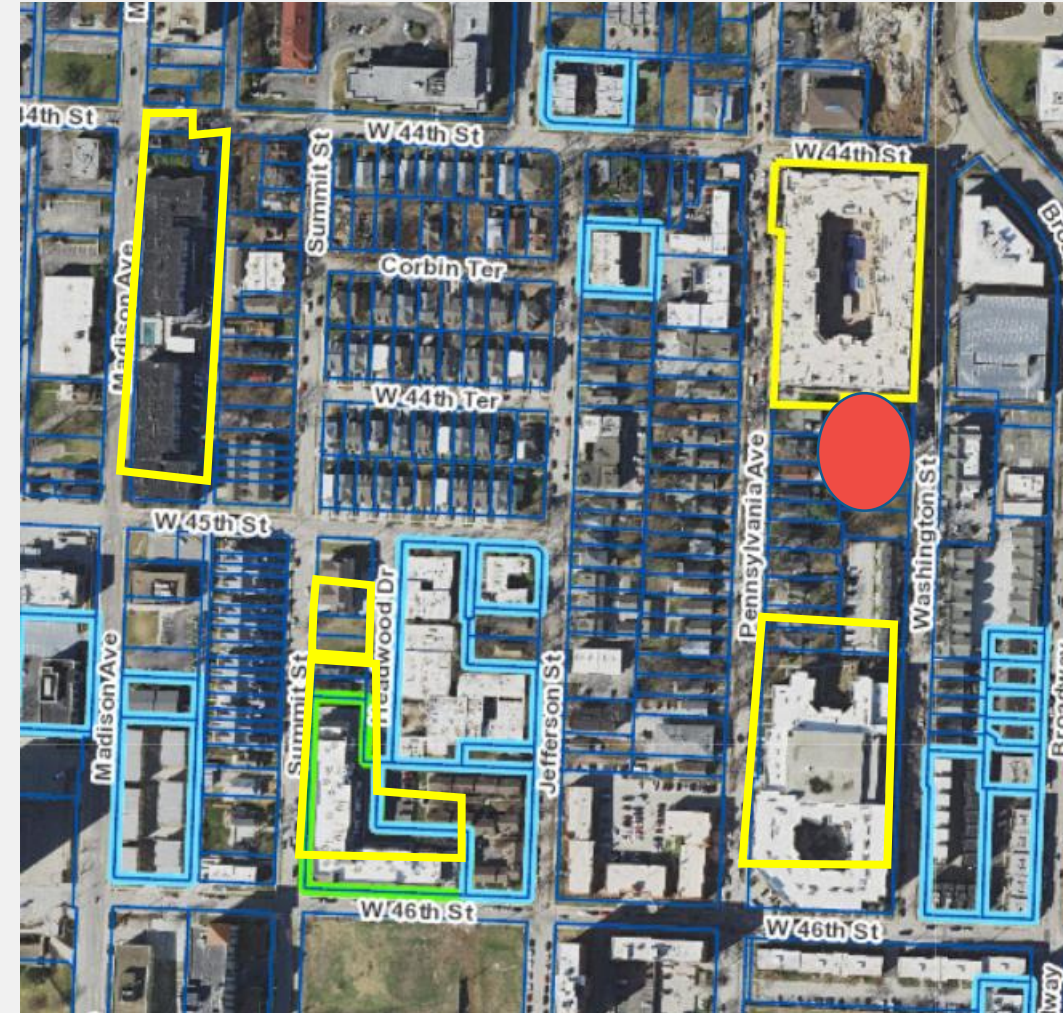
- Rezoned from R-1.5 and R-6 to MPD in 2017

4511 Summit St (proposed 16-unit apartment complex)

- Rezoned from R-1.5 to R-.75 in 2024

\*City Council has approved increased density for the area in the past.

~1,500 ft buffer



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## 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:

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

There are no differences in use/entitlement requirements between R-1.5 and R-0.75.

Density and height standards different between R-1.5 and R-0.75.



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## 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:

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.

The zoning code permits a 11 unit apartment building.

The rezoning permits 23 units.

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## **City Plan Commission Recommendation**

Approval

Public Testimony (attached to Council Packet)



# CD-CPC-2024-00095

## RESPONSES TO SUPPLEMENTAL TESTIMONY

- Conditions attached to rezoning cases.
- Infill Residential Development applicability.
- Height/ground definition.
- Viability of an MPD approach.



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## RESPONSES TO SUPPLEMENTAL TESTIMONY

- Conditions attached to rezoning cases.

89.030 "all such (zoning) regulations shall be uniform for each class or kind of buildings throughout each district .."



# CD-CPC-2024-00095

## RESPONSES TO SUPPLEMENTAL TESTIMONY

### - Infill Residential Development applicability.

#### 88-810-748 - LOT, INFILL RESIDENTIAL

Any lawfully created lot that is zoned residential and meets one or more of the following criteria:

- 1) Described by deed or plat recorded prior to March 1, 1954, or
- 2) Annexed into the corporate limits of Kansas City prior to March 1, 1954.

Infill residential lots are not subject to the lot consolidation provisions contained in Section 88-610-03-C of this zoning and development code.



# CD-CPC-2024-00095

## RESPONSES TO SUPPLEMENTAL TESTIMONY

### - Infill Residential Development applicability.

#### 88-610-03-C. LOT CONSOLIDATION

1. If two or more abutting lots (or portions of abutting lots), one or more of which are nonconforming, are in single ownership, the land involved will be deemed a single lot for purposes of determining compliance with lot size requirements, and no portion of the lot may be sold or used in a manner that diminishes compliance with lot size requirements.
2. In cases where 2 or more abutting lots of record are under single ownership and are deemed a single lot as set forth in paragraph 1 above, the city planning and development director may allow re-establishment of a lot previously combined with an abutting lot in order to accommodate a detached house, provided both of the following conditions are met:
  - (a) granting of the request results in compatible infill development that is in keeping with the pattern of development on the subject block; and
  - (b) the lot split will not result in the creation of any lot that is less than 30 feet in width.
3. This subsection shall not apply to infill residential lots, as defined in this zoning and development code.



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## RESPONSES TO SUPPLEMENTAL TESTIMONY

- Viability of an MPD approach.
  - Nearby cases (one in which city staff recommended denial, one in which it is unclear why the MPD rezoning was applicable).

88-280-01-A. GENERAL

The MPD, Master Planned Development district is intended to accommodate development that may be difficult if not impossible to carry out under otherwise applicable zoning district standards. Examples of the types of development that may benefit from the MPD zoning tool include the following:

- Does not align with MPD categories.
- Precedent of misapplication of MPD and open ended zoning designation with deviations.
- Project Plan better option available with developer consent (current project does not trigger project plan).

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## RESPONSES TO SUPPLEMENTAL TESTIMONY

- Viability of an MPD approach.
  - Does not align with MPD categories.

### 88-280-01-A. GENERAL

The MPD, Master Planned Development district is intended to accommodate development that may be difficult if not impossible to carry out under otherwise applicable zoning district standards.

Examples of the types of development that may benefit from the MPD zoning tool include the following:

#### 1. ENHANCED PROTECTION OF NATURAL RESOURCE AREAS

Developments that offer enhanced protection of natural resources and sensitive environmental features, including streams, water bodies, floodplains, wetlands, steep slopes, woodlands, wildlife habitats, and native plant communities.

#### 2. TRADITIONAL URBAN DEVELOPMENT

Developments characterized by lot configurations, street patterns, streetscapes, and neighborhood amenities commonly found in urban neighborhoods platted or otherwise created before the 1950s.

#### 3. MIXED-USE DEVELOPMENT

Developments that contain a complementary mix of residential and nonresidential uses.

#### 4. MIXED HOUSING DEVELOPMENT

Residential developments containing a mix of housing types such as detached house, attached house, multi-unit house, etc., such as those formerly approved with a community unit project application.



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## RESPONSES TO SUPPLEMENTAL TESTIMONY

- Height/ground definition.
  - City staff has not reviewed the plans compatibility with site and development standards.

