



CITY PLAN COMMISSION STAFF REPORT

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

11/20/2024

Project Name

Good Day Farm Rezoning

Location 629 W 39th St
Area About .37 acres
Zoning UR
Council District 4
County Jackson
School District Kansas City

Surrounding Land Uses

North: Commercial uses, zoned B3-2
South: Residential uses, zoned R-1.5
East: Commercial uses, zoned B3-2
West: Commercial uses, zoned B3-2

KC Spirit Playbook Alignment

CD-CPC-2024-00148
Very Likely Aligns

Land Use Plan

The Midtown/Plaza Area Plan recommends Mixed-Use Community for this location. The proposed plan aligns with this designation. See Criteria A for more information.

Major Street Plan

39th St (in this section) is not identified on the City's Major Street Plan.

APPROVAL PROCESS



SUMMARY OF REQUEST + KEY POINTS

The applicant is seeking approval to rezone the subject site to B3-2 due to the expiration of the previously approved UR Plan.

PROJECT TIMELINE

The application for the subject request was filed on 9/30/2024. No Scheduling deviations from 2024 Cycle 11.2 have occurred.

NEIGHBORHOOD AND CIVIC ORGANIZATIONS NOTIFIED

The subject site is located within the Valentine Neighborhood Association.

REQUIRED PUBLIC ENGAGEMENT

Public engagement as required by 88-505-12 does apply to this request. The applicant hosted a meeting on October 22nd. A summary of the meeting is attached to the staff report, see Attachment #3.

EXISTING CONDITIONS

A vacant car wash occupies the subject site.

CONTROLLING + RELATED CASES

14872UR: EXPIRED
Rezoning approximately 0.33 acres generally located at 629-631 W. 39th St from District B3-2 to District UR and approving a development plan for 45 multi-family residential units. (ORD 170939)

PROFESSIONAL STAFF RECOMMENDATION

Docket # Recommendation
Approval

Vicinity Map**PLAN REVIEW**

The applicant is seeking to rezone the subject property from UR (Urban Redevelopment) to B3-2 (Heavy Commercial) to allow the site to be redeveloped. Per 88-516-07, a previously approved Development Plan will lapse in 4 years (after the approval date) unless the following actions are taken,

1. Building permits have been issued and not revoked and construction diligently pursued for the development or respective development or project plans;
2. Certificates of occupancy have been issued for the development or respective development or project plans;
3. The use is established;
4. The city plan commission extends this period by no more than one year; or
5. A phasing plan is expressly approved as part of the development plan or project plan approval and the development is in compliance with that phasing plan.

The site was rezoned from B3-2 to UR and the development approved by Ordinance 170939 was never acted upon per the above, thus the plan has expired and there are no vested rights. For development to occur on the subject site, the property needs to be rezoned or a major amendment to the previously approved development plan needs to occur.

PLAN ANALYSIS

Commercial 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 (88-120)	No	-	As a rezoning case without a plan, this section does not apply to the subject request at this time. These factors will be considered during future development or permitting phases.
Accessory or Use- Specific Standards (88-305 – 385)	No	-	
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;

The proposed rezoning is compatible with the Midtown/Plaza Area Plan. Rezoning from UR to B3-2 matches the surrounding zoning and allows future development more in line with the corridor than the existing vacant carwash. LR

B. Zoning and use of nearby property;

All properties to the north, east, and west of the subject site are zoned B3-2, including office buildings, a car wash, and an auto repair shop. AN

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

The 39th Street corridor between Main St and State Line Rd is a heavy commercial corridor. AN

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

The public facilities and services needed for development are accessible at the subject site. Public facility and service adequacy for any proposal will be assessed during the building permit review. AN

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

With an expired UR Plan attached to the subject, the property may remain vacant unless a new UR Plan or rezoning is approved. AN

F. Length of time the subject property has remained vacant as zoned;

According to Google Street View, the subject site has been vacant since about June of 2018. AN

G. The extent to which approving the rezoning will detrimentally affect nearby properties; and

Rezoning the subject property, back to its base zoning district, will not detrimentally affect 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.

With an expired UR Plan attached to the subject, the property may remain vacant unless a new UR Plan or rezoning is approved. AN

ATTACHMENTS

1. Conditions Report [N/A]
2. Applicants Submittal
3. Public Engagement Materials
4. KC Spirit Alignment (see CompassKC)

PROFESSIONAL STAFF RECOMMENDATION

City staff recommends **APPROVAL**.

Respectfully Submitted,

Ahnna Nanoski, AICP
Planning Supervisor



Rhys J. Williams

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September 30, 2024

City of Kansas City
City Planning and Development
414 E. 12th Street
15th Floor
Kansas City, Missouri 64106

Re: Application for Rezone – 629-631 W 39th Street, Kansas City, MO 64111 (the “Site”)

To Whom it May Concern:

Please be advised that this firm represents 647 W. 39th Street Holdings, LLC (“**Applicant**”), the purchaser under contract for the Site. Please allow this letter to serve as Applicant’s request that the City of Kansas City, Missouri (the “**City**”) amend its District Zoning Map within Chapter 156 of the City’s Ordinances to rezone the Site from a UR Urban Redevelopment District to a B3-2 Community Business District. Applicant is the owner of the Site.

The Site is located in the City’s UR Urban Redevelopment District. The Site of approximately .326 acres currently contains an approximately 2,895 square foot building. The building, previously used as a car wash, has been vacant for over seven (7) years. Applicant seeks to redevelop the Site by demolishing the existing structure and repurposing the property to be utilized as an accessory parking lot and ingress-egress to the existing building on the parcel adjacent to the western boundary of the Site – 647 W 39th Street, Kansas City, MO 64111. The existing building at 647 W 39th Street will be repurposed and will operate as a Comprehensive Marijuana Dispensary Facility under the CODES affiliated branding and operations.

In conformity with Amendment 3 of the Missouri Constitution and the rules and regulations promulgated by the Missouri Department of Health and Senior Services (“**DHSS**”), the City’s Zoning Code (§ 88-120-03-A) currently authorizes the operation of an accessory use to a Comprehensive Marijuana Dispensary Facility for the sale of adult use and medical marijuana as a permitted use in a B3-2 district. The City codified additional requirements and standards with respect to the operation and facility specifications for any Marijuana Dispensary Facility, and Applicant satisfies all but one of those requirements.

Applicant’s plans for the Site meet all distance requirements in § 88-354-02-A & B, as the building will be located more than 300 feet from a then-existing elementary or secondary school, church, or daycare. Further, should the City authorize the rezone of the Site, GDF-MACO will also ensure satisfaction of all other use-specific and operational standards set forth in §§ 88-354-04 to 06.

The only standard not met is that the Site is located within the B3-2 district. However, when reviewing an application for rezone, the City must consider the following:

- i. The rezone is in conformance with adopted plans and planning policies

This request is consistent with the City's Comprehensive Plan. If the Site is rezoned to the B3-2 Neighborhood Highway Business District, Applicant will contribute to the economic viability of the commercial area in the Westport/Valentine neighborhoods, an important location in the City's urban core. Applicant's proposed development of the Site represents a higher and better use than the currently vacant lot. The proposed use as an accessory parking lot for a comprehensive marijuana dispensary facility is in harmony with the predominant land use in the area. A B3-2 zone offers a broader range of possibilities than the current single-purpose UR ordinance, thus maximizing the economic productivity and vibrancy of this area.

Applicant's proposed use of the Site will contribute to the economic wellbeing of the City in the form of significant sales tax revenue. The proposed use of the Site and economic benefit to the City is complimentary to what this area of Kansas City is recognized for as a critical destination for travelers and locals alike – restaurants, bars, and music venues.

- ii. The zoning and use of nearby property supports the rezone

The site is bordered by B3-2 properties to the east and west and the parcels across 39th Street to the north are zoned B3-2. The Site is located in a community business area comprised of offices, a restaurant, and a bar. Additionally, the proposed use of 647 W. 39th Street as a comprehensive marijuana dispensary, permitted in the B3-2 District, is harmonious with the proposed accessory use of the Site upon the grant of the rezone.

- iii. The physical character of the area in which the Site is located supports the rezone

The Site is in a busy commercial corridor near the intersection of N 39th Street and Southwest Trafficway. A rezone of the Site to B3-2 will enable the development of the Site and 647 N 39th Street to enhance the commercial aesthetic and character of this neighborhood business area. Further, the current vacant structure on the Site will be demolished and replaced by accessor parking use. Removing a vacant building to enable easier ingress and egress to 647 W 39th Street is a benefit to the commercial nature of this area. Applicant's image is not what people assume about cannabis companies. Its image is professional and polite. To that end, Applicant has designed a facility that it hopes the City will be proud of, and operates itself in a manner that will be respectful to the City and Applicant's residential neighbors in the area.

- iv. Public facilities (infrastructure) and services will be adequate to serve development allowed by the requested rezone

As previously stated, the Site will be redeveloped and utilized as an accessory parking area for the adjacent property. As no building or other improvements will be constructed, no new public facilities and services will necessary for development.

- v. The Site is not suitable for the uses to which it has been restricted under the existing zoning regulations

The Site is currently zoned UR, which requires development solely in accordance with the approved plans that accompanied the initial rezoning application of the Site. The previous owner of the Site never undertook the redevelopment project authorized by the UR ordinance. Accordingly, Applicant is unable to utilize the Site for any other purpose.

- vi. The length of time the subject property has remained vacant as zoned

As stated above, the site has been vacant in the current UR zone for seven (7) years.

- vii. The rezoning will not detrimentally affect nearby properties

If the rezone is granted, the Site will serve as an important accessory use to the proposed comprehensive marijuana dispensary at 647 W 39th Street. The site is currently vacant and does not benefit any properties in the area. Additional space for ingress and egress and parking will enhance the flow of commercial traffic in the area. The drive-through lane contemplated on the Site will not disrupt the nearby residential properties in the neighborhood business district. Unlike typical drive-through, both Applicant's internal operations the DHSS rules and regulations prohibit any menu boards on the exterior of the building or any squawk-boxes in which patrons can make orders and queue in line and wait for the orders to be fulfilled. This Site is perfect for the use proposed by Applicant, giving it the ability to renovate the building to be safe and innocuous with its own parking for patrons. The vast majority of patrons that frequent these establishments shop online, order their products ahead of time, and merely either use the drive-through to pick up their orders and/or park, enter the facility, and leave the facility in less than 5 to 7 minutes.

- viii. The hardship imposed upon the applicant outweighs the gain to public health, safety and welfare if the rezone was denied

If the rezone is denied, Applicant will not be able to develop the Site, as it can currently only be utilized in accordance with the authorizing UR ordinance. Further, while Applicant may be able to redevelop 647 W. 39th Street as a comprehensive marijuana dispensary, it would be materially inhibited from providing a quiet and well-spaced layout to accommodate more vehicles and easier flow of traffic in and out of the site. Additionally, the public does not benefit from the Site as it currently is used. The risks of a vacant dilapidated structure far outweigh any benefits to public safety and welfare by denying the rezone. In fact, the neighborhood business district will be better served by demolishing the vacant building on the Site as the common risks and issues with vacant buildings would cease.

Please let me know if there are any questions or if there is additional information I can provide. You can contact me via phone at 314.259.4756 or via email at rwilliams@atllp.com.

Sincerely,



Rhys J. Williams

Public Meeting Notice

Please join _____

Rezoning 629 W. 39th St, Kansas City, MO 64111 for the development of a parking lot and drive-thru to serve the dispensary being developed at 647 W 39th St, KC

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



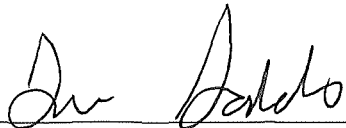
If you would like further information on this proposed project, please visit the city's planning and permitting system, Compass KC, at Compasskc.kcmo.org. You may search by project type and address/case number to find project details.

Sincerely,

DECLARATION OF TRAVIS GADDIS

The undersigned, first being duly sworn upon his oath, hereby states as follows:

1. I am over the age of 18 and the matters stated herein are true and correct and based on my personal knowledge. I could, and would, competently testify to said matters if called upon to do so.
2. I am the President of the Valentine Neighborhood Association (“VNA”).
3. The property located at 629-631 W 39th Street, Kansas City, MO 64111 (the “Property”) is located within the boundaries of the VNA.
4. On October 2, 2024, I was provided a Notice of Application by counsel for 647 W. 39th Street Holdings, LLC (“Applicant”) regarding its application for rezone of the Property.
5. In collaboration with the VNA, hosted a public engagement meeting, the details of which are as follows:
 - a. Date and Time: October 22, 2024, 5:00-7:00 p.m.
 - b. Location: Q39, 1000 W 39th Street, Kansas City, MO 64111.
 - c. Format: Formal presentation by Applicant with opportunity for question and answer. Opportunity for any residents of VNA to discuss with Applicant if they missed the formal presentation.
 - d. Number of Attendees: Approximately fifteen (15).
 - e. Summary of Discussion: Presentation of Applicant’s business; proposed dispensary located at 649 W. 39th Street, Kansas City, MO 64111; plans to redevelop the Property from a vacant car wash to an accessory parking lot to serve the adjacent dispensary; Applicant’s security and operation standard operating procedures; Applicant’s community initiatives to benefit the VNA and community.



Travis Gaddis,
President of Valentine Neighborhood Association