



CITY PLAN COMMISSION STAFF REPORT

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

January 18, 2022

Project Name

Argento Rezoning

Docket # Request

11 CD-CPC-2021-00159
Rezoning without Plan

Applicant

Rocky Argento
Sebbeto Funeral Home
901 E 5th St
Kansas City, MO 64106

Owner

See above.

Location 908 E 5th St
Area About .2 acres
Existing Zoning B3-2
Council District 4th
County Jackson
School District KCMO 110

Surrounding Land Uses

North: Vacant land (zoned UR)
East: Commercial uses (zoned B3-2)
West: Parking lot (zoned B3-2)
South: Commercial uses (zoned B4-5)

Major Street Plan

E 5th St is not identified on the City's Major Street Plan.

Land Use Plan

The Greater Downtown Area Plan identifies the subject property as Downtown Mixed Use.

APPROVAL PROCESS



PROJECT TIMELINE

The application for the subject request was filed on 08/24/2021. Scheduling deviations from 2021 Cycle T has occurred.

NEIGHBORHOOD AND CIVIC ORGANIZATIONS NOTIFIED

Notice of this case was sent to the Columbus Park Community Council. Affidavit of Mail Notice was uploaded to CompassKC on 11/19/2021.

REQUIRED PUBLIC ENGAGEMENT

Public engagement as required by 88-505-12 applies to this request.

EXISTING CONDITIONS

The subject property is located near the intersection of Campbell St and E 5th St. A commercial building is currently on the site, which appears to be vacant.

SUMMARY OF REQUEST

The applicant requests to rezone the property from B3-2 to M2-1 to allow for outdoor storage in order to resolve a code case.

CONTROLLING + RELEVANT CASES

ZDC-2020-0045. On June 24th, 2020 City Staff inspected the property found evidence of a storage trailer (shipping container) being stored in the rear of the property. Outdoor industrial storage is prohibited in the B3-2 zoning district. A notice of violation was sent.

KEY POINTS

- Rezoning from B3-2 to M2-1 to allow for outdoor storage in order to resolve a code case.
- An Area Plan Amendment does not accompany the rezoning request.

PROFESSIONAL STAFF RECOMMENDATION

Docket # Recommendation
Denial

PLAN REVIEW

The applicant is seeking to rezone the subject property from B3-2 (Community Business) to M2-1 (Manufacturing 2) to allow for outdoor storage in order to resolve Zoning and Development Code violations. The Warehousing, Wholesaling, Storage, and Freight Movement use category focuses on “storage, wholesale sales, and distribution of materials and equipment. Typical uses include storage warehouses; moving and storage firms; trucking or cartage operation; truck staging or storage areas; outdoor storage areas; and wholesale sales of materials and equipment to parties other than the general public.” (88-805-05-F) On June 24th, 2020 City Staff inspected the property found evidence of a storage trailer (shipping container) being stored in the rear of the property. Outdoor industrial storage is prohibited in the B3-2 zoning district. A notice of violation was sent.

Rezoning Analysis.

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;

The proposed rezoning does not follow the Downtown Mixed Use land use recommendation of the Greater Downtown Area Plan. Downtown Mixed-Use promotes office, commercial, some light industrial, public, industrial, residential, and institutional development. The Downtown Mixed-Use classification corresponds with the DX or DR zoning districts. AN

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

There are no properties within 500 ft designated M2-. City staff has not observed other outdoor industrial storage in the area.

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

The surrounding area includes the Harrison Street Skate Park, residential development, and commercial uses in historic structures. AN

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

N/A. AN

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

The uses associated with the M- (industrial) zoning districts are not suitable for the area. Outdoor industrial storage does not promote high-quality, mixed-use, activity-centered development/redevelopment encouraged for the Columbus Park area. AN

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

N/A. AN

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

- *The proposed rezoning might set precedence for industrial development in the area which would affect nearby properties.*

- City staff do not believe that the shipping container qualifies as an accessory structure on the site. The principal structure appears to be vacant, and the shipping container is being used for the property owner's personal items. "In order to classify a use or structure as 'accessory', the City Planning and Development Director (or their designee) must determine that the use or structure:
 - o Is subordinate to the principal building or principal use in terms of area, extent, and purpose;
 - o Contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use served; and
 - o Is customarily found in association with the subject principal use or building." (88-305-01-B) AN
- 88-515-08-H.** The gain, if any, to the public health, safety, and welfare due to the denial of the application, as compared to the hardship imposed upon the landowner, if any, as a result of denial of the application.
- *The benefit to the public health, safety, and welfare due to the denial of the application are greater than the hardship imposed upon the landowner.*
 - *Opposition from the neighborhood association has been received, see Exhibit A. AN*

PROFESSIONAL STAFF RECOMMENDATION

Staff recommends **Denial**.

Respectfully submitted,

Ahnna Nanoski, AICP
Lead Planner



CITY PLAN COMMISSION ADJUSTMENT

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

Exhibit A – Communications Received

Name	Stance	Format of Receival
Columbus Park Neighborhood Association	Oppose	Email
Maren Morefield	Oppose	Email
Brett Pruitt	Oppose	Email
Sylvia Hauser	Oppose	Email