



CITY PLAN COMMISSION STAFF REPORT

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

April 19, 2022

Project Name

2021 Quarter 4 Periodic Review

Docket

#7

Request

CD-CPC-2021-00186

Applicant

Jeffrey Williams, AICP
City Planning & Development Director

Owner

Not applicable

Location	Citywide
Area	Not applicable
Zoning	Not applicable
Council District	All
County	All
School District	All

Surrounding Land Uses

Not applicable

Major Street Plan

Not applicable

Land Use Plan

Not applicable

APPROVAL PROCESS



NEIGHBORHOOD AND CIVIC ORGANIZATIONS NOTIFIED

Mailed notice of the hearing is not required by code and is not conducted for two reasons: 1) periodic review are amendments that are those that do not constitute policy changes or, if so, are considered minor in nature, and 2) neighborhood and civic organizations often have geographic boundaries and text amendments apply citywide making mailed notice impractical.

REQUIRED PUBLIC ENGAGEMENT

Public engagement as required by 88-505-12 does not apply to this request. As a matter of practice, staff does post the draft amendment to the city's website for public review and comment at least 30 days prior to the public hearing before the City Plan Commission. The proposed amendments were posted on November 18, 2021. No comments or questions have been received as of December 28, 2021.

SUMMARY OF REQUEST

This is a request to approve amendments to Chapter 88 of the Kansas City Code of Ordinances, otherwise known as the zoning and development code through the periodic review process. Section 88-510-01 states that the director is authorized to establish a regular and systematic cycle for processing amendments, which should occur at least once and no more often than four times per year.

KEY POINTS

Amendments are proposed related to the following:

1. Artisanal Manufacturing (uses)
2. Dedicated Pickup Areas (uses)
3. Appeal Applications (procedural)
4. Pre-application Consultations (procedural)
5. Public Engagement (meeting format)
6. Replacement of the term "Family" with "Household" (Terminology)
7. Corrections & Clarifications

PROFESSIONAL STAFF RECOMMENDATION

Docket

#7

Recommendation

Approval

CONTROLLING CASE

Not applicable

RELATED RELEVANT CASES

Not applicable

1. Artisanal Manufacturing

Committee Substitute for Ordinance 160341, passed by the City Council on May 12, 2016 created a distinction between manufacturing of artisanal food and beverage products and those that are not considered artisanal. The amendment was drafted and approved in response to an increase in interest in a business model that combined manufacture or production of food products with retail sale of those products onsite, such as a coffee bean roasting facility that wholesales its finished product but also engages in retail sale onsite, whether or not the product is consumed onsite. Prior to the amendment there were four manufacturing use categories: Artisan, Limited, General, and Intensive. Such businesses were classified as Limited Manufacturing because its definition specifically included food and beverage manufacturing. The amendment's goal was to recognize that some food and beverage manufacturers were artisanal due to their scale and the fact that they also engaged in onsite retail sales. To achieve this, a new use classification: "Artisanal Food and Beverage Manufacturing" was added as a sub-classification under the "Artisanal Manufacturing" use classification and new use standards, regulating the operational characteristics of the new use classification, were also adopted.

Over time, this business model has evolved and includes manufacture of products beyond food and beverages. Staff has been approached by entrepreneurs who desire to hand manufacture personal care products, clothing, jewelry, etc. While such activity is permitted as artisanal manufacturing, this use is first allowed in B4 and there is some desire to allow such uses in a broader array of districts. This amendment proposes to do that by collapsing all artisanal manufacturing activities (including food and beverage) into one use classification category and adopting new use standards for all of them to ensure they are compatible with adjacent land uses, which is of particular importance given that the uses would be allowed in all business districts (which sometimes lie immediately adjacent to residential uses). The amendment has the added benefit of stimulating retail storefront occupancy during challenging and rapidly-changing retail environment as it would allow manufacturers to use vacant retail space for manufacture and wholesale/online sales for offsite consumption, so long as they maintain a retail presence.

Summary of Amendment:

- Allows Artisanal Manufacturing by right in all B Districts and D Districts (already permitted in all M Districts) with use standards.
- Requires onsite retail sales in defined special areas regardless of zoning. These areas include Crossroads, Westport, Streetcar, and Downtown Loop and in B1 and B2 Districts.
- Relaxes the building floor area cap in all locations except those zoned B1 and DR.

88-510-07 - REVIEW CRITERIA

In reviewing and making decisions on zoning and development code text amendments, the city planning and development director, city plan commission and city council must consider at least the following factors:

88-510-07-A. whether the proposed zoning and development code text amendment corrects an error or inconsistency in the zoning and development code or meets the challenge of a changing condition;

The proposed amendment meets the challenge of changing conditions.

88-510-07-B. whether the proposed zoning and development code text amendment is consistent with adopted plans and the stated purpose of this zoning and development code; and

The proposed amendment is consistent with adopted plans and the stated purpose of this zoning and development code.

88-510-07-C. whether the proposed zoning and development code text amendment is in the best interests of the city as a whole.

The proposed amendment would create more opportunities for entrepreneurship, support retail occupancy rates in the face of changing retail environment, and protect adjacent land uses. It is in the best interests of the community as a whole.

2. Dedicated Pickup Areas

This is a proposal to add language to the code acknowledging the existence of “dedicated pickup areas” in response to rapidly changing shopping and transportation trends. Under the proposal, a dedicated pickup area is an accessory use defined as “a vehicular use area permanently designed and arranged for drive-up services including but not limited to the delivery of a product sold onsite to an individual in their vehicle, whether that individual is the end consumer or a delivery service employee, or ride services offered to patrons who will or have obtained a product or service available onsite.” The use, by definition, will capture drive-up pickup services offered by major retailers for end consumers as well as for delivery services such as UberEats or GrubHub, and passenger pickup areas for Uber or similar services.

The amendment is necessary because the code does not contain any language acknowledging these uses, which are always accessory to a principal use such as a restaurant or retail establishment. These uses are unique and unlike any other type of accessory use regulated in the code and therefore existing regulations do not adequately address the needs associated with the use such as striping, effect on parking requirements, pedestrian safety, and signage.

Summary of Amendment:

- Allows dedicated pickup areas by right in association with any permitted principal use.
- Accommodates specific signage needs associated to the use.
- Ensures that pedestrian safety is accounted for.
- Acknowledges that the shift in consumer demand to such services reduces parking demand in the remainder of the principal use’s parking lot.

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88-510-07-A. whether the proposed zoning and development code text amendment corrects an error or inconsistency in the zoning and development code or meets the challenge of a changing condition;

The proposed amendment meets the challenge of changing conditions.

88-510-07-B. whether the proposed zoning and development code text amendment is consistent with adopted plans and the stated purpose of this zoning and development code; and

The proposed amendment is consistent with adopted plans and the stated purpose of this zoning and development code.

88-510-07-C. whether the proposed zoning and development code text amendment is in the best interests of the city as a whole.

The proposed amendment is in the best interest of the city as a whole.

3. Appeal Applications

The current ordinance is redundant in that it says that appeals must be filed within fifteen days twice. This amendment would remove the first of the two references.

Summary of Amendment:

- Removes a redundancy from the section of the code titled: Appeals of Administrative Decisions – Application Filing.

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88-510-07-A. whether the proposed zoning and development code text amendment corrects an error or inconsistency in the zoning and development code or meets the challenge of a changing condition;

The proposed amendment corrects an error in the zoning and development code.

88-510-07-B. whether the proposed zoning and development code text amendment is consistent with adopted plans and the stated purpose of this zoning and development code; and

The proposed amendment is consistent with adopted plans and the stated purpose of this zoning and development code.

88-510-07-C. whether the proposed zoning and development code text amendment is in the best interests of the city as a whole.

The proposed amendment would remove a redundancy regarding a filing requirement that is later enumerated.

4. Pre-Application Consultations

As currently written, the code requires pre-application consultations with staff when the applicant is proposing to rezone property in a manner inconsistent with the adopted area plan. It is certainly true that a pre-application consultation is warranted in such circumstances, however, it is always warranted in the case of any rezoning whether or not the proposed rezoning is consistent with the area plan. In fact, one of the primary purposes for the consultation is to determine whether the proposed zoning is consistent with the adopted plan. Staff believes that the current language is in error.

Summary of Amendment:

- Requires pre-application meetings for all rezoning applications, rather than only requiring a meeting for those that are inconsistent with the area plan.

88-510-07 - REVIEW CRITERIA

In reviewing and making decisions on zoning and development code text amendments, the city planning and development director, city plan commission and city council must consider at least the following factors:

88-510-07-A. whether the proposed zoning and development code text amendment corrects an error or inconsistency in the zoning and development code or meets the challenge of a changing condition;

The proposed amendment corrects an error in the zoning and development code.

88-510-07-B. whether the proposed zoning and development code text amendment is consistent with adopted plans and the stated purpose of this zoning and development code; and

The proposed amendment is consistent with adopted plans and the stated purpose of this zoning and development code.

88-510-07-C. whether the proposed zoning and development code text amendment is in the best interests of the city as a whole.

The proposed amendment would streamline the pre-application processes by making the requirements of which straightforward.

5. Public Engagement (meeting format)

The passage of the Mayor's emergency ordinance in response to Covid-19 included a provision that allowed public engagement meetings to occur virtually. Since the expiration of the emergency ordinance, staff has reverted to requiring that public engagement meetings take place in-person, even with neighborhood support of allowing virtual meetings. While the code currently does not explicitly require public engagement meetings be held in-person, it does reference the accessibility of the building in which the meeting will be held. Further, it does not expressly allow virtual meetings to take place. This amendment gives registered neighborhood or civic organizations the option to request the meeting format of public engagement meetings that they are notified of. It also gives applicants the choice of meeting format when a neighborhood or civic organization is not present or has not responded.

Summary of Amendment:

- Allows public engagement meetings to occur virtually, in-person, or hybrid formats.

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88-510-07-A. whether the proposed zoning and development code text amendment corrects an error or inconsistency in the zoning and development code or meets the challenge of a changing condition;

The proposed amendment meets the challenge of changing conditions.

88-510-07-B. whether the proposed zoning and development code text amendment is consistent with adopted plans and the stated purpose of this zoning and development code; and

The proposed amendment is consistent with adopted plans and the stated purpose of this zoning and development code.

88-510-07-C. whether the proposed zoning and development code text amendment is in the best interests of the city as a whole.

The proposed amendment would allow the public engagement meeting format to align with the wishes of the parties involved.

6. Replacement of "Family" with "Household"

Throughout the code there are numerous references to "single-family" and "two-family" and where these references occur the context dictates that the meaning behind both terms is one "unit" or two "units" as in dwelling units. The code does not define single-family or two-family, and in fact, contains no use or residential building type which includes this terminology. When it comes to residential uses, the code establishes "Household Living" and "Group Living" as the only two residential use classifications. When it comes to residential building types, the code refrains from using any terminology including the word "family" in it, instead opting to use terminology descriptive of the building itself. What is conventionally and popularly called a single-family home in the code is called a "Detached House" and a two-family home is called a "Semi-Attached House" or "Attached House" depending upon how it is divided.

This has created some confusion and misunderstanding over the years. Staff believes the current code, which took effect January 1, 2011, intentionally omitted references to "family" in its use and building type terminology and their definitions. We believe that the references to "family" elsewhere were likely particular ordinances carried forward from the predecessor zoning code (Chapter 80). We believe this explains the discrepancies and we find that the term "family" is antiquated as it perpetuates a stereotypical view of what constitutes a household (i.e. that group of individuals occupying a dwelling unit). As a consequence, we propose replacing all references to family with "household".

Summary of Amendment:

- Replaces references to “family” as a way to describe housing, building type, or capacity with “household”.

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In reviewing and making decisions on zoning and development code text amendments, the city planning and development director, city plan commission and city council must consider at least the following factors:

88-510-07-A. whether the proposed zoning and development code text amendment corrects an error or inconsistency in the zoning and development code or meets the challenge of a changing condition;

The proposed amendment corrects an inconsistency in the zoning and development code.

88-510-07-B. whether the proposed zoning and development code text amendment is consistent with adopted plans and the stated purpose of this zoning and development code; and

The proposed amendment is consistent with adopted plans and the stated purpose of this zoning and development code.

88-510-07-C. whether the proposed zoning and development code text amendment is in the best interests of the city as a whole.

The proposed amendment would make the language used to refer to housing, building type, or capacity consistent throughout the code.

7. Corrections and Clarifications

This amendment embodies two minor changes to the code. The first is a modification to the name of the use “Entertainment and Spectator Sports”. By definition, this use classification consists of venues for entertainment and spectator sports, ranging, for example, from Kauffman Stadium, to a banquet hall, to the T-Mobile Center. However, its name, as currently stated misleads many readers into believing that it applies only to sports venues and not to the more common entertainment venue such as a banquet or reception hall, therefore staff is proposing to change the title to “Entertainment Venue and Spectator Sports”.

The second change is to the title of a few sections of the code where the uses of district categories are listed. Some places of the code title this section “Uses”, while others title it “Allowed Uses”. Given that the subject sections describe the uses that are allowed as well as the uses that are prohibited, this amendment will change those that read “Allowed Uses” to simply “Uses”.

Summary of Amendment:

- Adds “Venue” to the name of the use “Entertainment and Spectator Sports” to clarify the inclusion of entertainment venues that are not sport-related.
- Removes the term “allowed” from a few section titles to maintain formatting consistency.

88-510-07 - REVIEW CRITERIA

In reviewing and making decisions on zoning and development code text amendments, the city planning and development director, city plan commission and city council must consider at least the following factors:

88-510-07-A. whether the proposed zoning and development code text amendment corrects an error or inconsistency in the zoning and development code or meets the challenge of a changing condition;

The proposed amendment corrects an error by providing clarity to the zoning and development code.

88-510-07-B. whether the proposed zoning and development code text amendment is consistent with adopted plans and the stated purpose of this zoning and development code; and

The proposed amendment is consistent with adopted plans and the stated purpose of this zoning and development code.

88-510-07-C. whether the proposed zoning and development code text amendment is in the best interests of the city as a whole.

The proposed amendment would create an additional level of clarity for readers of the zoning and development code.

PROFESSIONAL STAFF RECOMMENDATION

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Jared Clements", written in a cursive style.

Jared Clements
Planner