



CITY PLAN COMMISSION REPORT

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

Project Name

Barry Road Day Care Center

Hearing Date May 17, 2022

Docket

8

Request

CD-CPC-2022-00026
Rezoning Without Plan

Applicant

Ryan Jordan
4502 W 78th Ter
Prairie Village, KS 66208

Owner

Wildflower Montessori 2.0 LLC
300 NW 82nd St
Kansas City, MO 64118

Location 900 NE Barry Rd
Area About 1.1 acres

Zoning R-2.5

Council District 1st

County Clay

School District North Kansas City 250

Surrounding Land Uses

North – KCMO parkland, residential use, zoned R-7.5

South – Residential use, zoned R-7.5

East – Religious assembly use, zoned R-80

West – Residential use, zoned R-2.5

Land Use Plan

The Gashland/Nashua Area Plan recommends Mixed Use Community. The request conforms to this recommendation.

Major Street Plan

NE Barry Rd is designated as a Thoroughfare at this location according to the Major Street Plan.

APPROVAL PROCESS



NEIGHBORHOOD AND CIVIC ORGANIZATIONS NOTIFIED

This property is located within the Bridgepointe Homes Association. Notice of the public hearing was sent to surrounding properties within 300 feet.

REQUIRED PUBLIC ENGAGEMENT

Public engagement as required by 88-505-12 applies to this request. The applicant hosted a public meeting on May 10, 2022. A sign-in list and summary of the meeting is attached to this report.

EXISTING CONDITIONS

The property has one existing building that has been previously used as a child care facility. There is also an existing parking lot. The property was previously combined with the property to the west and split at some point in time unknown to staff.

SUMMARY OF REQUEST

CD-CPC-2022-00012 - A request to approve a rezoning from district R-2.5 (Residential 2.5) to district B1-1 (Neighborhood Business 1) to allow for Day Care Center use on about 1.162 acres generally located at 900 NE Barry Rd.

KEY POINTS

- Rezoning to allow for day care center (21+ children)

PROFESSIONAL STAFF RECOMMENDATION

Docket # Recommendation
8 Approval without conditions

CONTROLLING CASE

No controlling case was found.

RELATED RELEVANT CASES

10014-A-1 - A request for approval of a conditional use permit for a day-care for more than 10 children in a District zoned R-3. Approved by BZA on January 27, 2009

HISTORY

The subject site has historically been used as a day care. In the past, the day care use was allowed through granting of a conditional use permit to operate. Because the use ceased operating for a period of time sometime between 2020 and 2022, the conditional use permit that ran with the use became invalid.

REZONING REVIEW

The site is located on the north side of NE Barry Rd between N Boone St and N Tracy Ave. There is an existing structure on the property (zoned R-2.5) in which a day care had previously operated out of since at least 2008. The applicant would like to use the structure on the property to operate a day care center to allow for 21 or more children, which is not permitted in R-1.5 districts. Rezoning to B1-1 is required to permit a day care center of 21 or more children.

The site is mostly surrounded by residential neighborhoods to the north, east, and south. There are commercial uses and commercial zoning districts to the west. Unity Christ Temple is located on the property to the east. The future land use designation for the subject site is Mixed Use Community, which supports the day care center use. Because a similar use previously operated on the subject property, there is adequate parking per the Code.

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 Gashland/Nashua Area Plan recommends Mixed Use Community land use. The rezoning request complies with this recommendation. No area plan amendment was required by Long Range Planning Division.

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

Properties immediately to the north, south, east, and west are mostly residential uses and zoning districts (R-.5, R-7.5). To the west at the intersection of N Oak Trfy and NE Barry Rd there are more commercial uses and B (Business) zoning districts.

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

This portion of NE Barry Rd has more commercial uses closer to N Oak Trfy, and the subject site is within a transitional area where the uses become less intense and move into residential neighborhoods. There is a City owned park to the north in which a regulated stream runs through. The physical character of the land directly adjacent to the property lines is heavily wooded.

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

The site is served by water. The site was previously combined with the property to the west and served by a shared septic system. Since the time the subject property was separated from the property to the west, and prior to the current ownership of the property, there was a private sewer pipe extended from the building to an existing public sewer main located in the park to the north. Staff could not locate permitting for this pipe to be installed. The applicant has been working closely with staff in Water Services and Parks to have the proper shared utility easements and agreements drawn up to remedy the illegal sewer pipe connection that crosses property lines and into the City owned park land.

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

The existing zoning is R-2.5 does not permit the Day Care Center (21 or more children) use—it only permits Group Day Care facilities with up to 20 children with a Special Use Permit. Because this property has been used as a day care in the past, staff is supportive of allowing the use to continue in the future by right without needing new Special Use Permits if it stops operating for a period of time, as it has in the past.

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

Not applicable. The subject property is not currently vacant.

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

In staff's opinion, the proposed rezoning would not detrimentally affect nearby properties because the surrounding zoning, uses, and intensity are similar to what is proposed on the subject site in addition to the proposed use operating many years prior.

88-515-08-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.

Denial of the rezoning would only allow this day care to serve a maximum of 20 children, which requires a Special Use Permit. The use conforms with the character of the area, and is not projected to adversely impact the surrounding properties.

PROFESSIONAL STAFF RECOMMENDATION

Based on the applications submitted by the applicant, Staff makes recommendation to each case as following:

CD-CPC-2022-00026: Staff recommends **APPROVAL WITHOUT CONDITIONS.**

Respectfully submitted,



Genevieve Kohn
Staff Planner



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KANSAS CITY,
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CITY PLANNING & DEVELOPMENT

Public Meeting Summary Form

Project Case # **CD- CPC- 2022-00026**

Meeting Date: **5/10/22**

Meeting Location: **Unity of KC North
1000 NE Barry Rd, KC, MO 64155**

Meeting Time (include start and end time): **6:30 - 7:00**

Additional Comments (optional):

