



**City Planning and Development Department
Development Management Division**

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414 East 12th Street
Kansas City, Missouri 64106-2795
(816) 513-2846

STAFF REPORT April 7, 2015

Re: a) Case No. 254-S-303 (26)
b) Case No. 14547-P (27)
c) Case No. 14550-P (28)

Applicants: Councilpersons Jan Marcason and Jim Glover

Proponents: Downtown Council, the Greater Downtown Area Plan (GDAP) Implementation Committee, the Downtown Neighborhood Association, and other organizations and individuals

Property Owners: Various

REQUESTS:

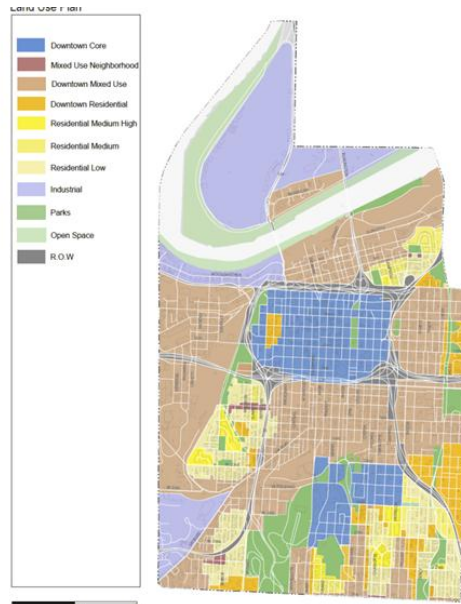
- a) **Case No. 254-S-303** -- Amending Chapter 88, Zoning & Development Code, Sections 88-130 Downtown Districts, 88-340 Drive-Through Facilities, 88-420 Parking and Loading, 88-425 Landscaping and Screening, 88-810 Definitions, and potential addition of Section 88-338 Downtown Development.
- b) **Case No. 14547-P** – To consider rezoning approximately 125 acres within two areas located within the downtown loop (bounded by Interstate 35/70 on the north, Interstate 70 on the east; Interstate 670 on the south, and Interstate 35 on the west) and located 1) generally west of Wyandotte Street, Central Street, and Broadway Boulevard and 2) generally east of Grand Boulevard and Locust Street from Districts R-0.5 (Residential 0.5), R-1.5 (Residential 1.5), B4-5 (Heavy Business/Commercial, dash 5), and M1-5 (Manufacturing 1, dash 5) to District DC (Downtown Core) as recommended by the Greater Downtown Area Plan (approved by Committee Substitute for Resolution 100049 on March 11, 2010.)
- c) **Case No. 14550-P** – To consider rezoning approximately 1.15 acre located on the south side of W. 9th Street between Pennsylvania Avenue and Washington Street from Districts R-0.5 (Residential 0.5) and M1-5 (Manufacturing 1, dash 5) to District DR (Downtown Residential) and approximately 0.8 acre located on the east side of Washington Street,

between 11th Street and 12th Street, from District B4-5 (Heavy Business/Commercial, dash 5) to District DR (Downtown Residential) as recommended by the Greater Downtown Area Plan (approved by Committee Substitute for Resolution 100049 on March 11, 2010).

PURPOSE:

The Greater Downtown Area Plan (GDAP) was approved by City Council Resolution CS100050 on March 11 of 2010. The City Planning Department and stakeholders within the Downtown Loop have worked toward implementation of the plan, particularly rezoning and creation of certain development standards, over the past year. Review and discussion has resulted in proposed changes of zoning to Districts DC and DR, which were enacted with the new Zoning & Development Code to mirror recommendations of the GDAP. With creation of those districts, use tables were formulated. Certain revisions are proposed to the use tables. And finally, new development standards are to be created for the Downtown Loop area.

- Support GDAP goals
 - ▣ Implement land use recommendations
- Initial Tasks:
 - ▣ Revise uses/standards in “D” zoning districts
 - Align with GDAP
 - ▣ Rezoning
 - Start with Downtown Loop
 - Identify next phases



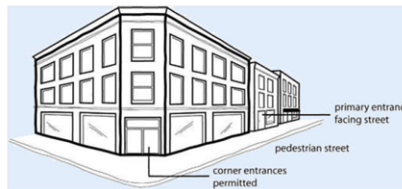
□ Better Align “D” Zoning Districts with GDAP Goals

■ Revise Permitted Uses

- Use GDAP as guide - discourage non-pedestrian oriented uses
- Slightly revise Permitted, Not Permitted, Special Uses

■ New Development Standards

- Drive through uses
- Surface parking lot standards (landscaping)
- Pedestrian oriented development
 - Pedestrian Overlay
 - Setbacks, Transparency



MEETINGS HELD:

Several stakeholder meetings have been held during the past year:

- GDAP Implementation Committee
- Downtown Council Membership and Land Use Committees
- Downtown Neighborhood Association
- Crossroads Infrastructure Committee
- Public meeting/open house March 30, 2015, 3:30 to 6:30 p.m.

AREA PLAN INFORMATION AND RECOMMENDATION:

The Greater Downtown Area Plan includes 14 neighborhoods in Kansas City, located on both sides of the Missouri River, bounded by 31st Street on the south, North Kansas City on the north, State Line on the west, and Woodland Avenue on the east.

Because of the large area encompassed by the GDAP, the initial focus for rezoning and revision of the DC and DR use tables for the downtown loop neighborhood. The intent is to work with other neighborhoods in the near future, including the Crossroads, River Market, and Columbus Park.

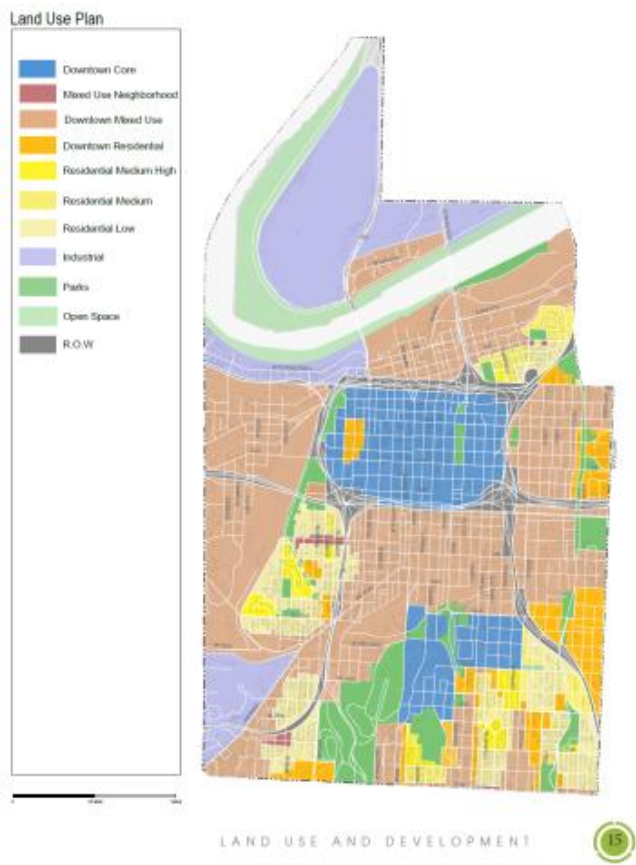


Figure 1 - Greater Downtown Area Plan - Land Use Plan

254-S-303: Zoning & Development Code Text Amendment:

- **Addition of Standards:**

Case No.
254-303-S

Amending Chapter 88,
Zoning & Development
Code, Sections 88-130
Downtown District, 88-
340 Drive-Through
Facilities, 88-420 Parking
and Loading, 88-425
Landscaping and
Screening, 88-810
Definitions, and potential
addition of Section 88-
338 Downtown
Development.

Standards for:

- Landscaping and screening for parking lots
- Drive-through uses
- Pedestrian Overlay/Walkability

88-338 DOWNTOWN DEVELOPMENT

88-338-01 BUILDING AND SITE DESIGN STANDARDS

The regulations of this article are intended preserve and enhance the character of pedestrian-oriented streets within the downtown loop and, in turn, to activate building facades, promote street-level activity, economic vitality, and pedestrian safety and comfort. The standards of this article apply to all development within the area defined as the downtown loop, unless otherwise expressly stated.

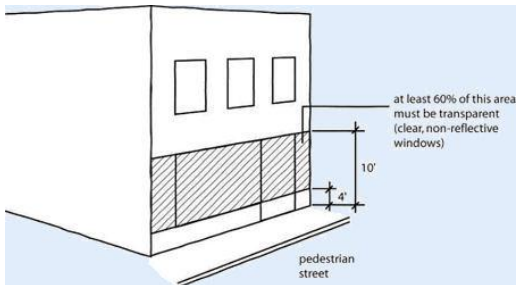
88-338-01-A. BUILDING PLACEMENT

1. Buildings must abut or be located within 5 ft. of the public sidewalk adjacent to the front property line.
 2. Buildings placement standards do not apply to arcades, public plazas, or recessed entries, in accordance with an approved development or site plan.
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88-338-01-B. GROUND-FLOOR TRANSPARENCY

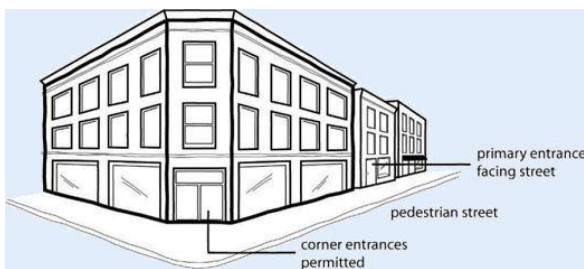
1. At least 60% of the street-facing building facade between 4 feet and 10 feet above the sidewalk must be comprised of windows that allow views of indoor commercial space ~~or~~ product display areas, or display of art, murals, or interactive lighting. On corner lots, this 60% transparency requirement applies only along one street. The minimum transparency standard abutting secondary streets is 40%.

2. Display windows that do not provide views into the interior of the building may be counted towards satisfying up to 50% of the minimum transparency requirements, provided that they are internally illuminated and are at least 2 feet in depth.
3. The bottom of any window or product display window used to satisfy these transparency requirements may not be more than 4.5 feet above the adjacent sidewalk.



88-338-01-C. DOORS AND ENTRANCES

1. Buildings must have a working public entrance door facing the street. Entrances at building corners may be used to satisfy this requirement.
2. Building entrances may include doors to individual shops or businesses, lobby entrances, entrances to pedestrian-oriented plazas, or courtyard entrances to a cluster of shops or businesses.



88-338-01-D. PARKING

1. No off-street parking is required for nonresidential uses unless such uses exceed 4,000 square feet of gross floor area, in which case off-street parking must be provided for the floor area in excess of 4,000 square feet (see 88-420 for off-street parking ratios).

2. Any off-street parking that is provided must be located behind the building or within or under the building.
3. When the depth of the lot is insufficient to permit required parking to the rear of the building, parking may be located to the side of the building, provided that it does not occupy more than 50% of the street frontage and it is screened from view of the street in accordance with 88-425 Landscaping and Screening.

88-338-01-E. DRIVEWAYS AND VEHICLE ACCESS

1. Driveways and vehicle access, when provided, must come from an alley or side street if either is present.

88-338-01-F. GROUND FLOOR COMMERCIAL SPACE

1. Minimum floor-to-ceiling height of all ground floor space within the building shall be 13 feet.

88-338-02 DRIVE-THROUGH FACILITIES

88-338-02-A. A drive-through facility shall not be a principal use of the parcel, but rather shall be accessory to a principal building on the parcel.

88-338-02-B. The principal building shall be located on the front property line, so as to form a street edge.

88-338-02-C. All functions associated with the drive-through use shall be located on the sides or rear (I not facing the boulevard or parkway) of the principal building, but may be underneath a portion of the principal structure.

88-338-02-D. A permanent porte-cochere structure shall be constructed, extending from the public right of way line to over the drive-through service windows. The porte-cochere(s) shall extend the width of the drive and be a minimum of 20 feet in length. The porte-cochere shall be structurally integrated with the principal building and design shall be consistent in respect to pattern, scale, material, and form.

88-338-02-E. Building materials used on the drive-through establishment shall be applied to all four elevations and be consistent with those of the principal building so as to form a cohesive vision.

88-338-02-F. The nearest point of the drive-through operation of any establishment, including the drive-through lane, menu board, and service windows, must be at least 50 feet from the boundary of a residentially zoned district.

88-338-02-G. Each drive-through facility must provide a minimum of 80 feet of vehicle stacking area (queue space) between the right-of-way and the first point of service to accommodate waiting vehicles and to ensure that no motor vehicles will block pedestrian

traffic on public sidewalks or vehicular traffic on public streets. The stacking area must be designed to accommodate safe and efficient on-site circulation and parking space access.

88-338-02-H. Service windows shall be a minimum of 25 feet behind the front façade (nearest the public right-of-way) of the principal building.

88-338-02-I. Ingress and egress lanes to the drive-through facility shall be from a side street or alley, unless as otherwise permitted in conjunction with a development plan or site plan.

88-338-02- J. Ingress and egress lanes should be separated, with the ingress lane no wider than 12 ft. and the egress lane no wider than 24 ft.

88-338-02- K. Traffic flow through the site shall be one-way.

88-338-02- L. Direct pedestrian access from public streets and sidewalks to the building entrances shall be provided.

88-338-02- M. Pedestrian walkways and crossings upon the site shall be clearly marked or distinguished to avoid conflict between pedestrians and traffic through the use of raised pedestrian crossings, change in paving material or embossed striping, bollards, landscaping, or other approved method. Painted striping does not meet this requirement.

88-338-02- N. A drive-through use adjacent to and within 150 ft. of a boulevard or parkway must comply with standards of 88-323.

88-338-02-O. “No Idling” or “Idle-Free Zone” signs must be posted in all off-street loading areas.

88-338-02 VEHICULAR USE AREA LANDSCAPING AND SCREENING

Landscaping and screening of vehicular use areas within the downtown loop shall be in accordance with pertinent provisions of 88-425 Landscaping and Screening.

88-425 LANDSCAPING AND SCREENING

88-425-01 SCOPE AND PURPOSE

The regulations of this article establish minimum requirements for street tree planting, parking lot/vehicular use area landscaping (perimeters and interior areas), and screening and buffering of outdoor display, storage, and work areas and loading areas. The regulations are intended to advance the general purposes of 88-10-05 and specifically to:

88-425-01-A. enhance the city's image and appearance;

88-425-01-B. protect and improve environmental conditions by providing shade, air purification, oxygen regeneration, filtering of stormwater runoff, and abatement of noise, glare and heat; and

88-425-01-C. help mitigate possible adverse impacts of higher intensity land uses located adjacent to lower intensity land uses.

88-425-02 - RELATIONSHIP TO STORMWATER MANAGEMENT

Required landscape areas may be used for stormwater management in accordance with the city's Standards, Specifications, and Design Criteria and the city's adopted Manual of Best Management Practices for Stormwater Quality.

88-425-04 - GENERAL LANDSCAPING REQUIREMENTS

88-425-04-A. SETBACKS AND OPEN SPACE

The setback and open space areas required by this zoning and development code must be landscaped, except where they are:

1. occupied by approved structures or paving;
2. screened from public view; or
3. retained in their natural (vegetated) state.

88-425-05 - PERIMETER LANDSCAPING OF VEHICULAR USE AREAS

88-425-05-A. APPLICABILITY

Unless otherwise expressly stated, the perimeter landscaping standards of this section apply to all of the following in all zoning districts:

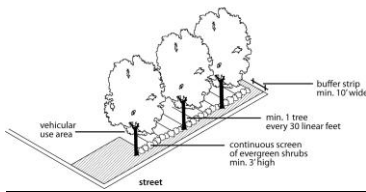
1. the construction or installation of new vehicular use areas;
2. the repair, rehabilitation or expansion of existing vehicular use areas, if such repair, rehabilitation or expansion would increase the area of the vehicular use area by more than 20%;
3. existing vehicular use areas that are accessory to an existing principal building if the building or any portion of the building is expanded or enlarged and the expansion increases the existing floor area by more than 50% or 5,000 square feet, whichever is less; and
4. the excavation and reconstruction of existing vehicular use areas if such excavation and reconstruction involves the removal of 50% or more of the asphalt, concrete or other pavement devoted to vehicular use.

88-425-05-B. ADJACENT TO STREETS

When a vehicular use area is located adjacent to a public right-of-way, perimeter landscaping must be provided to provide physical and visual separation between the

vehicular use area and the right-of-way. This requirement applies only when there are no intervening buildings between the right-of-way and the vehicular use area. Trees planted to satisfy the street tree planting requirements of 88-425-03 may be counted toward satisfying the tree planting requirements of 88-425-05-B.

1. Perimeter landscaping adjacent to street rights-of-way must be provided in the form of a perimeter landscape buffer strip located between the vehicular use area and the street right-of-way.
2. Except as provided below for vehicular use areas within the downtown loop, the landscape buffer strip must be at least 10 feet in width and be planted with at least one tree per 30 linear feet of landscape strip and enough evergreen shrubs to form a continuous visual screen at least 3 feet in height after the first growing season.



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3. Ground cover plants must cover the remainder of the required landscape strip.
4. A masonry wall, planter, or berm may be substituted for shrubs, but trees and ground cover are still required.
5. Shrubs and walls must be located on the interior of the perimeter landscape buffer strips; trees must be on the outside (street side) of the shrubs or wall.
6. On sites containing more than 250 surface (outdoor, at-grade) parking spaces, when a vehicular use area is adjacent to a public right-of-way, required perimeter landscaping must be provided in the form of:
 - (a) a berm with a minimum height of 3 feet and a maximum slope of 3:1, planted with at least 3 trees and 25 shrubs per 100 feet of berm length; or
 - (b) a landscape buffer strip with a minimum width of 25 feet, planted with at least 6 trees and 35 shrubs per 100 feet of buffer length.
7. Within the downtown loop, the landscape buffer strip:
 - (a) may be reduced to 3 feet in width, with construction of a minimum three-foot high decorative metal or wrought iron fence or brick, stone, cast stone, or stamped concrete wall. The strip must be planted with enough evergreen shrubs to form a continuous visual screen at least 3 feet in height after the first growing season;

- (b) shall not be required when adjacent to any public alley.

88-425-06 - INTERIOR LANDSCAPING OF PARKING LOTS

88-425-06-A. APPLICABILITY

Unless otherwise expressly stated, the interior landscaping standards of this section apply to all of the following in all zoning districts:

1. the construction or installation of any new parking lot containing 25 or more parking spaces in the downtown loop and Crossroads areas or 10 or more parking spaces outside the downtown loop and Crossroads areas;
2. the expansion of existing parking lots, if the expansion would create 25 or more parking spaces in the downtown loop and Crossroads areas or 10 or more new parking spaces outside the downtown loop and Crossroads areas, in which case the requirements of this section apply only to the expanded area; and
3. the excavation and reconstruction of existing parking lots containing 25 or more parking spaces in the downtown loop and Crossroads areas or 10 or more parking spaces outside the downtown loop and Crossroads areas if such excavation and reconstruction involves the removal of 50% or more of the asphalt, concrete or other parking lot surface material.

88-425-06-B. MINIMUM INTERIOR LANDSCAPE AREA

1. At least 35 square feet of interior landscape area must be provided for each parking space. If compliance with this standard would result in the loss of existing required parking spaces, the amount of parking required is automatically reduced by the amount needed to accommodate the required interior landscaping.
2. When at least 50% of interior parking lot landscape area consists of depressed bioretention areas used for storm water management the minimum landscaped area requirement is reduced from 35 square feet per parking space to 28 square feet per parking space. In order to receive this bioretention credit, the ponding area must be at least 6 inches and not more than 18 inches in depth and planted with native wildflowers/forbs and grasses.

88-425-06-C. RELATIONSHIP TO PERIMETER LANDSCAPING STANDARDS

Landscape area provided to satisfy the perimeter landscape standards of 88-425-05 may not be counted toward satisfying the interior landscaping standards of this section.

88-425-06-D. LOCATION

Required interior landscaping must be designed to enhance the appearance and safety of the parking lot area. Landscaping must be reasonably dispersed throughout parking area.

Reduced dispersal is allowed if landscape planting areas are combined to form larger, functional bioretention areas.

88-425-06-E. PLANT MATERIALS

1. **TREES**

One tree is required per 5 parking spaces.

2. **SHRUBS**

One shrub is required per parking space.

3. **GROUND COVER**

Ground cover plants must cover all interior landscape areas.

(Ord. No. 120697, § 1, 8-23-2012)

88-425-10-E. FENCES AND WALLS

Unless otherwise specified within this section for properties within the downtown loop:

1. Walls or planters must be constructed of brick, stone or other durable masonry material approved by the city planning and development director.

2. **FENCES**

Fences must be durable and constructed of wood, decorative rigid vinyl (polyvinyl chloride), metal, or wrought iron. Fence posts must be structurally stable. The finished side of the fence must face the adjacent property or street. Chain-link fencing may not be used to satisfy landscaping and screening requirements.

• **Revision of Use Tables**

Use tables are proposed for revision as indicated by red font. Columns in yellow represent current zoning within the loop, while columns in blue represent proposed districts DC and DR.

Chapter 88 Consolidated Use Table for 254-S-303, City Plan Commission 04/07/2015
 Districts being rezoned "from" in yellow; districts being rezoned "to" in blue. Also showing proposed changes to use table for Districts DC and DR

| Kansas City Zoning & Development Code Consolidated Use Table 07_22_2013 | | ZONING DISTRICTS | | | | | | | | | | | | | | | | Use-Specific Standards | | | | | | | | |
|--|--------------|------------------|------|------|-------|-----|-----|-----|-------|----------|-------|-------|---|--------|----|----|--------|------------------------|----|----|-----|-----|----|----|---|---|
| USE GROUP | Use Category | RESIDENTIAL | | | | | | | | BUSINESS | | | | D'TOWN | | | MANUF. | | | | | | | | | |
| specific use type | | AG-R | R 80 | R 10 | R 7.5 | R R | R 6 | R 5 | R 2.5 | R 1.5 | R 0.5 | R 0.3 | O | B1 | B2 | B3 | B4 | DC | DX | DR | M1 | M2 | M3 | M4 | | |
| RESIDENTIAL | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Household Living (except as noted below) | | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P |
| <i>Single family home</i> | | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P |
| <i>In single-purpose residential building</i> | | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P |
| <i>Above ground floor (in mixed-use building)</i> | | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| Group Living (except as noted below) | | - | - | - | - | - | - | - | S | S | S | P | P | P | P | P | P | S | S | S | S | S | S | S | S | S |
| <i>Group homes</i> | | - | - | - | - | - | - | - | P | P | P | P | P | P | P | P | P | S | S | S | S | S | S | S | S | S |
| <i>Nursing home</i> | | - | S | S | S | S | S | S | S | P | P | P | P | P | P | P | P | S | S | S | S | S | S | S | S | S |
| PUBLIC/CIVIC | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Bicycle-Sharing Facility | | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P |
| Club, Lodge, or Fraternal Organization | | - | - | - | - | - | - | - | - | - | - | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P |
| College/University | | P | P/S | P/S | P/S | P/S | P/S | P/S | P/S | P/S | P/S | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P |
| Day Care | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <i>Home-based (1-5)</i> | | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P |
| <i>Family (up to 10)</i> | | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P |
| <i>Group (up to 20)</i> | | - | S | S | S | S | S | S | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P |
| <i>Center (21+)</i> | | P | P | - | - | - | - | - | - | - | - | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P |
| Detention and Correctional Facilities | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <i>Halfway House</i> | | - | S | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | S | S | S | S | S |
| <i>Hospital</i> | | - | - | - | - | - | - | - | - | - | - | S | P | P | P | P | P | S | S | S | S | - | - | - | - | - |
| Library/Museum/Cultural Exhibit | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <i>Park/Recreation (except as noted below)</i> | | - | P/S | - | - | - | P/S | P/S | P/S | P/S | P/S | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P |
| <i>Community center</i> | | P | P/S | P/S | P/S | P/S | P/S | P/S | P/S | P/S | P/S | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P |
| <i>Homes Association Amenities</i> | | P/S | P/S | P/S | P/S | P/S | P/S | P/S | P/S | P/S | P/S | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P |
| Religious Assembly | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <i>Safety Service (except as noted below)</i> | | - | S | S | S | S | S | S | S | S | S | P | P | P | P | P | P | P | P | P | P | P/S | P | P | P | P |
| <i>Fire station</i> | | - | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P |
| <i>Police station</i> | | - | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P/S | P | P | P | P |
| <i>Ambulance service</i> | | - | S | S | S | S | S | S | S | S | S | S | S | P | P | P | P | P | P | P | P/S | P | P | P | P | P |
| School | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <i>Utilities and Services (except as noted below)</i> | | P | P/S | P/S | P/S | P/S | P/S | P/S | P/S | P/S | P/S | P | P | P | P | P | P | P | P | P | P | P/S | P | P | P | P |
| <i>Basic, minor</i> | | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P |
| COMMERCIAL | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Adult Business | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <i>Adult media store</i> | | - | - | - | - | - | - | - | - | - | - | - | - | P | P | P | P | P | P | P | P | P | P | P | P | P |
| <i>Adult motion picture theater</i> | | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | P | P | P | P | P |
| <i>Sex shop</i> | | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | P | P | P | P | P |
| Animal Service | | | | | | | | | | | | | | | | | | | | | | | | | | |

P= Use permitted as of right | S= Use requires special use approval | - = Use is not allowed

Chapter 88 Consolidated Use Table for 254-S-303, City Plan Commission 04/07/2015
 Districts being rezoned "from" in yellow; districts being rezoned "to" in blue. Also showing proposed changes to use table for Districts DC and DR

| Kansas City Zoning & Development Code Consolidated Use Table 07_22_2013 | ZONING DISTRICTS | | | | | | | | | | | | | | | | Use-Specific Standards | | | | | | |
|--|------------------|------|------|-------|-----|-----|-------|-------|----------|-------|---|----|---------|----|----|--------|------------------------|----|----|----|----|----|--------|
| | RESIDENTIAL | | | | | | | | BUSINESS | | | | D' TOWN | | | MANUF. | | | | | | | |
| | AG-R | R 80 | R 10 | R 7.5 | R 6 | R 5 | R 2.5 | R 1.5 | R 0.5 | R 0.3 | O | B1 | B2 | B3 | B4 | DC | | DX | DR | M1 | M2 | M3 | M4 |
| Use Category | | | | | | | | | | | | | | | | | | | | | | | |
| specific use type | | | | | | | | | | | | | | | | | | | | | | | |
| Sales and grooming | - | - | - | - | - | - | - | - | - | - | - | P | P | P | P | P | P | -S | P | P | P | P | 88-315 |
| Shelter or boarding | P | P | - | - | - | - | - | - | - | - | - | P | P | P | P | P | - | - | P | P | P | P | 88-315 |
| Stable | P | P | - | - | - | - | - | - | - | - | - | - | - | - | S | - | S | - | P | P | P | P | 88-315 |
| Veterinary Office | P | P | - | - | - | - | - | - | - | - | - | - | P | P | P | P | P | -S | P | P | P | P | 88-315 |
| Artist Work or Sales Space | - | - | - | - | - | - | - | - | - | - | - | - | P | P | P | P | P | P | P | P | P | P | |
| Building Maintenance Service | - | - | - | - | - | - | - | - | - | - | - | - | - | P | P | P | P | - | P | P | P | P | |
| Business Equipment Sales and Service | - | - | - | - | - | - | - | - | - | - | - | - | - | P | P | P | P | - | P | P | P | P | |
| Business Support Service(except as noted below) | - | - | - | - | - | - | - | - | - | - | - | - | - | P | P | P | P | P | - | P | P | P | |
| Day labor employment agency | - | - | - | - | - | - | - | - | - | - | - | - | - | - | S | - | S | - | S | S | P | P | 88-331 |
| Communications Service Establishments | - | - | - | - | - | - | - | - | - | - | - | P | - | P | P | P | P | - | P | P | P | P | |
| Drive-Through Facility | - | - | - | - | - | - | - | - | - | - | - | - | - | P | P | P | S | S | - | P | P | - | 88-340 |
| Eating and Drinking Establishments(except as noted below) | - | - | - | - | - | - | - | - | - | - | - | P | P | P | P | P | P | P | P | P | P | P | |
| Tavern or nightclub | - | - | - | - | - | - | - | - | - | - | - | - | - | P | P | P | P | S | - | P | P | P | |
| Entertainment and Spectator Sports | | | | | | | | | | | | | | | | | | | | | | | |
| Indoor small venue (1-149 capacity) | - | S | - | - | - | - | - | - | - | - | - | - | P | P | P | P | P | R | S | P | S | S | - |
| Indoor medium venue (150-499 capacity) | - | S | - | - | - | - | - | - | - | - | - | - | S | P | P | P | P | S | P | S | S | - | |
| Indoor large venue (500+ capacity) | - | S | - | - | - | - | - | - | - | - | - | - | - | S | P | S | S | S | P | S | S | - | |
| Outdoor (all sizes) | - | S | - | - | - | - | - | - | - | - | - | - | - | S | P | S | S | S | P | S | S | - | |
| Financial Services(except as noted below) | | | | | | | | | | | | | | | | | | | | | | | |
| Short-term loan establishment | - | - | - | - | - | - | - | - | - | - | - | - | S | P | P | P | P | P | P | S | S | S | |
| Rawn shop | - | - | - | - | - | - | - | - | - | - | - | - | - | S | S | P | - | - | - | P | S | S | 88-325 |
| Food and Beverage Retail Sales | - | - | - | - | - | - | - | - | - | - | - | - | P | P | P | P | P | P | P | P | P | P | |
| Funeral and Interment Service | | | | | | | | | | | | | | | | | | | | | | | |
| Cemetery/columbarium/mausoleum | P | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | - | - | - | - | - | - | 88-345 |
| Crematory | - | S | S | S | S | S | S | S | S | S | S | S | S | S | S | - | - | - | P | P | P | P | 88-345 |
| Undertaking | - | - | - | - | - | - | - | - | - | - | - | - | S | P | P | P | P | P | - | P | P | P | |
| Gasoline and Fuel Sales | - | - | - | - | - | - | - | - | - | - | - | - | S | S | S | P | S | S | - | P | P | P | |
| Lodging | | | | | | | | | | | | | | | | | | | | | | | |
| Bed and breakfast | - | S | - | - | - | S | S | S | S | - | - | P | P | P | P | P | P | P | - | - | - | - | 88-320 |
| Hotel/motel | - | - | - | - | - | - | - | - | - | - | - | - | - | P | P | P | P | S | - | - | - | - | |
| Recreational vehicle park | P | S | - | - | - | - | - | - | - | - | - | - | - | S | S | - | - | - | - | - | - | - | |
| Neighborhood-serving retail | - | S | S | S | S | S | S | S | S | - | - | - | - | - | - | - | - | - | - | - | - | - | 88-360 |
| Office, Administrative, Professional or General | - | - | - | - | - | - | S | S | S | P | P | P | P | P | P | P | P | P | P | P | P | P | |
| Office, Medical (except as noted below) | - | - | - | - | - | - | - | - | - | - | P | P | P | P | P | P | P | -P | - | P | P | - | |
| Blood/plasma center | - | - | - | - | - | - | - | - | - | - | - | - | S | S | S | S | - | - | P | P | - | - | |
| Parking, Non-accessory | - | - | - | - | - | - | - | - | - | - | - | - | S | P | P | S | S | S | P | P | P | P | |
| Personal Improvement Service | - | - | - | - | - | - | - | - | - | - | - | P | P | P | P | P | P | P | P | P | P | P | |
| Repair or Laundry Service, Consumer | - | - | - | - | - | - | - | - | - | - | - | - | P | P | P | P | P | S | - | P | P | - | |
| Research Service | - | - | - | - | - | - | - | - | - | - | - | P | P | P | P | P | P | -S | P | P | P | P | |

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Chapter 88 Consolidated Use Table for 254-S-303, City Plan Commission 04/07/2015
 Districts being rezoned "from" in yellow; districts being rezoned "to" in blue. Also showing proposed changes to use table for Districts DC and DR

| Kansas City Zoning & Development Code Consolidated Use Table 07_22_2013 | | ZONING DISTRICTS | | | | | | | | | | | | | | Use-Specific Standards | | | | | | | | | |
|--|-----------------------------------|------------------|------|------|-------|-----|-----|-------|-------|----------|-------|-----|-----|---------|-----|------------------------|--------|----|----|----|----|----|----|---|---|
| USE GROUP | Use Category specific use type | RESIDENTIAL | | | | | | | | BUSINESS | | | | D' TOWN | | | MANUF. | | | | | | | | |
| | | AG-R | R 80 | R 10 | R 7.5 | R 6 | R 5 | R 2.5 | R 1.5 | R 0.5 | R 0.3 | O | B1 | B2 | B3 | B4 | DC | DX | DR | M1 | M2 | M3 | M4 | | |
| Retail Sales | | - | - | - | - | - | - | - | - | - | - | - | P | P | P | P | P | P | P | P | P | P | P | P | |
| Reuse of designated historic landmark (local or national) | | - | - | S | S | S | S | S | S | S | P/S | P/S | P/S | P/S | P/S | - | P | - | - | - | - | - | - | | |
| Sports and Recreation, Participant | | - | - | - | - | - | - | - | - | - | - | - | P | P | P | P | P | P | S | P | S | S | - | - | |
| Indoor | | - | - | - | - | - | - | - | - | - | - | - | P | P | P | P | P | P | S | P | S | S | - | - | |
| Outdoor | | P | S | - | - | - | - | - | - | - | - | - | - | - | - | - | S | S | S | P | S | S | - | - | |
| Vehicle Sales and Service(except as noted below) | | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | |
| Car wash/cleaning service | | - | - | - | - | - | - | - | - | - | - | - | S | P | P | P | S | S | - | - | P | P | P | P | |
| Heavy equipment sales/rental | | - | - | - | - | - | - | - | - | - | - | - | - | S | P | P | - | S | - | - | P | P | P | P | |
| Light equipment sales/rental (indoor) | | - | - | - | - | - | - | - | - | - | - | - | - | P | P | P | S | S | - | - | P | P | - | - | |
| Light equipment sales/rental (outdoor) | | - | - | - | - | - | - | - | - | - | - | - | - | S | P | P | S | S | - | - | P | P | - | - | |
| Motor vehicle repair, limited | | - | - | - | - | - | - | - | - | - | - | - | - | S | P | P | S | S | - | - | P | P | P | P | |
| Motor vehicle repair, general | | - | - | - | - | - | - | - | - | - | - | - | - | S | P | P | - | S | - | - | P | P | P | P | |
| Vehicle storage/towing | | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | P | - | S | - | - | P | P | P | P |
| INDUSTRIAL | | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | |
| Junk/Salvage Yard | | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | S | P | - | |
| Manufacturing, Production and Industrial Service | | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | |
| Artisan | | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | P | P | P | - | P | P | P | P | |
| Limited | | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | S | S | S | - | S | P | P | P | |
| General | | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | S | - | S | - | - | S | P | P | P |
| Intensive | | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | P | P |
| Mining and Quarrying | | P | S | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | S | S | S | S | - | |
| Outdoor Storage | | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | P | P | P |
| Recycling Service | | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | |
| Limited | | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | S | S | - | P | P | P | P | |
| General | | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | S | S | P |
| Residential Storage Warehouse | | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | |
| Warehousing, Wholesaling, Freight Movement | | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | |
| Indoor | | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | |
| Outdoor | | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | |
| Waste-Related Use | | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | |
| Composting Facility | | S | S | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | S | S | S | S | - | |
| Demolition debris landfill | | - | S | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | |
| Solid waste separation facility | | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | |
| Transfer station | | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | S | S | |
| AGRICULTURE | | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | |
| Agriculture, Animal | | P | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | - | S* | P* | - | S* | | |
| Agriculture, Crop | | P | P/S | P/S | P/S | P/S | P/S | P/S | P/S | P/S | P | P | P | P | P | P | P | P | P | P | P | P | P | P | |
| Agriculture, Urban | | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | |
| Home garden | | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | |

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| USE GROUP | Use Category specific use type | RESIDENTIAL | | | | | | | | BUSINESS | | | | D' TOWN | | | MANUF. | | | | | | | |
| | | AG-R | R 80 | R 10 | R 7.5 | R 6 | R 5 | R 2.5 | R 1.5 | R 0.5 | R 0.3 | O | B1 | B2 | B3 | B4 | DC | DX | DR | M1 | M2 | M3 | M4 | |
| Community garden | | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | |
| Community-supported agriculture (CSA) farm | | P | P | S | S | S | S | S | S | S | P | P | P | P | P | P | P | P | P | P | P | P | P | |
| ACCESSORY SERVICES | | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | |
| Wireless Communication Facility | | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | |
| Freestanding | | P | P | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | P | P | P |
| Co-located antenna | | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | |

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REZONING CASES 14547-P AND 14550-P:

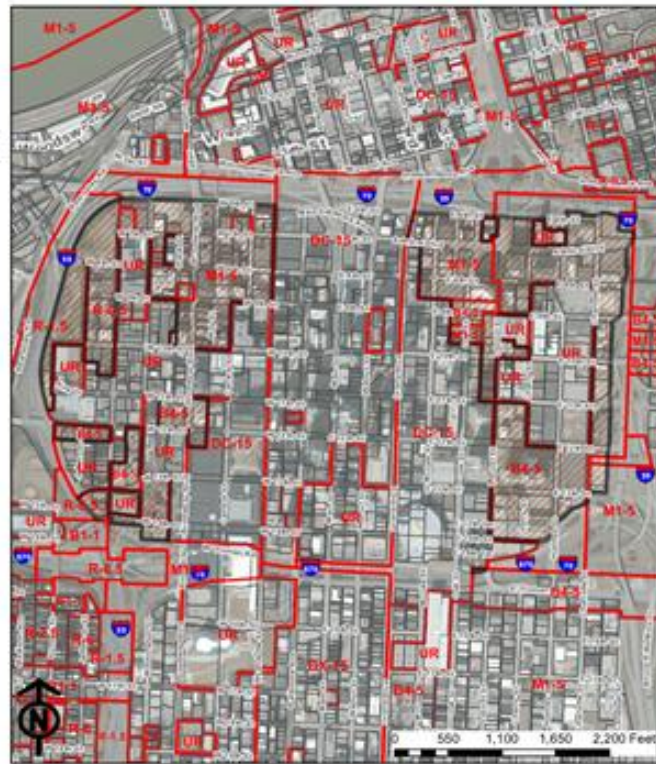
In compliance with City policy, the plan states that “Rezoning to District UR (Urban Redevelopment) will be required for all redevelopment seeking PIEA abatement unless the developer follows the Department of the Interior Standards or rezoning is waived by the City Planning Department Director. Rezoning to UR or granting of a waiver must be complete prior to the commencement of any PIEA incentives under this plan.”

- **Rezoning – Districts Affected**

- Rezoning from:
 - M1-5 (Manufacturing 1)
 - B4-5 (Heavy Business/Commercial 4)
 - R0.5 (Residential, 500 sq. ft./unit) and
R1.5 (Residential, 1,500 sq. ft./unit)
- Rezoning to:
 - DC-1.5: Downtown Core, intensifier (intensity 1.5)
 - DR: Downtown Residential

Case No. 14547-P

To consider rezoning approximately 125 acres within two areas located within the downtown loop (bounded by Interstate 35/70 on the north, Interstate 70 on the east, Interstate 670 on the south, and Interstate 35 on the west) and located 1) generally west of Wyandotte Street, Central Street, and Broadway Boulevard and 2) generally east of Grand Boulevard and Locust Street from Districts R-0.5 (Residential 0.5), R-1.5 (Residential 1.5), B4-5 (Heavy Business/Commercial, dash 5), and M1-5 (Manufacturing 1, dash 5) to District DC (Downtown Core) as recommended by the Greater Downtown Area Plan (approved by Committee Substitute for Resolution 100049 on March 11, 2010.)



**Case No.
14550-P**

To consider rezoning approximately 0.6 acre located at the southwest corner of W. 9th Street and Washington Street from District M1-5 (Manufacturing 1, dash 5) to District DR (Downtown Residential) and approximately 0.8 acre located on the east side of Washington Street, between 11th Street and 12th Street, from District B4-5 (Heavy Business/Commercial, dash 5) to District DR (Downtown Residential) as recommended by the Greater Downtown Area Plan (approved by Committee Substitute for Resolution 100049 on March 11, 2010.)



Downtown Core



Northwest Quadrant of Downtown Core



Northeast Quadrant of Downtown Core



Southwest Quadrant of Downtown Core



- **Downtown Zoning Districts:**

88-130-02 PURPOSE

88-130-02-A. GENERAL

The general purposes of the downtown (D) districts are to:

1. implement the goals and policies of the Downtown Land Use and Development Plan;
2. maintain and enhance the downtown core as a high-intensity, mixed-use center;
3. attract a mix of residential and neighborhood-serving uses in the areas adjacent to the downtown core;
4. create and enhance pedestrian-oriented streets to preserve retail vitality and enhance the quality of life for downtown residents, workers and visitors;
5. establish standards for building facades, ground floor uses, and parking that enhance the vitality and appeal of the downtown area; and
6. provide a streamlined review and approval process for development proposals that are consistent with the Downtown Land Use and Development Plan.

88-130-02-B. DC, DOWNTOWN CORE

The DC, Downtown Core district is primarily intended to promote high-intensity office and employment growth within the downtown core. The DC district regulations recognize and support downtown's role as a center of regional importance and as a primary hub for business, communications, office, government, retail, cultural, educational, visitor accommodations, and entertainment. The district regulations are primarily intended to accommodate a broad mix of office, commercial, public, recreation, and entertainment uses. The DC district also accommodates residential development, both in a stand-alone high-density form and mixed with office and retail uses.

88-130-02-C. DX, DOWNTOWN MIXED-USE

The DX, Downtown Mixed-Use district is primarily intended to accommodate office, commercial, custom manufacturing, public, institutional, and residential development, generally at lower intensities than in the DC district. The DX district promotes a mix of land uses both horizontally (i.e., adjacent to one another) and vertically (i.e., within the same building).

88-130-02-D. DR, DOWNTOWN RESIDENTIAL

The DR, Downtown Residential district is primarily intended to accommodate residential development and small-scale commercial uses on lower floors, with residential units above.

Historically, much of downtown was zoned either industrial, to accommodate the garment manufacturing district, or commercial. Particularly within the area known as the Garment District, in the northwest corner of the loop, these manufacturing uses have ceased operation over the years. Most recently, in late 2013 and early 2014, a drive-through restaurant franchise applied for a building permit on property zoned M1-5 and was significantly opposed. While the DC zone would have required a special use permit for a drive-through use, the property remained zoned M1-5. A text amendment (Case No. 254-S-287) resulted in passage of Ordinance 130922, requiring development plan approval for any proposed drive-through use located within the downtown loop (unless a special use permit was otherwise required.)

- **Comparison of Pertinent Lot and Building Standards in Affected Districts:**

| Pertinent Lot and Building Standards in affected districts | | | | | | |
|--|----------------|----------------|------|------|--------------------|--------------------|
| From: | | | | | To: | |
| | R-1.5 | R-0.5 | B4-5 | M1-5 | DC-15 (14547-P) | DR-15 (14550-P) |
| Maximum Height (ft) | 45 | 164 | None | None | None | None |
| Floor Area Ratio (FAR) | Not applicable | Not applicable | 6.0 | 5.0 | 15.0 | 15.0 |

Notification Process:

- Notice sent regarding City Plan Commission (April 7) and Planning, Zoning & Economic Development Committee hearings
- After City Council passage of ordinances changing zoning:
 - Notice published in paper on 2 successive weeks
 - For any known property to be rendered nonconforming, CP&D mails and posts copy of notice

Nonconforming Uses that May Result:

Although a land use survey was done in conjunction with approval of the land use plan and then by an intern during the summer of 2014, it is often difficult to know what uses may be inside large, multi-story, often locked buildings. While only a few nonconforming uses were found, staff has been contacted by a couple of businesses since notices were sent. One is a wholesale distributor of fastening materials, while the other is a cosmetics manufacturer.

Note that zoning from Districts R1.5 and R 0.5 is not included in the next table. Any rezoning from these districts would result in an increase in allowable uses and density. Also, several uses for which the zoning change results in a similar increase are not listed.

| <i>Use</i> | <i>In Current Zoning</i> | <i>Proposed Zoning</i> | <i>Becomes Nonconforming or special use?</i> |
|---|---------------------------------------|--|---|
| RESIDENTIAL | | | |
| Group Living | <i>B4 permitted;</i> | <i>DC & DR special use</i> | <i>Special use</i> |
| PUBLIC / CIVIC | | | |
| Detention and Correctional Facilities | <i>M1 permitted</i> | <i>DR special use</i> | <i>Special use</i> |
| Halfway House | <i>M1</i> | <i>DC & DR not allowed</i> | <i>CLN</i> |
| COMMERCIAL | | | |
| Animal Service Stable | <i>B4 special use; M1 permitted</i> | <i>DC & DR not allowed</i> | <i>Special use if B4 or nonconforming if M1</i> |
| Business Support Service Day Labor Employment Agency | <i>B4 and M1 permitted</i> | <i>DC permitted and DR not allowed</i> | <i>CLN in DR</i> |
| Financial Services Pawn Shop | <i>B4 and M1 permitted</i> | <i>DC special use; DR not allowed</i> | <i>Special use in DC or CLN in DR</i> |
| Funeral and Interment Service Cemetery/columbarium/mausoleum | <i>B4 special use; M1 not allowed</i> | <i>DC & DR not allowed</i> | <i>Special use if B4</i> |
| Funeral and Interment Service Crematory | <i>B4 and M1 permitted</i> | <i>DC & DR not allowed</i> | <i>CLN</i> |
| Gasoline and Fuel Sales | <i>B4 and M1 permitted</i> | <i>DC special use; DR not allowed</i> | <i>Special use</i> |
| Lodging Recreational Vehicle Park | <i>B4 special use; M1 not allowed</i> | <i>DC & DR not allowed</i> | <i>Special use if B4</i> |
| Vehicle Sales and Service Car wash/cleaning service | <i>B4 and M1 permitted</i> | <i>DC special use; DR not allowed</i> | <i>Special use in DC or CLN in DR</i> |
| Vehicle Sales and Service Heavy equipment sales/rental | <i>B4 and M1 permitted</i> | <i>DC & DR not allowed</i> | <i>Nonconforming</i> |
| Vehicle Sales and Service Motor vehicle repair general | <i>B4 and M1 permitted</i> | <i>DC & DR not allowed</i> | <i>Special use</i> |
| Vehicle Sales and Service light equipment sales/rental, indoor | <i>B4 and M1 permitted</i> | <i>DC special use; DR not allowed</i> | <i>Special use</i> |

| | | | |
|--|---------------------------------------|---------------------------------------|----------------------|
| Vehicle Sales and Service light equipment sales/rental, outdoor | <i>B4 and M1 permitted</i> | <i>DC special use; DR not allowed</i> | <i>Special use</i> |
| Vehicle Sales and Service motor vehicle repair, limited | <i>B4 and M1 permitted</i> | <i>DC special use; DR not allowed</i> | <i>Special use</i> |
| Vehicle Sales and Service motor vehicle repair, general | <i>B4 and M1 permitted</i> | <i>DC & DR not allowed</i> | <i>Nonconforming</i> |
| Vehicle Sales and Service vehicle storage/towing | <i>B4 and M1 permitted</i> | <i>DC & DR not allowed</i> | <i>Nonconforming</i> |
| Manufacturing, Production, and Industrial Service, Limited | <i>B4 special use; M1 permitted</i> | <i>DC & DR special use</i> | <i>Nonconforming</i> |
| INDUSTRIAL | | | |
| Manufacturing, Production, and Industrial Service, General | <i>B4 and M1 special use</i> | <i>DC & DR not allowed</i> | <i>Nonconforming</i> |
| Outdoor Storage, principal use | <i>B4 and M1 permitted</i> | <i>DC & DR not allowed</i> | <i>Nonconforming</i> |
| Parking, Non-accessory | <i>Not addressed</i> | <i>DC special use; DR not allowed</i> | <i>Special use</i> |
| Recycling Service, General | <i>B4 not allowed; M1 special use</i> | <i>DC & DR not allowed</i> | <i>Nonconforming</i> |
| Residential Storage Warehouse | <i>B4 and M1 permitted</i> | <i>DC special use; DR not allowed</i> | <i>Special use</i> |
| Sports and Recreation Participant, Outdoor | <i>B4 and M1 permitted</i> | <i>DC permitted; DR special use</i> | <i>Special use</i> |
| Warehousing, Wholesaling, and Freight Movement, Indoor | <i>B4 and M1 permitted</i> | <i>DC & DR not allowed</i> | <i>Nonconforming</i> |
| Waste-Related Use, Composting facility | <i>B4 not allowed; M1 special use</i> | <i>DC & DR not allowed</i> | <i>Nonconforming</i> |
| Waste-Related Use, Demolition debris landfill | <i>B4 not allowed; M1 special use</i> | <i>DC & DR not allowed</i> | <i>Nonconforming</i> |
| ACCESSORY SERVICES | | | |
| Wireless Communication Facility, Freestanding | <i>B4 and M1 permitted</i> | <i>DC & DR not allowed</i> | <i>Nonconforming</i> |

It should be noted that:

- Revisions to the use tables and rezoning of properties may affect certain unknown industrial uses not clearly visible during the land use surveys:**
 - Manufacturing, Production, and Industrial Service uses (limited or general, refer to 88-805-05-B.)
 - Warehousing, Wholesaling, and Freight Movement uses (indoor; outdoor not allowed in any of the affected districts)
- Property owner will be notified of rezoning and should, if necessary, apply for a Certificate of Legal Nonconformance
- Application must be made within one year
 - May be processed after one year if certain information provided (additional proof)
- Appeals may be made to the Board of Zoning Adjustment

It should also be noted that if a property was a permitted (P) use but becomes a special use, the special use would become a lawfully established special use.

88-25-05-B. When any amendment to this zoning and development code changes the classification of a permitted use to a special use, any use lawfully established before such amendment will be considered a lawfully established special use after the effective date of such amendment.

Recommendation:

- a) Case No. 254-S-303** – Amending Chapter 88, Zoning & Development Code, Sections 88-130 Downtown Districts, 88-340 Drive-Through Facilities, 88-420 Parking and Loading, 88-425 Landscaping and Screening, 88-810 Definitions, **and potential addition of Section 88-338 Downtown Development.**
City Planning & Development Department Staff recommends approval.
- b) Case No. 14547-P** – To consider rezoning approximately 125 acres within two areas located within the downtown loop (bounded by Interstate 35/70 on the north, Interstate 70 on the east; Interstate 670 on the south, and Interstate 35 on the west) and located 1) generally west of Wyandotte Street, Central Street, and Broadway Boulevard and 2) generally east of Grand Boulevard and Locust Street from Districts R-0.5 (Residential 0.5), R-1.5 (Residential 1.5), B4-5 (Heavy Business/Commercial, dash 5), and M1-5 (Manufacturing 1, dash 5) to District DC (Downtown Core) as recommended by the Greater Downtown Area Plan (approved by Committee Substitute for Resolution 100049 on March 11, 2010.)
City Planning & Development Department staff recommends approval.
- c) Case No. 14550-P** – To consider rezoning approximately 1.15 acre located on the south side of W. 9th Street between Pennsylvania Avenue and Washington Street from Districts

R-0.5 (Residential 0.5) and M1-5 (Manufacturing 1, dash 5) to District DR (Downtown Residential) and approximately 0.8 acre located on the east side of Washington Street, between 11th Street and 12th Street, from District B4-5 (Heavy Business/Commercial, dash 5) to District DR (Downtown Residential) as recommended by the Greater Downtown Area Plan (approved by Committee Substitute for Resolution 100049 on March 11, 2010).

City Planning & Development Department staff recommends approval.

Respectfully Submitted,

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Planner
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