

From: [Sanders, Marilyn](#)
To: [Sanders, Monica](#)
Cc: [Rice, Howard](#)
Subject: FW: CASE NO. CD-CPC-2022-00114; Ordinance No. 220936
Date: Monday, December 12, 2022 4:16:26 PM

From: Bough, Andrea <Andrea.Bough@kcmo.org>
Sent: Monday, December 12, 2022 3:05 PM
To: Sanders, Marilyn <Marilyn.Sanders@kcmo.org>; Rice, Howard <Howard.Rice@kcmo.org>
Subject: Fwd: CASE NO. CD-CPC-2022-00114; Ordinance No. 220936

Can you make sure this is included on the website?

Andrea Bough
Councilwoman, 6th District at Large
City of Kansas City, MO
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Sent from my iPhone

Begin forwarded message:

From: Tom Grimaldi <tgrimaldi8kids@gmail.com>
Date: December 9, 2022 at 10:49:38 AM CST
To: "Bough, Andrea" <Andrea.Bough@kcmo.org>, "Barnes, Lee" <Lee.Barnes@kcmo.org>, "McManus, Kevin" <Kevin.McManus@kcmo.org>, "Bunch, Eric" <Eric.Bunch@kcmo.org>, "Parks-Shaw, Ryana" <Ryana.Parks-Shaw@kcmo.org>, "Shields, Katheryn" <Katheryn.Shields@kcmo.org>
Cc: "Foster, Katrina" <Katrina.Foster@kcmo.org>, "McCoy, Keema" <Keema.McCoy@kcmo.org>, Public Testimony <Public.Testimony@kcmo.org>, "Wickham, Fred" <Fred.Wickham@kcmo.org>
Subject: CASE NO. CD-CPC-2022-00114; Ordinance No. 220936

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Dear Councilwomen Bough, Shields, and Parks-Shaw, and Councilmen Bunch, Barnes, and McManus

My name is Tom Grimaldi.

I am writing in opposition to the rezoning request submitted by the Foutch Brothers, developers of the former St. Francis Xavier grade school located at 5220 Troost Ave. (Case No. CD-CPC-2022-00114; Ordinance No. 220936).

This matter is scheduled to be considered before the Neighborhood Planning and Development Committee on December 14, 2022.

I am contacting you because I reside in the 6th Council District, and the property that is subject to this rezoning request sits on the border between the 4th and 5th Council Districts.

My Background

I have lived at 414 Huntington Rd., for almost 36 years, and except for the 4 years I attended college and one year after college, I have lived in Kansas City, MO my entire life. My siblings and I attended St. Francis Xavier parish and SFX grade school from kindergarten through the 8th grade. My father, Frank Grimaldi, was also the principal architect for SFX grade school.

I am a recently retired lawyer, having worked the last 35 years as an in-house attorney for Sprint and its varied subsidiaries and spun-off companies. I am currently the president of the Country Club Homes Association (“CCHA”), which consists of 289 homes located in the Brookside area; however, please note that the statements and opinions in this letter are my own and not those of the CCHA.

Since at least 1980 I have been a long-time interested observer of events that happen around Rockhurst University, UMKC, the Stowers Institute, the Kauffman Foundation headquarters, the Troost Avenue and Brush Creek corridors, and the neighborhoods surrounding them. This rezoning request affects a key structure in the midst of this important part of the city.

Considering This Rezoning Request Without a Plan Sets a Bad Precedent

My biggest concern with this rezoning request is the precedent the council would be setting — or affirming — if it allows this rezoning change to be submitted and considered by the city **without requiring the developer to submit a plan**.

This site is currently zoned R-1.5, and the developer is asking to rezone the site to B-1 in order “to allow for more diverse uses in the space.” (CPC Staff Report, September 6, 2022, Summary of Request + Key Points.).

This change from R-1.5 to B-1 triggers a significant change in the allowable uses for the property, and in many parts of town such a request would not only attract a lot of interest, it would be considered controversial. This is true even if such a request were to be submitted by the applicant with a plan. In this case this request has generated a lot of opposition, including for reasons besides the failure to include a plan. The property in question is uniquely located, sitting squarely between the two largest universities in the city, adjacent to a 75-year-old historically significant Catholic Church, and along one of the city’s major North-South thoroughfares. For all of these reasons this request, submitted without a plan, should be subject to intense scrutiny and review by the Neighborhood Planning and Development Committee, and the Council.

The developer claims he did not submit a plan with this rezoning request because until the rezoning is approved, he cannot finalize a plan for the site. This argument turns the rezoning application process on its head, and if carried to its logical conclusion it would mean there could NEVER be a rezoning request submitted with a plan. If the developer can avoid submitting a plan by making this argument, then the city might as well eliminate the need to ever submit a plan with a rezoning request.

Clearly the developer has a plan for what he wants to do with this site if the rezoning request is granted. He may not have a signed agreement with his targeted potential lessee, but the developer surely knows what he wants to use the property for. Otherwise, how would the developer know whether the new zoning he is seeking — in this case B-1 — is sufficient to allow for his planned use on this site?

The developer’s argument for not including a plan with his rezoning application also means the neighbors and the city will be making a decision without understanding all of the possible ramifications if the new zoning is granted. A B-1 zoning is sufficiently broad to allow for a large number of potential uses for this site, some of which might be considered detrimental or unwanted in this neighborhood. If the city is going to consider this rezoning request, it should require the developer to submit a plan so the application can be reviewed with all relevant information on the table.

In this case there seems to be an understanding, or perhaps a shared belief, that the developer has engaged in discussions with a company that wants to use the site for a drug treatment and residential rehabilitation facility. (I am unaware if there is anything on the record in this case that mentions this rumored use of the subject site.) If these rumors are true, they raise a large number of questions and concerns about this planned use and whether it and its operator are appropriate for this site. Whether these rumors are true or not, the city at a minimum must require that this

rezoning request will only be considered once the developer submits evidence **on the record** of possible uses it is considering for this site if the request is granted. It is better to have this information now because once the site is rezoned B-1, the city will have less control over how this new zoning is used.

Another person opposing this application told me the city has received letters opposing this rezoning request from UMKC, Rockhurst University, the Southtown Council, the Troost Avenue Community Improvement District, the Rockhill Crest Homes Association, and the 49/63 Neighborhood Coalition. I have not been able to confirm this, but if all of these interested parties are on the record as opposing this application, then the Neighborhood Planning and Development Committee owes these neighbors and interested parties a review that considers all relevant facts, publicly disclosed and debated, before making a decision.

Recent Changes at Rockhurst University Need to be Considered in Weighing this Request

City Ordinance Section 88-515-08 requires the City Planning and Development Director, the CPC, and the City Council, among other things, to evaluate the rezoning request in light of the “zoning and use of nearby property” (Section 88-515-08-B), and the “physical character of the area in which the subject property is located” (Section 88-515-08-C).

Surprisingly the City Plan Commission Staff Report dated September 6, 2022, fails to mention that the subject property is located directly across the street from Sedgwick Hall, a long-time classroom building on the Rockhurst University campus. This is relevant because Sedgwick Hall recently underwent a \$23 million renovation in preparation for it becoming the new home of the Saint Luke’s College of Nursing and Health Sciences, which became part of the university in 2019 (<https://www.rockhurst.edu/news/06-03-2022/university-dedicates-%E2%80%9Ctransformed%E2%80%9D-sedgwick-hall>).

This is relevant because this change will bring an influx of new health care students to the area. This will not only increase foot traffic in and around Sedgwick Hall, but it could be a potential source of tenants who might be interested in residential options at the current site being operated by the developer. At a minimum the CPC Staff Report’s failure to mention such a large investment directly across the street from the subject site is at best curious, and at worst troubling.

While there are other arguments that can be and have been made against this application, these are the most significant questions I have about this rezoning request.

Thank you for taking the time to review this, and I hope you will consider my concerns when this matter is reviewed by the Neighborhood Planning and Development Committee next week, or if the matter comes before the full Council. If you have any questions for me, please reach out to me at your convenience.

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