



CITY PLAN COMMISSION STAFF REPORT

City of Kansas City, Missouri

Department of City Planning and Development
Development Management Division

414 E 12th Street, 15th Floor
Kansas City, Missouri
64108

www.kcmo.org/planning

Project

Development Plan, serving as a preliminary plat

Hearing Date August 4, 2020

Case	Request
Docket Item 1.1	Development
CD-CPC-2020-00102	Plan

Staff Recommendation(s)
Approval subject to conditions.

Applicant

Lonnie Shanks
Jowler Creek Architecture

Owner

Limeview Development LLC

Location	9130 McGee Street
Area	0.24 acre or 10,491 sq. ft.
Zoning	R-7.5
Council	6 th
County	Jackson
School District	Center

Surrounding Land Uses

All Directions: Residential uses zoned R-6.

Land Use Plan

The Red Bridge Area Plan recommends single family residential use, at a density of 7.24 units per acre.

Although the proposed density of 9.9 units per acre exceeds the recommended 7.24 units per acre, an area plan amendment is not necessary as rezoning is not requested, according to the Long Range Planning & Preservation Division of City Planning & Development.

APPROVAL PROCESS



PUBLIC HEARING REQUIRED

Yes

NEIGHBORHOOD AND CIVIC ORGANIZATIONS NOTIFIED

Notice of the public hearing was sent to Center Planning & Development Council and to all property owners within 300 ft. of the subject site.

REQUIRED PUBLIC ENGAGEMENT

Public engagement as required by 88-505-12 applies to this request. A Zoom video conference was held June 9, 2020, at 6:00 p.m. Seven residents participated. Although the applicant offered to hold a second meeting prior to today's hearing, Center Planning & Development replied that it would not be necessary.

On October 20, staff held a Zoom meeting with Center Planning & Development to explain the revised development plan proposing two lots rather than three.

SUMMARY OF REQUEST

Development plan/preliminary plat approval, with deviations to required minimum lot area, minimum lot width, and side yard setbacks

PURPOSE

To allow subdivision of a tract with two underlying lots into two single family lots

HISTORY

In 1908, the property was originally platted as three lots – Lots 21, 22, & 23, Block 15, Moore's Southland Addition. At the time of platting, the property was governed by requirements of Jackson County. The area was later annexed by Kansas City in 1958.

CONTROLLING CASE

None

RELATED RELEVANT CASES

Case No. CD-CPC-2020-00072 was heard by City Plan Commission on June 16, 2020. The Law Department determined, during the hearing, that the requested deviations to lot area, lot width, and side yard setback could not be approved with a preliminary plat filing. The applicant was advised to file an application for development plan approval, the appropriate venue that would require City Council action to approve the deviations requested.

CITY PLAN COMMISSION

City Plan Commission on August 4, 2020, voted to deny the request for development plan/preliminary plat to allow creation of three lots. Although the case was denied, it would move on to Council for review. The applicant decided to modify the request and plan/plat to show two, rather than three lots, in hopes of garnering support from some who opposed the three lots. Opposition is due to existing lack of infrastructure in the neighborhood and potential negative effects of development, particularly to the stormwater system.

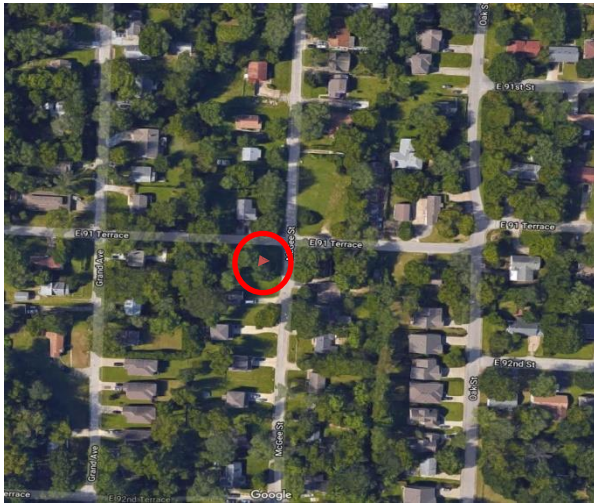
EXISTING CONDITIONS

The property is vacant. According to the applicant, this property has never been developed. Surrounding land use includes single family residential homes of varying ages and designs.

Many of the subdivision's original homes were constructed on three lots, while those homes have been built on two lots. This applicant has constructed new homes in neighborhood, near 92nd and Grand, on one lot per unit, as is proposed by this development plan.



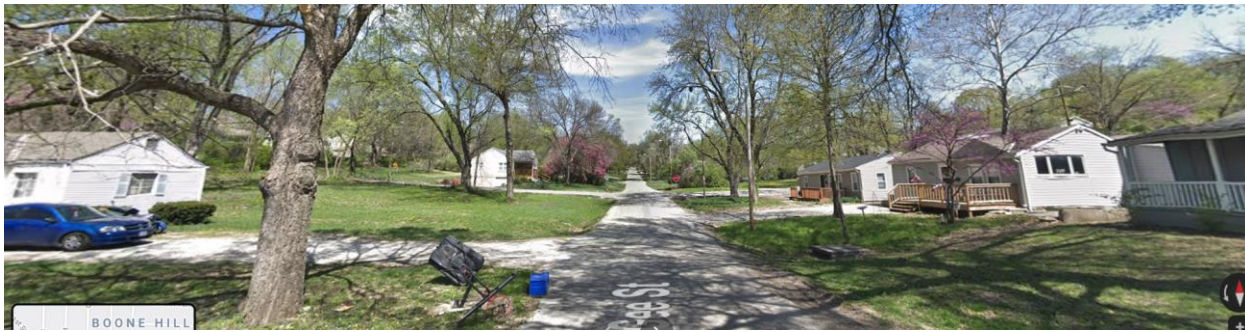
Site, at southwest corner of E. 91st Terrace and McGee Street



View looking westerly into the undeveloped site, from McGee Street



View looking southwesterly into site, from intersection of E. 91st Terrace and McGee Street



View looking north on McGee, with site to the left

KEY POINTS

The property was originally platted as three individual lots. The land has remained undeveloped. When platted, the lots complied with regulations in existence at the time. The Subdivision Regulations (first enacted in 1954) and later the Zoning & Development Code (for lots zoned R-7.5) would require a minimum lot width of 50 ft.

Although these lots are only 25 ft. in width while current code requires 50 ft. minimum width, the lots are considered "nonconforming." Section 88-610-03 Nonconforming Lots considers these lots "lawfully created" and allows the lot to be developed with a detached house.

However, subsection 88-610-03-C. Lot Consolidation states that if two or more abutting lots are in single ownership (as are the subject lots), the land will be deemed a single lot for purposes of determining compliance with lot size requirements.

If deemed to be a single lot, there is a provision that would allow "re-establishment" of the lot previously combined with an abutting lot in order to accommodate a detached house. This would be a minor subdivision "lot split" procedure. However, this can be done only if:

- Granting the request results in compatible infill development that is in keeping with the pattern of development on the subject block; and
- The lot split will not result in the creation of any lot that is less than 30 feet in width.

As the underlying lots are 25 ft., and less than 30 ft. required for consideration of a minor subdivision, re-establishment of the two lots cannot be executed through the minor subdivision process.

As deviations to 88-110-06 Lot and Building Standards are requested, a development plan (rather than preliminary plat) must be approved to allow development of two single family homes to occur.

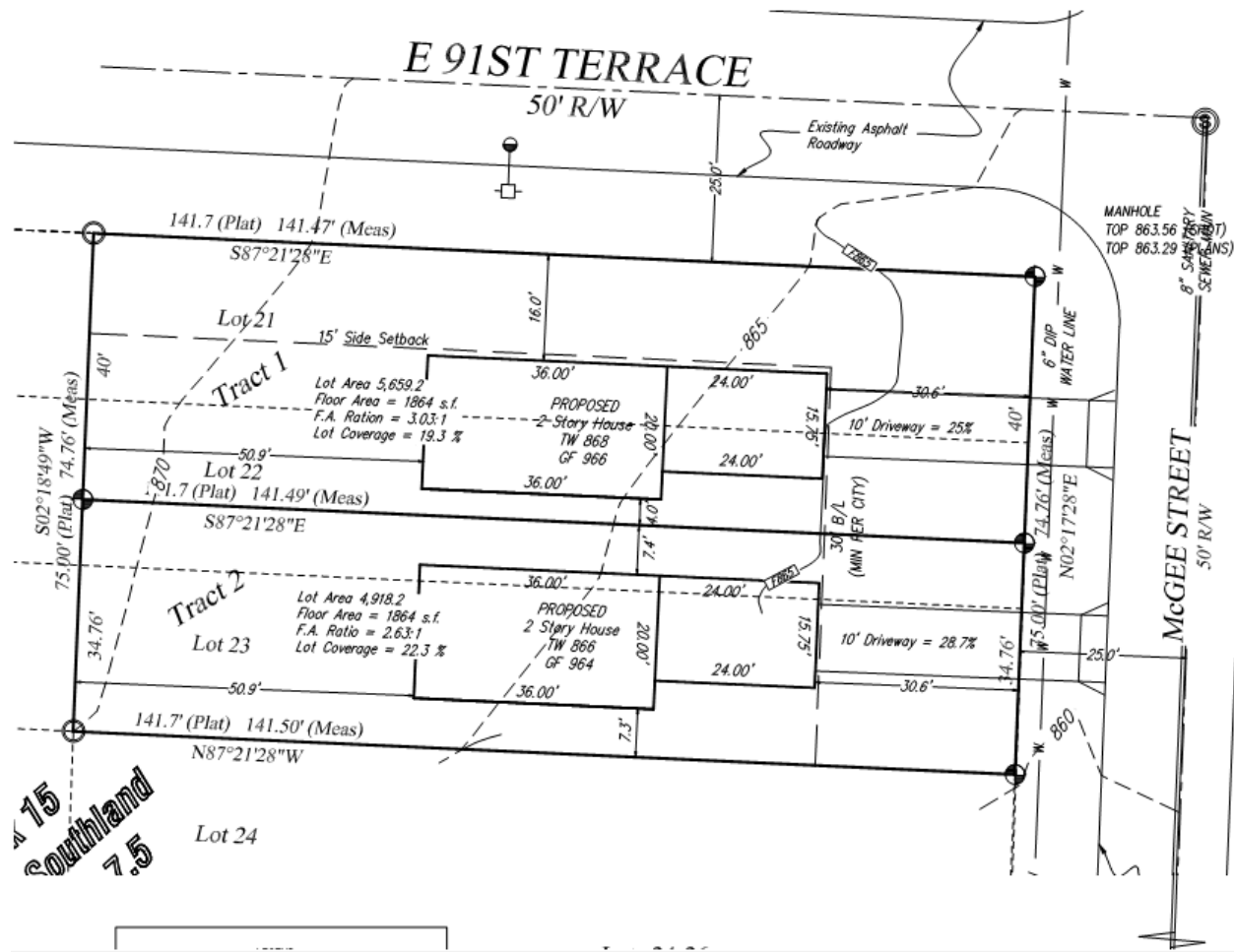
PLAN REVIEW

The development plan proposes establishment of two lots, on top of the three lots originally platted as Lots 21, 22, and 23, Block 15, Moore's Southland Addition.

In regard to any deviations necessary:

- Zoning of the property is R-7.5. This designation allows single family residential use and requires a minimum lot size of 7,500 sq. ft.
 - The northernmost Tract 1 is 5,640 sq. ft. Applicant will request a deviation of required lot area in the amount of 1,860 for this lot (7,500 sq. ft. required vs. 5,640 sq. ft. provided) from the City Council
 - The southernmost Tract 2 is 4,917 sq. ft. Applicant will request a deviation of required lot area in the amount of 2,583 for this lot (7,500 sq. ft. required vs. 4,917 sq. ft. provided) from the City Council

- Required minimum lot width is 50 ft.
 - Tract 1 is 40 ft. in width. Applicant will request a deviation of required minimum lot width in the amount of 10 ft. for Tract 1.
 - Tract 2 is 34.76 ft. in width. Applicant will request a deviation of required minimum lot width in the amount of 16 ft. for Tract 2.
- All setbacks are in compliance, so no deviations are necessary.
- The plan shows maximum paved front yard area of 40% is not exceeded, so deviation is not requested.



Analysis required in conjunction with development plan approval is not applicable for development of single family detached houses, as stated:

88-517-03 - EXEMPTION

The development plan review procedures of this article do not apply to development of single family detached houses or any developments for which plans have been reviewed and approved pursuant to the urban redevelopment, master planned development, or other equivalent development plan procedures of this zoning and development code. This provision is intended to clarify that development plan review is not required for projects that have received equivalent review through the city's other plan review procedures.

The development plan, serving as a preliminary plat, provides information on existing water and sanitary sewer lines, street lights, and power lines.

Parking and Loading Standards (88-420)

The applicant's request conforms to the applicable requirements of this section. Parking for each home, at the required rate of one space per unit, is provided on the driveway.

Landscape and Screening Standards (88-425)

A landscape plan is not typically required with single family residential development. The applicant will be required to submit a street tree planting plan and plant trees in accordance with that approved plan.

Outdoor Lighting Standards (88-430)

A lighting plan is not required in conjunction single family residential development.

Sign Standards (88-445)

A signage plan is not required in conjunction single family residential development.

Pedestrian Standards (88-450)

A pedestrian/walkability plan is not required in conjunction single family residential development.

Parkland Dedication (88-408)

Residential uses are proposed therefore parkland dedication or payment in-lieu of dedication is required. A total of two single family residential dwelling units are proposed. Pursuant to this section a total of .067 acre must be dedicated for parkland purposes. According to the applicant, there has never been a residence on the property. Therefore, the applicant shall pay money in lieu of parkland dedication for two single family lots. (No credit provided for a previous residence).

IMPROVEMENTS REQUIRED

Conditions of approval include requirements that the developer improve the west half of McGee Street and the south side of East 91st Terrace. This includes construction of curbs and gutters and sidewalks along the property's frontage adjacent to McGee Street and East 91st Terrace. No additional right of way for either McGee Street or East 91st Terrace is required to be dedicated.

REQUESTED DEVIATIONS

- Zoning of the property is R-7.5. This designation allows single family residential use and requires a minimum lot size of 7,500 sq. ft.
 - The northernmost Tract 1 is 5,640 sq. ft. Applicant will request a deviation of required lot area in the amount of 1,860 for this lot (7,500 sq. ft. required vs. 5,640 sq. ft. provided) from the City Council
 - The southernmost Tract 2 is 4,917 sq. ft. Applicant will request a deviation of required lot area in the amount of 2,583 for this lot (7,500 sq. ft. required vs. 4,917 sq. ft. provided) from the City Council
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ELEVATIONS

Elevation drawings indicate a two-story home. A single-stall, 378 sq. ft. garage is located in front of the house. Footprint of the living area measures 20 ft. in width by 36 ft. in length, for approximately 1,440 sq. ft. of living area. Maximum allowable height per 88-110-06 is 35 ft. Applicant indicates maximum height proposed is 28 ft.

ANALYSIS

Development of new housing on smaller lots provides an option desirable to many residents and the City.

- Smaller lots permit more affordable housing, due to less cost for land.
- Many owners do not desire larger lots, which require time and expense to maintain.
- Provision of more units within the area allows cost effective provision of improved utilities and new amenities to the area. Streets and utilities are in existence and should be utilized.
- Provision of infill housing within established areas of the city minimizes need for sprawl into undeveloped areas.
- New development in an older area results in improved public infrastructure, including curb, gutter, and sidewalk. Costs for these improvements adjacent to the property involved are borne by the developer.

PROFESSIONAL STAFF RECOMMENDATION

City Planning and Development Staff **recommends approval of the development plan subject to the following conditions** based on the application, plans, and documents provided for review prior to the hearing:

Conditions per City Planning & Development, Development Management Division (Patty.Noll@kcmo.org)

1. That the applicant receive deviations to the minimum required lot area as follows:
 - a. For Tract 1 in the amount of 1,860 sq. ft. (7,500 sq. ft. required; 5,640 sq. ft. provided);
 - b. For Tract 2 in the amount of 2,583 sq. ft. (7,500 sq. ft. required; 4,917 sq. ft. provided).
2. That the applicant receive deviations to the minimum required lot width as follows:
 - a. For Tract 1 in the amount of 10 ft. (50 ft. required; 40 ft. provided);
 - b. For Tract 2 in the amount of 15.24 ft. (50 ft. required; 34.76 ft. provided).

Condition per Water Services Department, Robert.Davis@kcmo.org

3. Stormwater management facilities, including but not limited to detention basins and BMPs, shall be privately maintained and covered by maintenance covenant(s) or easement(s) that include provisions for private maintenance.

Conditions per Land Development Division, City Planning & Development, Stacey.Lowe@kcmo.org

4. The developer must submit a Macro storm drainage study with the first Plat or Phase, from a Missouri- licensed civil engineer to the Land Development Division showing compliance with current adopted standards in effect at the time of submission, including Water Quality BMP's, to the Land Development Division for review and acceptance for the entire development area, and submit Micro storm drainage study with each subsequent Plat or Phase showing compliance with the approved Macro and adopted standards. The developer shall secure permits to construct any improvements as necessary to mitigate impacts from rate, volume, and quality of runoff from each proposed phase, prior to recording the plat or prior to issuance of a Building Permit, whichever occurs first as required by the Land Development Division.
5. After the City Plan Commission enters its disposition for the development plan, the developer shall not enter into any agreement that would encumber or otherwise have any impact on the proposed right- of-way dedications for the planned project without the prior written consent of the Land Development Division.
6. The developer must submit covenants, conditions and restrictions to the Land Development Division for review by the Law Department for approval for the maintenance of private open space and enter into a covenant agreement for the maintenance of any stormwater detention area tracts, prior to recording the plat.
7. That the south half of East 91st Terrace shall be improved to City standards as required by Chapter 88, to current standards, including curbs and gutters, sidewalks, street lights, relocating any utilities as may be necessary and adjusting vertical grades for the road, etc., and obtaining required permit from Land Development Division for said improvement prior to recording the plat or prior to issuance of a Building Permit, whichever occurs first.
8. That the west half of McGee Street shall be improved to City standards as required by Chapter 88, to

current standards, including curbs and gutters, sidewalks, street lights, relocating any utilities as may be necessary and adjusting vertical grades for the road, etc., and obtaining required permit from Land Development Division for said improvement prior to recording the plat or prior to issuance of a Building Permit, whichever occurs first.

9. The developer must secure permits to extend public sanitary and storm water conveyance systems to serve all proposed lots within the development and determine adequacy of receiving systems as required by the Land Development Division, prior to recording the plat or issuance of a building permit whichever occurs first.
10. The developer must grant a BMP and/or Surface Drainage Easement to the City as required by the Land Development Division, prior to recording the plat or issuance of any building permits.
11. The developer shall cause the area to be platted and processed in accordance with Chapter 88, Code of Ordinances of the City of Kansas City, Missouri, as amended, commonly known as the Development Regulations.
12. The developer must pay impact fees as required by Chapter 39 of the City's Code of ordinances as required by the Land Development Division.
13. The developer shall submit an analysis to verify adequate capacity of the existing sewer system as required by the Land Development Division prior to issuance of a building permit to connect private system to the public sewer main and depending on adequacy of the receiving system, make other improvements may be required.

Condition per Water Services Department, Heather.Massey@kcmo.org

14. The developer must follow Water Services current rules and regulations.
 - a. Each individual lot must have a separate Domestic water servicelines.
 - b. Follow the KCMO Rules and Regulations for new domestic water, fire service lines and service line kills.
 - c. <https://www.kcwater.us/wp-content/uploads/2019/04/2018-Rules-and-Regulations-for-Water-Service-Lines.pdf>

Condition per Water Services Department, Nimesha.Senanayake@kcmo.org

15. Each individual lot must have a separate Domestic water servicelines.
 - d. Follow the KCMO Rules and Regulations for new domestic water, fire service lines and service line kills.
 - e. <https://www.kcwater.us/wp-content/uploads/2019/04/2018-Rules-and-Regulations-for-Water-Service-Lines.pdf>

Conditions per Parks & Recreation Department, Justin.Peterson@kcmo.org

16. The developer shall submit a streetscape plan with street tree planting plan per 88-425-03 for approval and permitting by the Parks & Recreation Department's Forestry Division prior to beginning work in the public right-of-way. Contact Kevin Lapointe at Kevin.Lapointe@kcmo.org or 816-513-7776.
17. The applicant shall pay money in lieu of dedication of parkland dedication per 88.408 for two single family residential lots, calculated as follows: (2 single family units) x (3.7 persons per unit) x (0.006 acres per person) = 0.045 acre multiplied by the 2020 parkland rate.

Respectfully Submitted,
Patricia A. Elbert Noll, Lead Planner

Addendum:

88-610-03 - NONCONFORMING LOTS



88-610-03-A. DESCRIPTION

A nonconforming lot is a lawfully created lot, shown on a plat or survey map recorded in the appropriate recorder of deeds office that does not comply with the most restrictive minimum lot area or lot width standards of the zoning district in which the lot is now located.

88-610-03-B. USE OF NONCONFORMING LOTS

1. In residential zoning districts, a nonconforming lot may be developed with a detached house.
2. In nonresidential zoning districts, a nonconforming lot may be developed with a use allowed within the subject zoning classification. If the zoning allows a variety of uses or a variety of intensities of uses and one or more uses or intensities would comply with applicable lot area and lot width standards, while others would not, then only the uses or intensities that comply with applicable standards are permitted.

88-610-03-C. LOT CONSOLIDATION

1. If two or more abutting lots (or portions of abutting lots), one or more of which are nonconforming, are in single ownership, the land involved will be deemed a single lot for purposes of determining compliance with lot size requirements, and no portion of the lot may be sold or used in a manner that diminishes compliance with lot size requirements.
2. In cases where 2 or more abutting lots of record are under single ownership and are deemed a single lot as set forth in paragraph 1 above, the city planning and development director may allow re-establishment of a lot previously combined with an abutting lot in order to accommodate a detached house, provided both of the following conditions are met:
 - (a) granting of the request results in compatible infill development that is in keeping with the pattern of development on the subject block; and
 - (b) the lot split will not result in the creation of any lot that is less than 30 feet in width.

88-610-03-D. DIMENSIONAL STANDARDS

Development on nonconforming lots must comply with the bulk and density standards of the subject zoning classification unless otherwise expressly stated.