



**City Planning & Development Department**

**170974**

Development Management Division

15th Floor, City Hall  
414 East 12th Street  
Kansas City, Missouri 64106-2795

816 513-2846

**STAFF REPORT**

**November 21, 2017**

**(6a-c)**

**RE:** **Case No. 753-S – Area Plan Amendment**  
**Case No. 14889-P – Rezoning**  
**Case No. 14889-P-1 – Development Plan**

**APPLICANT:** Alex Hilton  
3927 Holmes Street  
Kansas City, MO 64110

**LOCATION:** 3719 & 3725 Kenwood

**AREA:** 0.38 acres

**REQUESTS:** **Case No. 753-S** – To amend the Midtown Plaza Area Plan by changing the Recommended Land Use Map from Medium Density Residential to Medium High Density Residential land use on approximately 0.38 acres generally located at 3917 and 3925 Kenwood.

**Case No. 14889-P** – About 0.38 acres generally located at 3917 and 3925 Kenwood, to consider rezoning from District R-5 (Residential 5) to R-2.5 (Residential 2.5), to allow for the construction of three over/under two-unit houses.

**Case No. 14889-P-1** – About 0.38 acres generally located at 3917 and 3925 Kenwood, to consider approval of a development plan in District R-2.5 (Residential 2.5), to allow for the construction of three over/under two-unit houses.

**COUNCIL DISTRICT:** 4<sup>th</sup> (Shields, Justus)

**SURROUNDING LAND USE:**  
**North:** multifamily residential (zoned R-1.5) single family residential (zoned R-5)  
**South:** single family residential (zoned R-5)  
**East:** single family residential and multifamily residential (zoned R-5)  
**West:** Gillham Park (zoned R-1.5)

**LAND USE PLAN:** The Midtown Plaza Area Plan recommends “Residential Medium” land use at this location which corresponds with the R-5 zoning district and is defined as:  
Residential Medium - Intended for a variety of single family, semi-attached, townhome, and two-unit building types that allow up to 8.7 units per acre. This land use classification corresponds with the “R5” zoning category within the zoning ordinance.

**MAJOR STREET PLAN:** No Major Streets adjacent to the site.

**ARTERIAL STREET  
IMPACT FEE:** The project is located within Impact Fee Zone H.

**PREVIOUS CASES:**

**Case No. 12952-P** - About 82 acres generally bounded by 39th Street on the north, Gillham Road and 43rd Street on the south, Kenwood Avenue on the west and Troost Avenue on the east, to consider rezoning from Districts R-2a (two-family dwellings, low density), R-2b (two-family dwellings) and R-4 (low apartments) to District R-2a (two-family dwellings, low density). (Approved by Ordinance No. 030523)

**EXISTING CONDITIONS:**

The site is located on east side of Kenwood Avenue across the street from Gillham Park. A former Parks and Recreation building is located within this area of the park. The property was platted by the Vanderbilt Place plat. The site is subdivided into five lots measuring approximately 25 feet in width. A north/south alley provides rear yard access to the site. The site is developed with two single family houses. The single story ranch house on the northern end of the site was constructed in the 1950s and the two story single family house on the south side of the lot was constructed in the 1890s.

**PLAN REVIEW AND ANALYSIS:**

There are three application requests, the first, a) 753-S, is to amend the Midtown Plaza Area Plan from Residential Medium to Residential Medium-High. The second, b) 14889-P, is to rezone the site from R-5 to R-2.5, and the third, c) 14889-P-1, is to approve a development plan allowing for the construction of three duplexes.

The applicant is subdividing the site into three lots through the lot split process. Lots 39 and 38 will be 40 feet wide. Lot 37 will be 45 feet wide. These lots will be 5,200 square feet. Lot 37 will be 45 feet wide with an area of 5,850 square feet. The minimum lot area in district R-2.5 is 4,000 square feet and 2,500 square feet of lot area are required per residential unit. Two unit houses are allowed in R-2.5. The proposed zoning will allow the construction of three duplexes with a total of six units.

The site plan proposes a setback of 18 feet to the west edge of the front porch which is similar to the setbacks of the surrounding residential properties. Lots 39 and 38 have side yard setbacks of 5 feet. Lot 37 has a side yard setback of 5 feet on the north side of the property and 10 feet on the south side. The property immediately to the south is built within a foot of the property line. This shift will provide additional setback between the development and the existing single family house. A setback of 55.4 feet is provided for the rear yard – a 25 foot setback is required. The site plan shows four parking spaces per lot accessed off the alley. This proposed configuration meets the parking ratio requirements of the zoning and development code.

Elevations for each lot are identical. The proposed buildings have shed roofs sloped toward to the east. The duplexes are stacked and from the street will appear to be a single family house. A door on the west elevation leads to a foyer providing access to both units. The west elevation also provides a ground floor porch with a second story balcony above. Proposed building materials are stone tile, lap siding and brick. Staff requests a cut sheet of materials prior to

sending an ordinance to council. A majority of the surrounding structures use similar materials.

The development plan is provided to secure the level of design and proposed use for the development.

The area plan makes the following land use recommendation:

Residential Medium - Intended for a variety of single family, semi-attached, townhome, and two-unit building types that allow up to 8.7 units per acre. This land use classification corresponds with the "R5" zoning category within the zoning ordinance.

Under the current zoning a total of three units can be constructed. The rezoning will allow for six units. The land use recommendation includes two-unit building types, however the zoning code requires a 10,000 square foot lot for a two-unit structure. A 10,000 square foot lot is almost two times larger than the established lots throughout the Hyde Park neighborhood. Staff finds the proposed density in this location appropriate based on the location next to a park, the ability to provide sufficient parking and the proposed design of the structures. Additionally, under-over duplexes are common in the Hyde Park neighborhood and are, similar to this proposal, designed to look like a single family house.

The proposal provides "missing middle" housing. This type of housing is multi-unit housing that is compatible in scale with single-family houses that meet the demand for walkable urban living. The "missing middle" provides opportunity for housing of diverse incomes, lifestyles and households.

#### **APPROVAL CRITERIA FOR ZONING MAP AMENDMENTS**

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 proposal is not in conformance with the adopted area plans.*

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

*Property to the north is multifamily residential, to the south and east are single family and multifamily buildings.*

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

*The surrounding neighborhood includes two story single family houses, single story single family bungalows, two and three story multifamily colonnades, and two-story over-under duplexes. To the west is a large park developed with a former Parks and Recreation building.*

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

*Public utilities have been found to be adequate.*

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

*Existing zoning allows for three units. There is a long vacant house and a single story ranch house on the property.*

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

*The two-story house has been vacant and open to the elements for several years.*

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

*The project is designed to limit any negative effects on surrounding properties.*

**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.

*If denied the property could be developed into three single family residential houses.*

#### **APPROVAL CRITERIA FOR SITE PLANS**

In order to be approved, a development plan, project plan, or site plan must comply with all of the following criteria:

**88-516-05-A.** The plan must comply with all standards of this zoning and development code and all other applicable city ordinances and policies, (Note: this provision is not intended to prohibit an applicant from seeking a variance or other form of relief authorized under this zoning and development code or other applicable ordinances, when authorized.)

*With exception of the side yard setback and the rear yard setback, the proposal is in compliance with the Zoning and Development Code. It should be noted that most structures in the neighborhood were built prior to the new Zoning and Development Code and were not constructed in compliance with the existing setback requirements. The deviations sought from the code make the property better reflect the surrounding neighborhood.*

**88-516-05-B.** The proposed use must be allowed in the district in which it is located.

*If rezoned, the use will be allowed.*

**88-516-05-C.** Vehicular ingress and egress to and from the site, and circulation within the site, must provide for safe, efficient and convenient movement of traffic not only within the site but on adjacent roadways.

*The site takes advantage of the rear alley for access.*

**88-516-05-D.** The plan must provide for safe, efficient, and convenient non-motorized travel opportunities, being pedestrian and bicycle movement, on the subject site.

*This infill project supports walkable urban neighborhoods.*

**88-516-05-E.** The plan must provide for adequate utilities based on City standards for the particular development proposed.

*Public utilities have been found to be adequate*

**88-516-05-F.** The location, orientation, and architectural features, including design and material, of buildings and other structures on the site must be designed to be compatible with adjacent properties.

*The proposal reflects the surrounding buildings in regards to materials and massing. The design is more modern than the surrounding houses as more than 100 years spans between the existing neighborhood and this proposal.*

**88-516-05-G.** Landscaping, berms, fences and/or walls must be provided to buffer the site from undesirable views, noises, lighting or other off-site negative influences and to buffer adjacent properties from negative influences that may be created by the plan.

*The site is adequately buffered.*

**88-516-05-H.** The design of streets, drives, and parking areas within the project should result in a minimum of area devoted to asphalt or other impervious surfaces consistent with the needs of the project and city code requirements.

*The site is devoted the minimum amount of area to parking areas while providing adequate parking.*

**88-516-05-I.** The plan must identify trees to be removed and trees to be preserved during the development of the subject property with the goal of saving trees that are not required to be removed for the development of the property.

*Street trees are required but not shown.*

**RECOMMENDATION:**

Based on the application, plans, and documents provided for review prior to the hearing, City Planning and Development Staff recommends APPROVAL Cases 753-S, 14889-P and 14889-P-1.

**Proposed Conditions for Case No. 14889-P-1:**

1. That the plans be revised as follows:

Site Plan

a. Rename "Tract" to "Lot"

Elevations

b. Provide a cut sheet showing images of proposed building materials.

Land Development Plan Correction

c. Show concept for stormwater management.

**Conditions per Land Development Division (Brett Cox, [brett.cox@kcmo.org](mailto:brett.cox@kcmo.org))**

2. 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.
3. The developer shall submit a Storm Drainage analysis from a Missouri-licensed civil engineer to the Land Development Division evaluating proposed improvements and impact to drainage conditions. Since this project is within a "Combined Sewer Overflow" (CSO) district, the project shall be designed to retain rainfall of 1.5 inch depth over the entire site to simulate natural runoff conditions and reduce small storm discharge to the combined sewer system. Manage the 10-year storm and 100-year storm per currently adopted APWA standards. The analysis shall be submitted, and the developer secure permits to construct any improvements required by the Land Development Division prior to recording the plat.
4. 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.
5. 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, prior to recording the plat.

**Conditions per Parks and Recreation (Richard Allen, [richard.allen@kcmo.org](mailto:richard.allen@kcmo.org))**

6. The developer must submit a letter to the Parks and Recreation Department from a Licensed Civil Engineer, Licensed Architect, or Licensed Landscape Architect, who is registered in the State of Missouri, stating the condition of the sidewalks, curbs, and gutters along Kenwood Ave. The letter must identify state of repair as defined in Chapters 56 and 64 of the Code of Ordinances for the sidewalks, curbs, and gutters. It shall identify the quantity and location of

sidewalks, curbs, gutters that need to be constructed, repaired, or reconstructed. The developer shall secure permits to repair or reconstruct the identified sidewalks, curbs, and gutters as necessary along all development street frontages, as required by the Parks and Recreation Department, prior to recording the plat.

7. The developer must secure permits to construct new, repair existing, or reconstruct sidewalks, curbs, and gutters as necessary along all development street frontages in accordance with Chapters 56 and 64 of the Code of Ordinances, as required by the Parks and Recreation Department, prior to issuance of any certificate of occupancy, as a condition of Board of Zoning Adjustment approval. Note ADA ramps shall meet ADAG standards and Parks and Recreation and shall be directional.

The developer must submit a streetscape plan with street tree planting plan for approval and permitting by the Parks and Recreation Department prior to beginning work in the public right of way.

8. Money in lieu of parkland for 2017 shall be based on the following formula:  
(Number-Multi-family units) X (2 persons per unit) X (0.006 acres per person) X (\$37,662.28 per acre) = Fee
9. The developer shall pay money in lieu of dedication of parkland in the amount of per formula or Dedicate Acreage of Private Open Space for Parkland Purpose.

Respectfully submitted,



Ashley Winchell, AICP  
Lead Planner