

COMMUNITY PROJECT/ZONING

Ordinance Fact Sheet

Case No. CD-CPC-2020-00102

Brief Title

Approving a development plan in District R-7.5 (Residential 7.5) on 0.24 acre generally located at 9130 McGee Street to allow creation of two single family residential lots.

Details

Location:

9130 McGee Street

Reason for Legislation

Approving a development plan in District R-7.5 (Residential 7.5) on 0.24 acre generally located at 9130 McGee Street to allow creation of two single family residential lots.

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 and minimum lot width

PURPOSE

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

see next sheet

Ordinance Number

Positions/Recommendations

Sponsor	Jeffrey Williams, AICP Director, City Planning & Development
Programs, Departments, or Groups Affected	6th District Center School District
Applicants / Proponents	Applicant Lonnie Shanks Jowler Creek Architecture for Limeview Development City Department
Opponents	Other Groups or Individuals Center Planning & Development Basis of opposition height, stormwater
Staff Recommendation	<input checked="" type="checkbox"/> For with conditions <input type="checkbox"/> Against Reason Against
Board or Commission Recommendation	City Plan Commission 08/04/2020 ⁴ Denied Voting aye (to deny) 6-0: Allender, Baker, Sadowski, Rojas, Crowl, Enders)
Council Committee Actions	<input type="checkbox"/> Do pass <input type="checkbox"/> Do pass (as amended) <input type="checkbox"/> Committee Sub. <input type="checkbox"/> Without Recommendation <input type="checkbox"/> Hold <input type="checkbox"/> Do not pass

(Continued on reverse side)

Details**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.

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.

Policy/Program Impact

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

Finances

Cost & Revenue Projections -- Including Indirect Costs	
Financial Impact	
Fund Source (s) and Appropriation Account Codes	

~~see next sheet~~
Fact Sheet Prepared By:

Date: 10/20/2020

Patricia A. Elbert Noll, Planner
Development Management Division

Reference Numbers

Case No. CD-CPC-2020-00102

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.

An aerial photograph of a residential neighborhood. The map shows a grid of streets: Grand Ave runs vertically on the left, and McGee St runs vertically on the right. E 91st Ter runs horizontally across the middle. A specific parcel, located between McGee St and Grand Ave, and between E 91st Ter and the street below it, is highlighted with a yellow border. This parcel is currently vacant. Other parcels in the neighborhood are outlined in purple and contain various structures, including houses and commercial buildings. A 'Red Bridge' is labeled on McGee St. The text 'E 91st Ter' appears twice, once on each side of McGee St. The text 'Grand Ave' appears three times along the left edge, and 'McGee St' appears three times along the right edge.

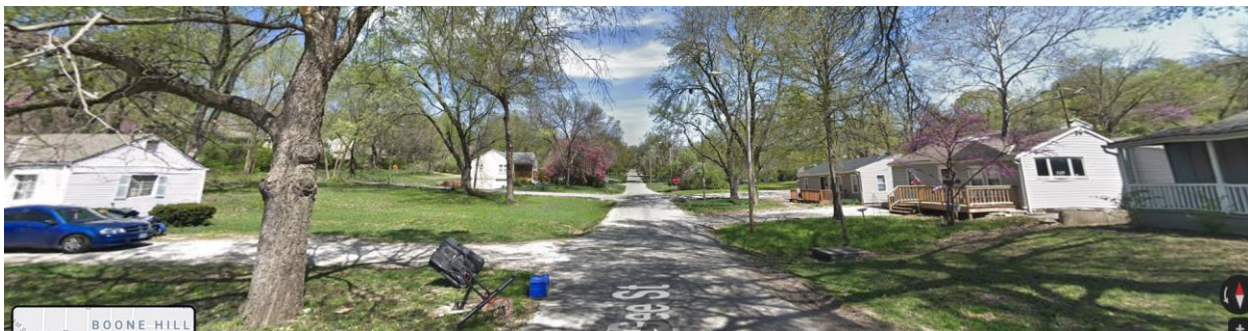




View looking westerly into the undeveloped site, from McGee Street



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.

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
- 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.

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.

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 service lines.
 - 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 service lines.
 - 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.

