



Res. 200979 and Ord. 200980

Project Name: 5005 Swope Parkway

Zoning Violation: Operating an auto repair shop in a district (R-2.5) where such use is prohibited.

Summary: Applicant requests approval of area plan amendment (200979)
Rezoning from R-2.5 to B2-1 (200980)

If granted, applicant will request a Special Use Permit from BZA.

Public Engagement Meeting: Applicant's architect has submitted documentation that he met with several property owners within 300 feet. He was not able to hold in person meeting due to Covid and has had difficulty meeting virtually for a variety of reasons. It is not clear that the public engagement ordinance has been met.

Key points: B2 is the first district that allows auto repair use and requires a special use permit for such uses when located adjacent to and within 150 feet of parkway

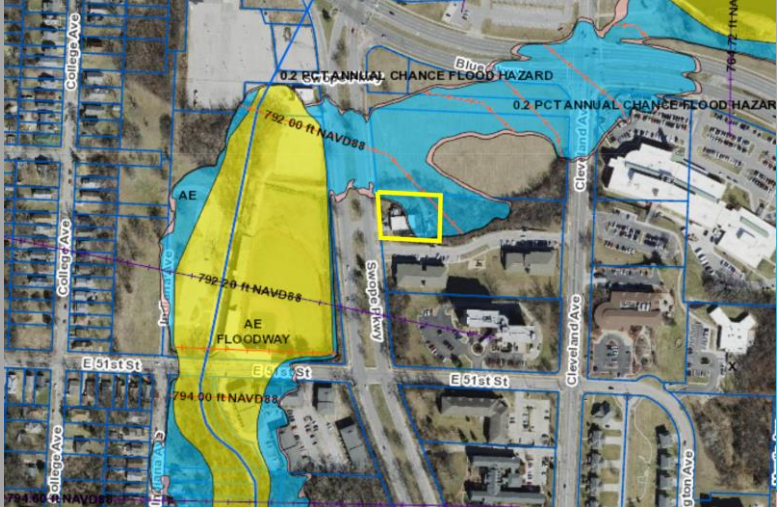




Docket 5.1, 5.2 & 5.3







0.2 PCT ANNUAL CHANCE FLOOD HAZARD





GENERAL SERVICES

Ordinance Fact Sheet

Case No.

121042

Ordinance Number

Brief Title	Approval Deadline	Reason
Approve sale of 5005 Swope Prkwy Old FireStation #35		Excess Property - best offer received

Details		Positions/Recommendations	
Specific Address 5005 Swope Parkway, Kansas City, MO 64130		Sponsor	General Services Department
Reason for Legislation The property was approved "excess" in 2009. The appraised value in Nov of 2009 was \$120,000. Currently the property is a shell. The bid amount is \$20,0000. This amount reflects the stripped condition of the property. Now it is just a box.		Programs, Departments, or Groups Affected	None known
Discussion: (explain all financial aspects of the proposed legislation, including future implications, any direct/indirect costs, specific account numbers, ordinance references, and budget page numbers.) This sale will get this property back on the tax rolls and promote small business. The proposed purchaser Mr. Larry Smith has plans to use the property to start up a wholesale bakery and include a residence. He has discussed this with Zoning.		Applicants / Proponents	Applicant General Services - Real Estate Services City Department General Services Other
		Opponents	Groups or Individuals none known Basis of opposition
		Staff Recommendation	<input checked="" type="checkbox"/> For without conditions <input type="checkbox"/> Against Reason Against
		Board or Commission Recommendation	By <input type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No action take <input type="checkbox"/> For, with revisions or conditions (see details column for conditions)
		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

Details

General Services - Real Estate Services is of the opinion that the dollar amount bid is within the range of expected for this type building in it's location and crippled condition.

As Per City AR-3-07 General Services is asking the Council to review and approve the sale when the bid amount is considerably less than the appraisal.

Policy/Program Impact

Policy or Program Change	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes
Good For Children?	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes Real estate tax supports schools
Sustainable?	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes Bldg back on tax rolls

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

Fact Sheet Prepared By: Ed J. Hennessy, SR/WA
Date: 11/1/2012
General Services Dept

Reviewed by: Date:

Reference Numbers
Case No.

DISCUSSION (continued)



September 7, 2018

Anonymous complaint filed with Action Center

October 26, 2018

Notice of violation issued

December 18, 2018

Owner's agent first contact with staff

*Agent was advised to file the requests before you today.

July 18, 2019

Agent was again advised by staff we needed them to file requests

*Division manager personally gave one month deadline to applicant.

August 18, 2019

Rezoning application filed

October 2, 2019

First CPC Hearing: Continued to December 3

December 3, 2019

Continued to February 18

February 18, 2020

Continued to April 7

*SUP filed 2/14

April 7, 2020

Continued to May 19

*No area plan amendment, no public engagement

May 19, 2020

Continued to June 15

*No area plan amendment, no public engagement

June 15, 2020

Continued to August 18

*CPC directed applicant to file area plan amendment and conduct engagement

August 18, 2020

Continued to October 5

*Still hadn't filed

August 25, 2020

Applicant filed application for area plan amendment, public engagement documentation, and letter requesting that stream buffer plan requirements be waived.

October 5, 2020

City Plan Commission voted to recommend denial to Council and BZA





Area Plan Amendment (200979):

- The Swope Area Plan which recommends medium-high density residential. Applicant has filed request to amend the area plan to Commercial. Within a larger area surrounding the subject site, the area plan recommends Open Space Buffer, Residential Medium High, Mixed Use Community, or Office Space.

Rezoning (200980):

- The applicant has established operation of an automotive repair shop on a property housing a former Kansas City Fire station at 5005 Swope Pkwy. The subject property is zoned R-2.5, a district which permits fire stations but does not permit the current use. The applicant has received a notice of violation for operating a use in violation of zoning and is seeking approval of a rezoning of the property to make the current use legal.

Special Use Permit:

- A special use permit is required for automotive repair uses when they are on property adjacent to and within 150 feet of a parkway, as this property is.





Rezoning Approval Criteria

88-515-08-A. Conformance with adopted plans and planning policies;

This request is **not in compliance with the Swope Area Plan which recommends medium-high density residential**. Applicant has filed request to amend the area plan to Commercial. Within a larger area surrounding the subject site, the area plan recommends Open Space Buffer, Residential Medium High, Mixed Use Community, or Office Space. Commercial designation to allow an auto repair shop would not be consistent and could be detrimental to future use of the building or site.

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

Properties to the **north, south, and east are residentially zoned and occupied**. Although property across the street to the west is zoned B3-2, the former Satchel Paige Memorial Stadium is owned by the City and has been used as recreational and open space.

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

The character of the area is **primarily residential and recreational/open space**.

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

The public facilities exist; it is not known if they would be sufficient to support other uses allowed in proposed B-2 zoning.

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

The current zoning (R-2.5 residential) permits a public/civic use. The former use of this building as fire station was a permitted use. However, limited automotive repair, allowed under B-2 zoning with a Special Use Permit, is a more intensive use. The outdoor storage of tires, disabled vehicles, and other materials that has occurred with use of the building as an auto repair establishment is not desirable in this area, particularly adjacent to the parkway. **The property is suitable for uses to which it is restricted under current zoning** (i.e. residential and public/civic).

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

The property is not vacant.

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

The requested use, which is **limited automotive repair, is a significantly higher intensity** than the current residential zoning. The **noise and visual effects of this type of auto repair are not compatible with residential uses (outdoor storage is not permitted under proposed zoning)**. These nuisances are detrimental to adjacent and nearby properties, this causing the initial complaint to 311 and resulting in citations being issued in 2018 for the zoning violation.

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.

The gain to the public welfare with **denial of this application would ensure that the character of the immediate area remains residential and recreational/open space**. Quality of life, particularly for residents of the adjacent multi-family development, should be maintained.





Intent of Parkway Standards

- Citation from 88-323-01 (Boulevard and Parkway Standards) Purpose:

“Considerable public and private investment exists and is expected to occur adjacent to boulevards and parkways within the city. The following standards are intended to promote quality development reflective of the character of the city’s boulevard and parkway system, when on an established, historic boulevard or on a parkway traversing undeveloped areas of the city. “

- This provides the justification for the City to carefully consider whether an auto repair shop is an appropriate and compatible use along a boulevard or parkway – in this case, Swope Parkway. Staff’s analysis concludes that it is not.





On October 5, 2020, the CPC recommended the City Council deny:

- 200979 Request to amend the Swope Area Plan
- 200980 Request to rezone

And the BZA deny:

- CD-SUP-2020-00007 Request for special use permit

Denial will require the owner to remove the use and allow enforcement through courts to proceed if necessary.

Addendum

Should the City Council vote to approve, staff will recommend the conditions provided in the CPC staff report to the BZA when they consider the SUP.

