



CITY PLAN COMMISSION STAFF REPORT

City of Kansas City, Missouri
City Planning & Development Department
www.kcmo.gov/cpc

September 4, 2024

Project Name
14901 E US 40 Highway Rezoning

Docket # 3

Request
CD-CPC-2024-00078
Rezoning without Plan

Applicant
Jamie Lorenzo
Harrah Law, LLC

Owner
Paul Exposito

Location 14901 E. US 40 HWY
Area About 4.43 Acres
Zoning B3-2 & R-80
Council District 5th
County Jackson
School District Independence

Surrounding Land Uses
North: Commercial, zoned B3-2
South: Residential, zoned R-7.5
East: Commercial, zoned B3-2 & R-80
West: Commercial, zoned B3-2 & R-80

Land Use Plan
The Little Blue Valley Area Plan recommends Mixed Use Neighborhood for this location.

Major Street Plan
US 40 Highway is identified as a thoroughfare on the City's Major Street Plan.

APPROVAL PROCESS



PROJECT TIMELINE

The application for the subject request was filed on 6/7/2024.

- This case was first heard by the CPC on 7/17/2024 and the Commission voted to continue the case until 8/21/2024 to allow the property owner time to remove the illegally parked vehicles in the southern portion of the property and to resolve all zoning compliance violations.
- The applicant requested a continuance at the 8/21/2024 hearing to provide additional time to remove the illegally parked vehicles.

REQUIRED PUBLIC ENGAGEMENT

Public engagement as required by 88-505-12 does apply to this request. The applicant hosted a meeting on 7/10/2024. A summary of the meeting is attached to the staff report, see Attachment #3.

EXISTING CONDITIONS

The site is split zoned, B3-2 (commercial) and R-80 (residential). The subject property has functioned as outdoor auto sales since 2011.

SUMMARY OF REQUEST + KEY POINTS

A request to approve a rezoning from district R-80 (residential) to district B2-2 (commercial) on about 3 acres generally located at E. US 40 Highway and Phelps Road.

CONTROLLING + RELATED CASES

There are no controlling plans or related cases associated with this site.

PROFESSIONAL STAFF RECOMMENDATION

Docket # Recommendation

3 APPROVAL WITH CONDITIONS

PLAN REVIEW & ANALYSIS

The applicant is proposing to rezone the southern three acres of the property which is currently zoned district R-80 (residential) to district B2-2 (commercial). The applicant has requested the rezoning to facilitate the sale of the property. The applicant originally requested to rezone the property to B3-2 to match the northern portion of the lot. The Little Blue Valley Area recommendation is a B1 zoning district, which prohibits all vehicle sales and service uses. Staff recommended that the applicant rezone the property to B2-2 which permits some vehicle sales and service uses to allow for future development of the site while also prohibiting more intensive uses that could detrimentally impacts the adjacent residential district. To provide a natural buffer between the subject property and adjacent neighborhood, the applicant will leave the 75' of the southern area of the property as R-80 which prohibits intensive land uses.

SPECIFIC REVIEW CRITERIA**Zoning and Development Code Map Amendments, Rezoning (88-515-08)**

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:

A. Conformance with adopted plans and planning policies;

The proposed rezoning does not align with the Little Blue Valley Area Plan recommendation of a B1 zoning district, but staff believes the proposed B2-2 zoning allows for future development that is complementary to the adjacent residential neighborhood.

B. Zoning and use of nearby property;

East US 40 Highway is commercial along the entire corridor. There is a residential (R-7.5) zoning district and low density, residential land use directly adjacent to the site.

C. Physical character of the area in which the subject property is located;

The immediate area along East US 40 Highway is generally commercial and auto oriented with nearby undeveloped parcels. The area south of the subject property is low density residential.

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

Public facilities and services are adequate to serve this site.

E. Suitability of the subject property for the use to which it has been restricted under the existing zoning regulations;

The R-80 zoning does not permit auto related commercial activities or any intensive manufacturing uses.

F. Length of time the subject property has remained vacant as zoned;

The subject property is not vacant, the southern portion of the lot has been undeveloped due to the limited uses that the R-80 zoning district allows.

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

Staff is concerned that without the minimum of a 75' buffer that the rezoning could detrimentally affect the residential neighborhood located south of the subject property. The applicant is required to provide an updated legal description to staff which shows that the southern 75 feet of the parcel maintain the R-80 zoning district.

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.

A denial of the application could cause the subject property to become vacant. The rezoning will provide options for future development, which in turn can provide additional passive surveillance to support additional safety on and near the subject property.

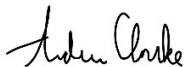
ATTACHMENTS

1. Conditions Report
2. Applicants Submittal
3. Public Engagement Materials

PROFESSIONAL STAFF RECOMMENDATION

City staff recommends **APPROVAL WITH CONDITIONS** as stated in the conditions report.

Respectfully Submitted,



Andrew Clarke, AICP
Lead Planner



Plan Conditions

Report Date: August 29, 2024

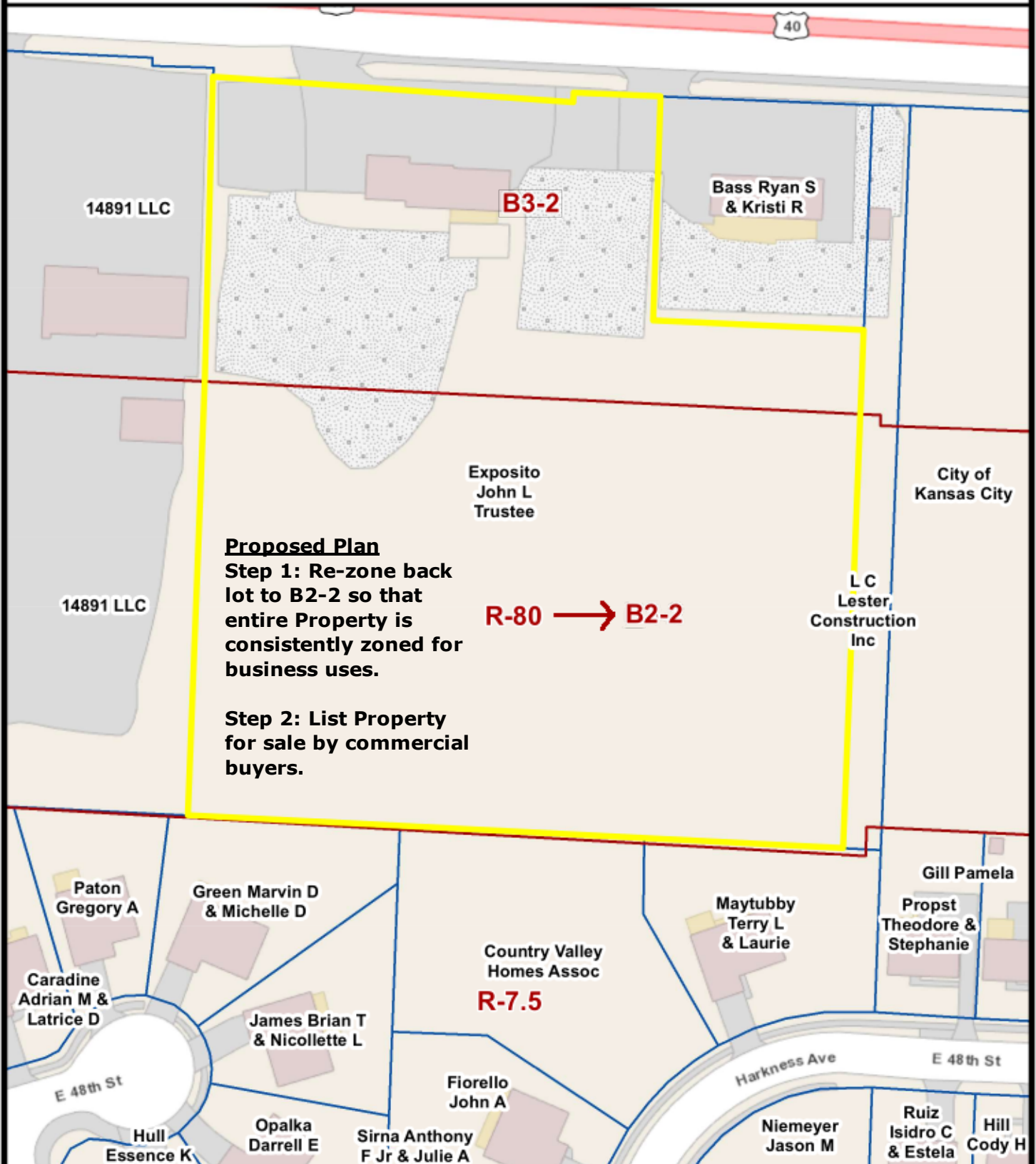
Case Number: CD-CPC-2024-00078

Project: 14901 E US 40 Highway Rezoning

Condition(s) by City Planning and Development Department. Contact Andrew Clarke at (816) 513-8821 / Andrew.Clarke@kcmo.org with questions.

1. Prior to ordinance request the applicant shall provide a revised legal description which shows that the southern 75' of the parcel maintain the R-80 zoning district.
2. The applicant shall have all vehicles being stored within the R-80 portion of the property removed by the City Plan Commission hearing on August 21, 2024.

14901 E US 40 Hwy



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0 60 120 Feet

Printed Date: 12/14/2023



June 26, 2024

VIA REGULAR MAIL



NOTICE OF PUBLIC MEETING

Dear Current Occupant,

This letter is sent on behalf of the owners of the auto dealership located at 14901 E US 40 Highway, Kansas City, Missouri 64136 (the "Property") to inform you of a public meeting taking place on **July 10, 2024 at 05:00 PM** to discuss plans to re-zone the Property.

Meeting Location: The Pavilion Event Space
14831 E US Highway 40
Kansas City, Missouri 64136

Meeting Time: Wednesday, July 10, 2024
05:00 PM

Purpose of Public Meeting

The Property has been the site of an auto dealership for over twenty (20) years. However, it has been discovered that the back half of the Property is currently zoned "R-80 Residential." Being located alongside the Highway 40 business corridor, it is unlikely the Property would be considered suitable for residential development. Therefore, the owners are requesting that the back lot of the Property be re-zoned for commercial use, which is consistent with the Property's historical use over the past two decades. However, in accordance with the recommendations of City zoning officials, the owners have agreed that a 75-foot-deep strip of land across the Property's southern edge will remain zoned R-80 to serve as a "buffer" between the Property and the residential homes located to the South.

The City Plan Commission requires parties requesting a re-zoning of property to first hold a meeting with affected residents to review the owners' plans. A copy of the Re-Zoning plan is attached hereto as "Exhibit A". A copy of this Notice of Public Meeting has been mailed to every household within five hundred (500) feet of the Property.

At the meeting, the Property owners' attorney Broc Exposito will present the plan to re-zone the Property for commercial use, with a 75-foot buffer along the southern edge remaining zoned for residential use. Please attend the hearing to ask any questions or air any concerns about the re-zoning plan prior to the official City Planning Commission Hearing set for July 17, 2024 at 09:00 am. Nearby residents are welcome to attend both hearings to learn about the re-zoning plan and share their opinions.

Re-Zoning Will Not Substantially Change Property's Use

Some residents have inquired whether re-zoning of the Property would allow uses which might be offensive or unsightly. However, preliminary meetings with City zoning officials have addressed this concern, and it is not intended or foreseeable that the re-zoning will substantially change the use of the Property.

The proposed re-zoning of the Property would change most of the Property's southern half to the "B2-2" zoning classification. Per City zoning officials who have been brief on the re-zoning plan, this classification would not permit construction of a large non-accessory parking lot, nor would it permit the use of heavy vehicles or heavy equipment such as tractors. Therefore, once re-zoned, the Property could not be used as a salvage yard or full-service auto repair shop, however it could continue to be used for auto sales with limited auto repairs.

It is the expectation of the Property's owners that the Property will continue to be utilized in line with its present usage, as an auto dealership or comparable business. City officials have indicated that long-term plans envision the possibility of "mixed use" development in the area, i.e. apartment buildings with commercial shops on the lower levels, within the next thirty (30) years. As a further precaution to prevent any disturbance to nearby homes, the owners have agreed to allow a 75-foot-deep strip of land along the Property's southern edge to remain zoned R-80 residential, to provide a buffer between the business and adjacent residential properties.

For more information on permitted uses of B2-2 zoning, view the City Zoning and Development Code at: https://library.municode.com/mo/kansas_city/codes/zoning_and_development_code

City Planning Commission Hearing

The official hearing on the Property's proposed re-zoning, hosted by the City Planning Commission, will take place on **Wednesday, July 17, 2024 at 09:00 am**.

Attendees may attend an in-person meeting, held in the Council Committee Room on the 10th Floor of City Hall, or they may attend virtually using the information below.

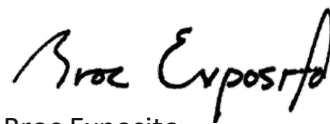
Link to Attend Virtually: <https://us06web.zoom.us/j/88941744204>

Webinar ID: 889 4174 4204

Join by phone: 1.312.626.6799

Residents are asked to use the “raised hand” feature to notify the Commission that you would like to offer testimony. A copy of the City Planning Commission’s guidelines for participation in the virtual hearing is attached hereto as Exhibit “B”.

Yours Truly,

A handwritten signature in black ink that reads "Broc Exposito". The signature is written in a cursive, slightly slanted style.

Broc Exposito
Associate Counsel

Enclosures

BE

cc: GFS Sales (via email)

Public Meeting re: Re-zoning of 14901 E. US 40 Highway, KCMO 64136

Meeting Date: July 10, 2024 at 5:00pm

Meeting Location: The Pavilion, 14831 US 40 Highway, KCMO 64136

Sign-In Sheet

To participate in the meeting, please sign in:

Name	Address	Phone	Email
Billy Fiorello	4915 CRANE		
Winston Ballantyne	4905 Harkness Ave		
Jandra Bogus	15212 E. 48TH		
BIAN JAMES	15909 E 48th ST.		
NIKKI JAMES	15909 E. 48th St.		
Bill PARKER	4914 CRANE AVE ^{KC. MO}	816-743-4523	mparker99@gmail
Amanda Wheeler	4910 Harkness ^{KC}	816-529-7079	ammywheeler@gmail.com
Pianna Desdich	14001 Lookout Dr ^{KC MO}	64139 816-317-0451	desdich@gmail
Cathy Carter	15218 E 48th	816-868-8375	catcarter1026@yahoo.com
Michelle Green	15008 E. 48th	816-729-4449	greenmichelle@att.net
Marvin Green	15008 E 48th St	816-729-4449	dentor4@sigl.com
Lisa Francis	14900 E 48th Jct	816-308-1892	lfrancis1@kc.rr.com
Tim Acree	4922 Harkness Ave	816-510-9335	sdeadwood@yahoo.com
Laurie Callahan	4409 Raymond Ave	816-405-8929	
WALTER JONES	4904 IdarLCWesr	816-812-3380	N/A
Stacy Masters	4911 Raymond	816-309-6888	n/a
Nickie Twill	15008 E 48th Ter		N/A
MARTINA BOWDEN	4915 Raymond AVE	816-394-8661	N/A



Project Case # CD-CPC-2024-00078

Meeting Date: Wednesday 07/10/2024

Meeting Location: : The Pavilion, 14831 US 40 Highway, KCMO 64136

Meeting Time (include start and end time): 5:00pm-6:00pm

Additional Comments (optional):

BILL PARKER
COUNTRY VALLEY HOMEOWNER
ASSOCIATION PRESIDENT
816-536-4523

WE WERE NOTIFIED ON THIS ISSUE.
NEED MORE TIME! NEED EXTENSION
SO THE HOMEOWNER ASSOCIATION CAN
NOTIFY HOMEOWNERS. DONT WANT TO
CHANGE RE ZONEING UNTIL WE GET
MORE INFORMATION. DO NOT WANT
JUNKYARDS BEHIND SUBDIVISION.
NOTE - CAR ARE BEING STORED ON BACK
LOT AS OF 7/10/24
CALL ME