



CITY PLAN COMMISSION STAFF REPORT

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

November 20, 2024

Project Name

7198 NW Barry Rezoning

Docket # 1.1 & 1.2

Request

CD-CPC-2024-00170
Area Plan Amendment

CD-CPC-2024-00153
Rezoning without Plan

Applicant

Scott Zigler
Trademark Property Company

Owner

Monarchs Sub, LLC

Location	7198 NW Barry Road
Area	About 1.5 Acres
Zoning	B3-3/R-2.5 & R-7.5
Council District	1 st
County	Platte
School District	Park Hill

Surrounding Land Uses

North: Residential, zoned R-6
South: Commercial, zoned B3-2
East: Commercial, zoned B3-3/R-2.5
West: Residential, zoned R-7.5

Land Use Plan

The Line Creek Area Plan recommends Future Residential Low Density for this location. The proposed rezoning does not align with this designation. See Criteria A for more information.

Major Street Plan

NW Barry Road is identified as a thoroughfare on the City's Major Street Plan.

APPROVAL PROCESS



SUMMARY OF REQUEST + KEY POINTS

The applicant is seeking approval of a rezoning without plan from B3-3/R-2.5 and R-7.5 to B3-3 and an area plan amendment to the Line Creek Valley Area Plan from *residential low density* to *mixed use community* on about 1.5 acres generally located at NW Barry Road and NW Winter Avenue.

PROJECT TIMELINE

The applications for the subject requests were filed on 10/11/2024. No scheduling deviations from 2024 Cycle 11.2 have occurred.

REQUIRED PUBLIC ENGAGEMENT

Public engagement as required by 88-505-12 does apply to this request. The applicant hosted a meeting on 11/12/2024. A summary of the meeting is attached to the staff report, see Attachment #3.

EXISTING CONDITIONS

The subject property is generally flat and has never been developed. The 1.5 acre site is situated between a low density residential subdivision (Thistle Hill) and NW Barry Road. Immediately east of the property is an existing bank with a drive-through facility.

CONTROLLING + RELATED CASES

On February 5, 2008, **Case No. 12645-GP-1** was approved by the City Plan Commission to allow for rezoning from District GP-3/4 (regional business/high density residential) and District GP-6 (low density residential) to District GP-3/4 (regional business/high density residential), and approval of a preliminary development plan for a 3,921 square foot restaurant with drive-through. (Zona Rosa District A). The City Council approved the request on March 6, 2008 (**Ord. No. 080147**).

PROFESSIONAL STAFF RECOMMENDATION

Docket # Recommendation

2.1	APPROVAL
2.2	APPROVAL

Vicinity Map**PLAN REVIEW & ANALYSIS**

The Zona Rosa ownership group is proposing to rezone a 1.5 acre parcel of undeveloped land on the northeast corner of NW Barry Road and NW Winter Avenue from B3-3/R-2.5 and R-7.5 to B3-3 to allow for commercial land uses. In 2008, the City Council approved a Chick-fil-A, but no permit was pulled within two years of approval and the previously approved plan has since lapsed. The approved ordinance, which is no longer in full force and effect did require the developer to enter into a Cooperative Agreement with the City prior to issuance of a final certificate of occupancy. The developer was required to contribute \$7,200 towards the cost of improving the intersection at NW Barry Road and NW Winter Avenue.

The Line Creek Valley Area Plan, which originally recommended commercial uses on the subject property, was amended in 2009 when the KCI Area Plan was being revised and now currently recommends Residential Low Density as the future land use. NW Barry Road is identified as a thoroughfare on the City's Major Street Plan and the corridor is generally comprised of commercial uses, multi-unit residential structures, institutional uses and heavy vehicular traffic.

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;

According to the Line Creek Valley Area Plan, Mixed Use Community is “primarily intended to accommodate and promote a variety of community-serving retail sales or service uses generally of a higher intensity and larger scale than what is allowed in Mixed-Use Neighborhood areas. This category includes a mix of business and residential uses designed to enhance the pedestrian environment of the community and corresponds with the “B3” zoning category.

B. Zoning and use of nearby property;

Low density residential uses (Thistle Hill subdivision) are located immediately north and west of the subject property. The site is also adjacent to the Zona Rosa mixed use development which has a split zoning B3-3/R-2.5. The reason for the split zoning is that Chapter 80 (the previous Zoning Code) did not have a mixed-use use category.

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

Barry Road is a major commercial corridor with an auto-oriented character. The neighborhood to the west is characterized by low-density suburban residential development.

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

The site can be served with adequate utilities to allow for future commercial development.

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

The subject property is not suitable for residential development. The property will be subject to site plan approval from Development Management Division staff and shall comply with 88-340 (Drive-Through Standards) and all other applicable sections of the Zoning and Development Code.

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

The subject property has never been developed but was previously approved for a Chick-fil-A in 2008.

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

Without proper screening and setbacks for the proposed commercial rezoning, the residential neighborhood could be impacted by lighting, noise, trash and traffic congestion. Staff is supportive of the rezoning as most properties along NW Barry Road are zoned for commercial uses.

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 existing undeveloped lot does not currently screen the residential neighborhood from the existing vehicular noise and traffic along NW Barry Road. A denial of this application will not allow for commercial development on the 1.5 acre subject property.

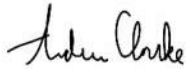
ATTACHMENTS

1. Applicants Submittal
2. Public Engagement Materials

PROFESSIONAL STAFF RECOMMENDATION

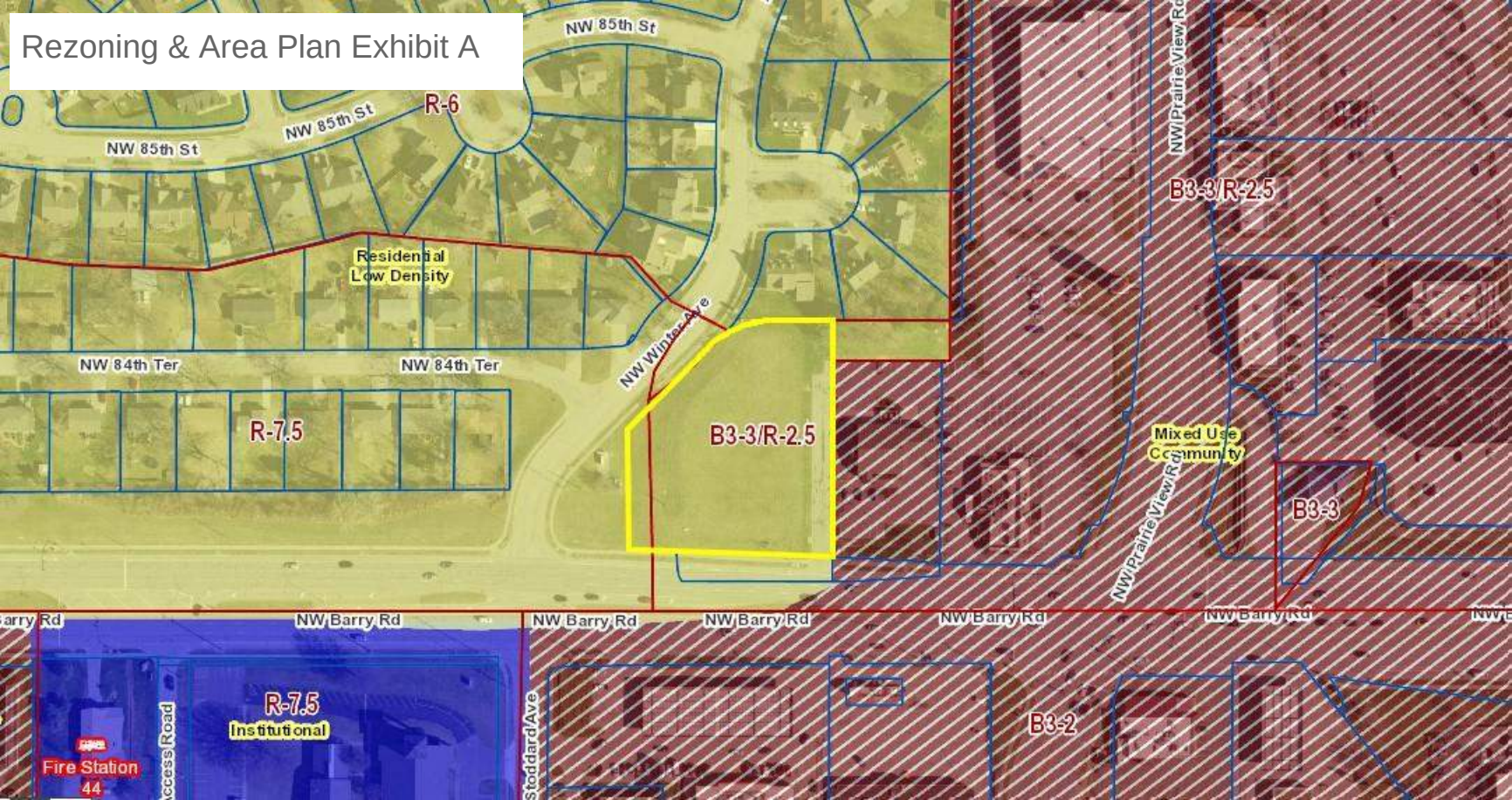
City staff recommends **APPROVAL** for Case No. CD-CPC-2024-00170 (area plan amendment) and Case No. CD-CPC-2024-00153 (rezoning without plan).

Respectfully Submitted,



Andrew Clarke, AICP
Lead Planner

Rezoning & Area Plan Exhibit A



Meeting Sign-In Sheet

Project Name and Address

CD-CPC-2024-00153

7198 NW Barry Rd, Kansas City, Missouri 64153

Name	Address	Phone	Email
Tristan Ross	8640 North Dixon Avenue Kansas City, MO 64153	<u>817-810-5398</u>	<u>tross@trademarkproperty.com</u>
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Ryan Westhoff	4520 Main Street, Suite 1100, Kansas City, MO 64111-7700	816-460-2577	ryan.westhoff@dentons.com
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CITY OF
KANSAS CITY,
MISSOURI

CITY PLANNING & DEVELOPMENT

Public Meeting Summary Form

Project Case # CD-CPC-2024-00153

Meeting Date: November 12, 2024

Meeting Location: Microsoft Teams Meeting - link sent via notice letter

Meeting Time (include start and end time):

5:15 PM - 5:35 PM

Additional Comments (optional): N/A

FOR SALE
CHARLIE LOWE
ERIC FRANZ
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www.crossroadsre.com

Public Hearing
City of St. Louis
11/19/24

