



City Council: Neighborhood Planning & Development Committee

Wednesday, December 2, 2020

1:30pm





Ordinance No. 200910

Project Name: Group Living (general) 3704 Central St

Case Number(s): CD-CPC-2020-00062 – Rezoning from UR to R-1.5

Location: 3704 Central St

Existing Zoning: UR

Summary: Applicant is seeking approval of a rezoning application to bring the property out of a UR – Urban Redevelopment zoning district and into a more common residential district R-1.5.

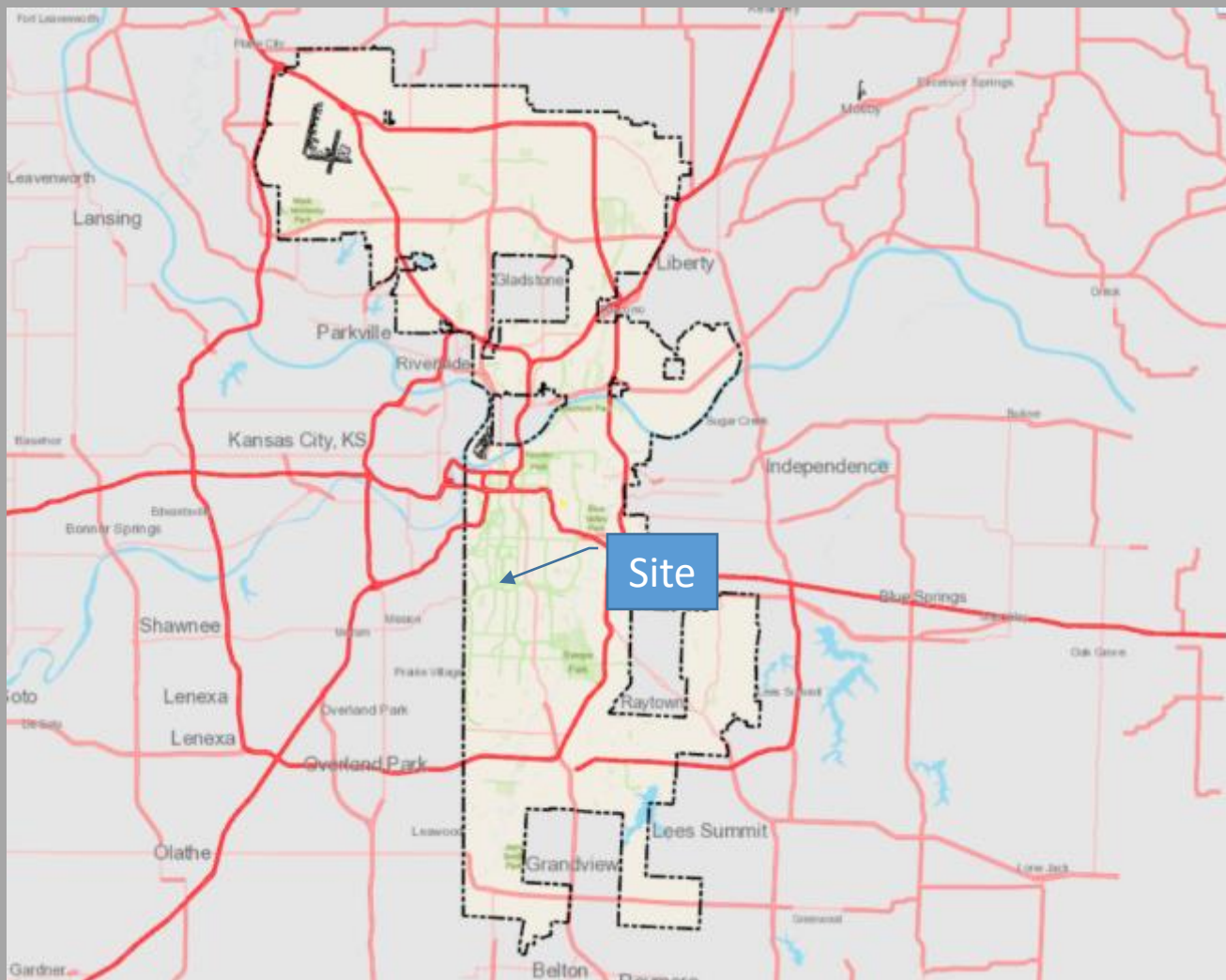
(Additionally, the applicant is seeking approval of a Special Use Permit to allow for “Group Living”, which will be reviewed by the Board of Zoning Adjustment.)

Public Engagement Meeting: July 9, 2020



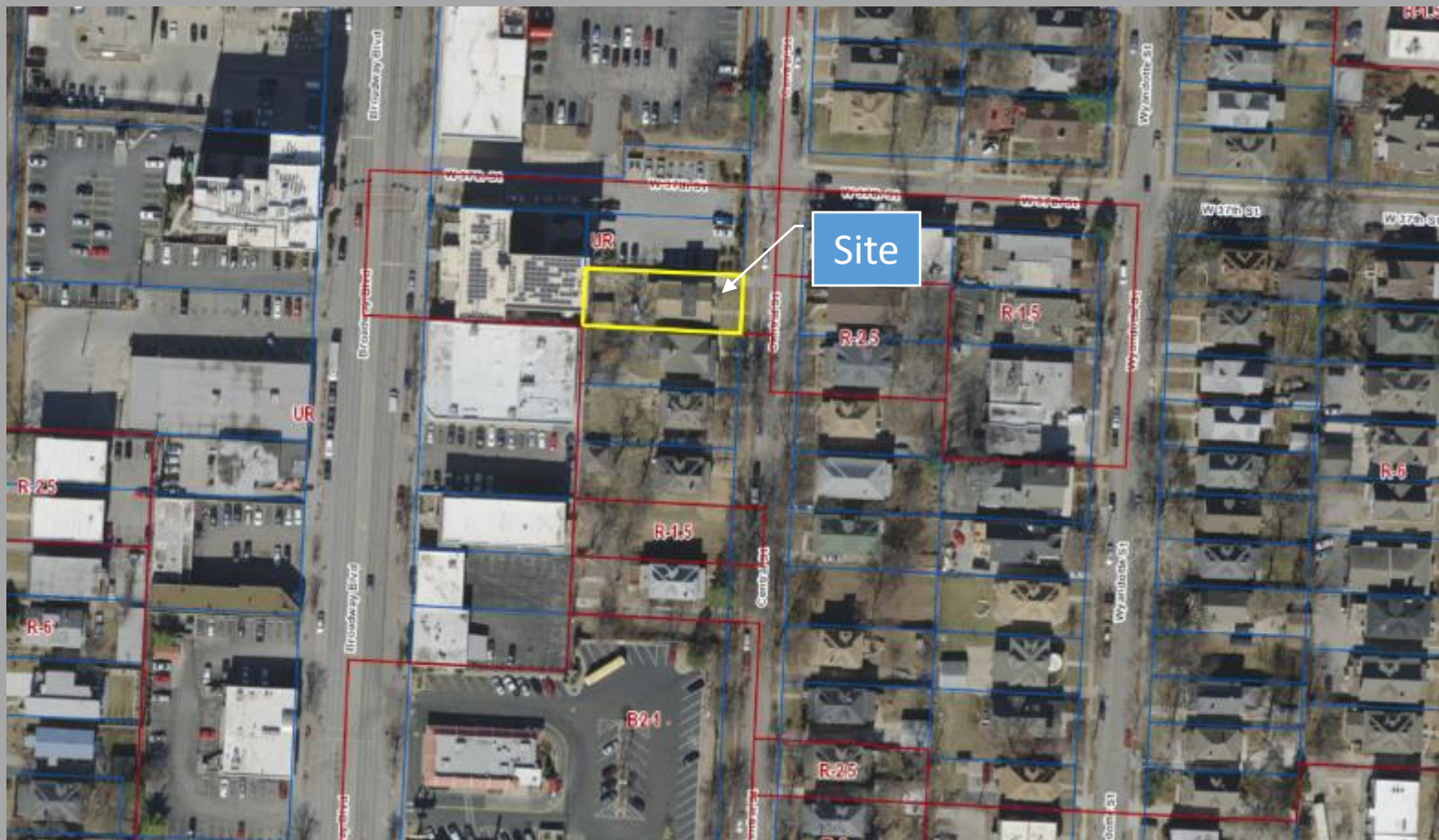


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STREET VIEW

Ordinance No. 200910





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PURPOSE

Applicant is proposing to rent out the existing larger home for multiple tenants which fall under the “Group Living” classification and which is first allowed in the R-1.5 zoning district with a Special Use Permit.

Both application types will be reviewed by the City Plan Commission (CPC). The Rezoning application will proceed to the City Council for a final determination, followed by the Special Use Permit proceeding to the Board of Zoning Adjustment for final determination.

EXISTING CONDITIONS

The property was constructed as a large single-family home. It features nine bedrooms with a common kitchen. The owner rents the home on a room-by-room basis. The code establishes two types of residential uses:

- Household living is defined as the residential occupancy of one dwelling by one individual, related individuals, or no more than five unrelated individual living in common.
- Group living is residential occupancy of a unit by any collection of individuals not meeting the definition of a household.

Because the owner rents the bedrooms out to unrelated individuals this is classified as group living, which requires a special use permit in the proposed R-1.5 zoning district.





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KEY POINTS

- On November 1, 2019 the property was cited for operating a group living residential in violation of the code.
- This exceeds the number of unrelated persons in one dwelling unit as defined by a “Household” in Section 88-810-700 of the City’s Zoning and Development Code.

PLAN REVIEW

The applicant is proposing to rezone the property out of the previous UR – Urban Redevelopment plan associated to the Chatham Condominiums building to the west. The previous UR plan cited in the controlling case history above as to donate and move the home in question to a vacant lot elsewhere in the neighborhood to make room for a future expansion of the Chatham Condominiums building. However, that relocation and expansion never occurred, and the home and parcel were sold.

The current owner is renting out the 8-9 bedrooms on an individual basis, which exceeds the allowed maximum number of unrelated individuals in a single “Household” as defined in Section 88-810-700 (quoted below). Therefore the applicant is seeking approval of a rezoning to revert the zoning designation back to R-1.5 (formerly called R-4 as defined in Section 88-25-04-B), and to seek approval of a “Group Living” use as defined in Section 88-805-02-B.

“Section 88-810-700 - HOUSEHOLD

Household means an individual; or two or more persons related by blood, marriage or adoption; or a group of not more than five persons, excluding servants, who need not be related by blood or marriage, living together and subsisting in common as a separate nonprofit housekeeping unit which provides one kitchen; or a group of eight or fewer unrelated mentally or physically handicapped persons, which may include two additional persons acting as houseparent’s or guardians who need not be related to each other or to any of the mentally or physically handicapped persons residing in the home.”

“Group Living” general is defined as cited below. It is not part of the sub-classifications of group living such as group home, nursing home, etc.:

“88-805-02-B. GROUP LIVING

Residential occupancy of a structure by other than a "household," typically providing communal kitchen/dining facilities. Examples of group living uses include but are not limited to fraternities, sororities, convents, monasteries, nursing homes and the following specific use types.”

Further “Group Living” must meet the following standards:

88-350 - GROUP LIVING AND NURSING HOMES

88-350-01 - APPLICABILITY AND STANDARDS

Group living uses in R districts are subject to the following standards:

88-350-01-A. Group living uses are allowed only in the types of residential buildings allowed in the subject zoning district, as identified in 88-110-0400.

88-350-01-B. Lots to be occupied by group living uses must have at least 500 square feet of lot area per resident or patient, based on the maximum resident/patient capacity.

- **Staff Analysis:** The lot is 6,901.5 sq ft in size. $6,901.5 / 500 = 13.8$ people (rounded up to 14 people)





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REZONING ANALYSIS

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 proposed zoning does not follow the land use recommendation of the Midtown Plaza Area Plan of Residential Low Density. However, it does comply with the previous zoning district designation of the property R-1.5 (formerly R-4).*

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

- The property to the north is zoned UR and used as a parking lot for the Chatham Condominiums building to the west. To the west fronting onto Broadway Blvd. is the existing 6-story Chatham Condominiums which is zoned UR. To the south is a single-family home zoned R-6. To the east is a 2-unit/duplex building and a 4-unit multi-family building across Central St zoned R-2.5 and R-1.5 respectively.

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

- The site is located within the historic Hyde Park neighborhood. The surrounding properties to the south predominately retained their existing large historic home. The properties to the east is a newer 2-unit/duplex building and what appear to be a historic 4-unit multi-family building across Central St

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

- There are adequate existing public facilities.

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

- This site is in a unique situation. While the existing UR zoning was intended to house multi-family expansion of the Chatham Condominiums, that phase of the development never occurred. A multi-family use is allowed in the R-1.5 zoning district. However, since the structure is a single family building with leased out individual bedrooms and shared common areas.

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

- Not applicable for this application; the site is currently developed.

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

- The zoning in and of itself will not impact the neighboring 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.

- Denial of the Rezoning would prohibit the Special Use Permit moving forward to the Board of Zoning Adjustment for consideration.





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Additional Letter of Opposition received after NPD staff letter was posted. These have been added to LUSI as sets #6 and #7.





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Staff Recommendation:

City Planning and Development Staff recommends **approval** without conditions for Case No. CD-CPC-2020-00062 Rezoning from UR to R-1.5 based on the application, plans, and documents provided for review prior to the hearing.

City Plan Commission Recommendation:

At the October 6, 2020 public hearing the CPC recommended **denial** of the rezoning application.





CD-CPC-2020-00062

Applicant Presentation





Transition Slide





Ordinance No. 200928

Project Name: Summit View Farms, 5th Plat

Case Number(s): CD-CPC-2019-00227 – Preliminary Plat

Location: 13399 E 139th St

Existing Zoning: R-80

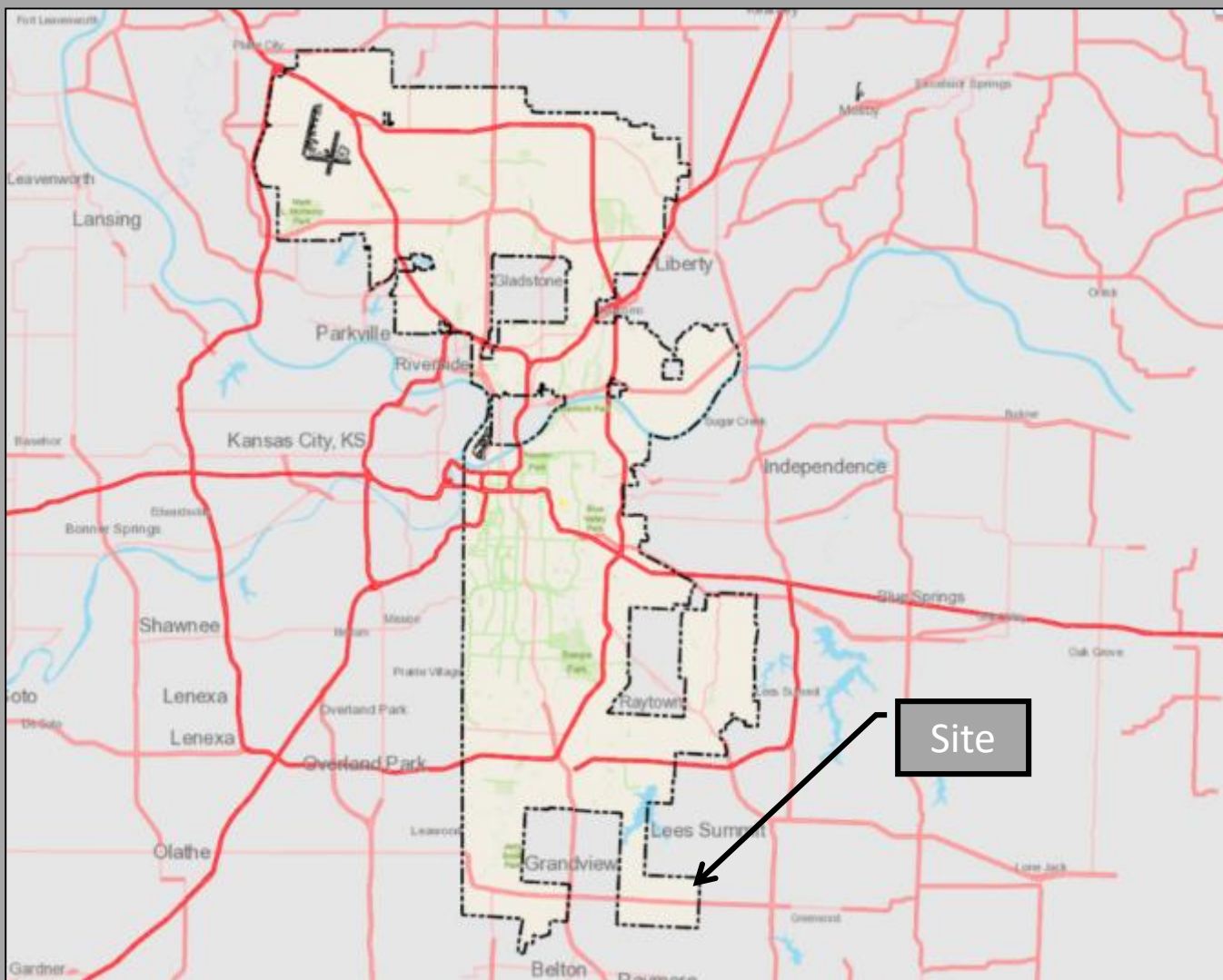
Summary: To create 2 common area tracts of land for the Summit View Farms subdivision. Most of this subdivision is currently located in the City of Lee's Summit. A future replat of the southern common area tract will create additional lots for the subdivision in KCMO and future expansion.

Public Engagement Meeting: January 13, 2020





Case No. CD-CPC-2019-00227





Case No. CD-CPC-2019-00227





Case No. CD-CPC-2019-00227

PLAT REVIEW



Final Plat – 2 tracts with access easement



Preliminary Plat – showing future lots

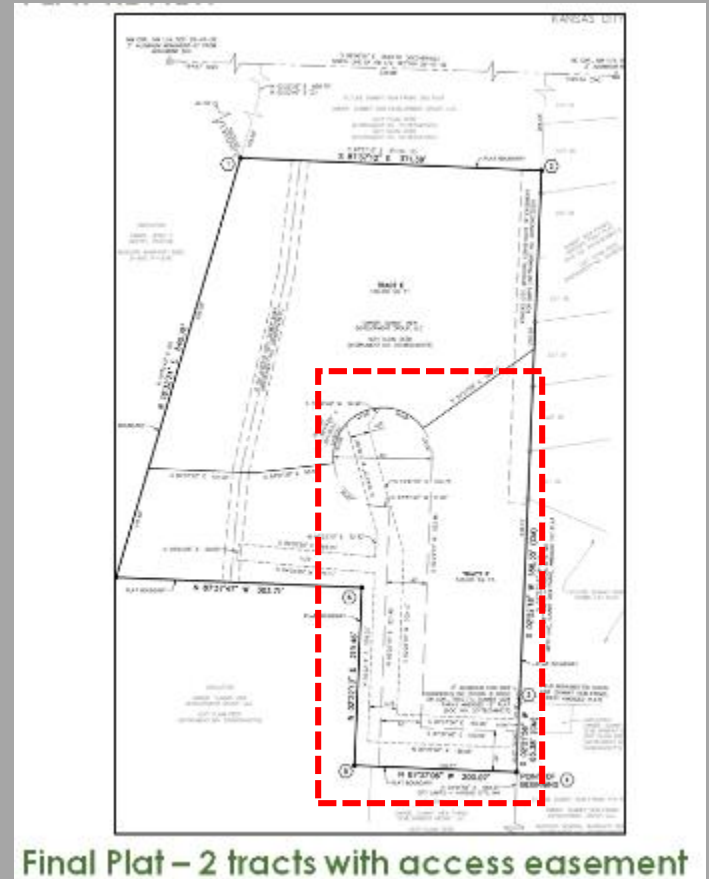




Case No. CD-CPC-2019-00227

Deviations & Waivers:

- **Code:** Street Connectivity Section 88-405-12 parts A-D stipulate all common area tracts:
 - A. provide vehicle and pedestrian access from an approved street to the open space or common area feature;
 - B. have a minimum width of 20 feet with grades of no more than 15%;
 - C. be unobstructed by any fence, wall or locked gate; and
 - D. have an all-weather surface or pervious paving adequate to accommodate anticipated maintenance and emergency access needs for the type of use in the open space or common area tract.
- **Request:** the applicant requests a waiver to this requirement for the northern Tract E. Access will be provided by an access easement through Tract F. When Tract F is redeveloped into single family lots the access easement will become a paved public roadway, and therefore meet this section.
- **Staff** is supportive of this request as it is intended to be temporary and the intent of providing access will be accomplished by the proposed access easement.





Case No. CD-CPC-2019-00227

Staff Recommendation:

Staff recommends **approval with conditions** of the Preliminary Plat including a waiver for the direct street connectivity requirement for Tract E (Condition #1 of the ordinance).

- Note: Staff and the applicant have recommended a Committee Substitute to modify and delete some conditions.

CPC Recommendation:

The City Plan Commission recommended **approval with conditions** including the waiver at their January 21, 2020 public hearing.





CD-CPC-2020-00062 and CD-SUP-2020-00023

Applicant Presentation

