

# COMMUNITY PROJECT/REZONING

Ordinance Number **220015**

## Ordinance Fact Sheet

**Case No.** CD-CPC-2021-00187; CD-CPC-2021-00188

### Rezoning

A request to approve a rezoning to B1-1 (Neighborhood Business 1) and an area plan amendment to change the use from residential low density to mixed-use neighborhood on about 0.8 acres, generally located 8532 N. Oak Trafficway. (CD-CPC-2021-00187; CD-CPC-2021-00188)

### Details

**Location:** generally located 8532 N. Oak Trafficway.

**Reason for Legislation:** Rezoning and Area Plan Amendment applications require City Council approval.

**The Commission recommended that this application be approved with the following conditions:**

No conditions

### 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 Gashland/Nashua Area Plan recommends Residential Low Density and Mixed Use Neighborhood land use. The request doesn't fully comply to this recommendation; therefore, an area plan amendment is requested along with the rezoning application.

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

Properties to the north include insurance offices and a garden center zoned B1-1. To the east there are office, retail, and restaurant uses zoned B1-1 and B2-2. To the south there are more intense commercial uses zoned B1-1 and B4-2. Lastly, to the west, there are single and multi-family residential uses, zoned R-7.5 and R-1.5.

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

On the east side of the property, there are commercial uses and N Oak, which is a Thoroughfare of 4 lane traffic. On the west side the land is wooded and the neighborhood appears to contain older housing. There is a stream that runs through the area going west. The subject property lies in the middle of diverse zoning and land uses.

### Positions/Recommendations

|   |   |
|---|---|
| <b>Sponsors</b>                                 | Jeffrey Williams, AICP, Director<br>Department of City Planning & Development   |
| <b>Programs, Departments or Groups Affected</b> | 2 <sup>nd</sup> District (Loar, Fowler)   |
| <b>Applicants / Proponents</b>                  | <b>Applicant</b> Chanda Oneal<br>Healing Hands LLC<br>8532 N Oak Trfy<br>Kansas City, MO 64155<br><br><b>City Department</b><br>City Planning & Development<br><b>Other</b> |
| <b>Opponents</b>                                | <b>Groups or Individuals</b>  |
|   | <b>Basis of Opposition</b>  |
| <b>Staff Recommendation</b>                     | <input checked="" type="checkbox"/> <b>For</b>  |
|   | <input type="checkbox"/> <b>Against</b>   |
|   | <b>Reason Against</b>   |
| <b>Board or Commission Recommendation</b>       | City Plan Commission (7-0) 12-21-2021<br>By Baker, Beasley, Crowl, Enders, Hill, Rojas, Sadowski)   |
|   | <input checked="" type="checkbox"/> <b>For</b> <input type="checkbox"/> <b>Against</b> <input type="checkbox"/> <b>No Action Taken</b>                                      |
|   | <input type="checkbox"/> <b>For, with revisions or conditions</b><br>(see details column for conditions)  |
| <b>Council Committee Actions</b>                | <input type="checkbox"/> <b>Do Pass</b>   |
|   | <input type="checkbox"/> <b>Do Pass (as amended)</b>  |
|   | <input type="checkbox"/> <b>Committee Sub.</b>  |
|   | <input type="checkbox"/> <b>Without Recommendation</b>  |
|   | <input type="checkbox"/> <b>Hold</b>  |
|   | <input type="checkbox"/> <b>Do not pass</b>   |

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

The site is served by water and sewer and will meet the needs of future development on the site.

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

The existing zoning is R-7.5 and the Personal Improvement Service use is not permitted under this zoning. Under R-7.5 zoning, housing, mainly single family, is the most typical and suitable use. R-7.5 zoning allows for very few commercial uses; therefore, rezoning is necessary in order to expand the current Home Occupation to a full commercial use. Because the subject site is situated in between other commercial zoning districts to the north, east, and south, the rezoning would be appropriate, and not considered a "spot zoning". If this property remained in a residential zoning district, it may not be appealing for a future home buyer because it faces a thoroughfare and the closest neighboring house is around the corner on NE 86<sup>th</sup> Ter. As a residential property, the existing house is somewhat isolated from the adjacent neighborhoods.

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

Not applicable. The subject property is not currently vacant.

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

In staff's opinion, the proposed rezoning would not detrimentally affect nearby properties because the surrounding zoning, uses, and intensity are similar to what is proposed on the subject site.

**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 and area plan amendment will restrict the applicant from expanding their business, which conforms with the character of the area, and is not projected to adversely impact the surrounding properties.

Based on the applications submitted by the applicant, Staff makes recommendation to each case as following:  
 CD-CPC-2021-00187: Staff recommends **APPROVAL WITHOUT CONDITIONS.**  
 CD-CPC-2021-00188: Staff recommends **APPROVAL WITHOUT CONDITIONS.**

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

**Finances**

|  |  |
|--|--|
| <b>Cost &amp; Revenue Projections – Including Indirect Costs</b> |  |
| <b>Financial Impact</b>  |  |
| <b>Funding Source(s) and</b>                                     |  |

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| Appropriation<br>Account Codes |  |
|--------------------------------|--|
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| <b>Fact Sheet Prepared By:</b><br>Genevieve Kohn<br>Planner                              | <b>Date:</b> 12/22/2021 |   |
| <b>Reviewed By:</b><br>Joe Rexwinkle, AICP<br>Division Manager<br>Development Management | <b>Date:</b> 12/22/2021 | <b>Initial Application Filed:</b> 10/7/2021<br><b>City Plan Commission:</b> 12/21/2021<br><b>Revised Plans Filed:</b> N/A |
| <b>Reference Numbers:</b><br>Case No. CD-CPC-2021-00187; CD-CPC-2021-00188               |                         |   |