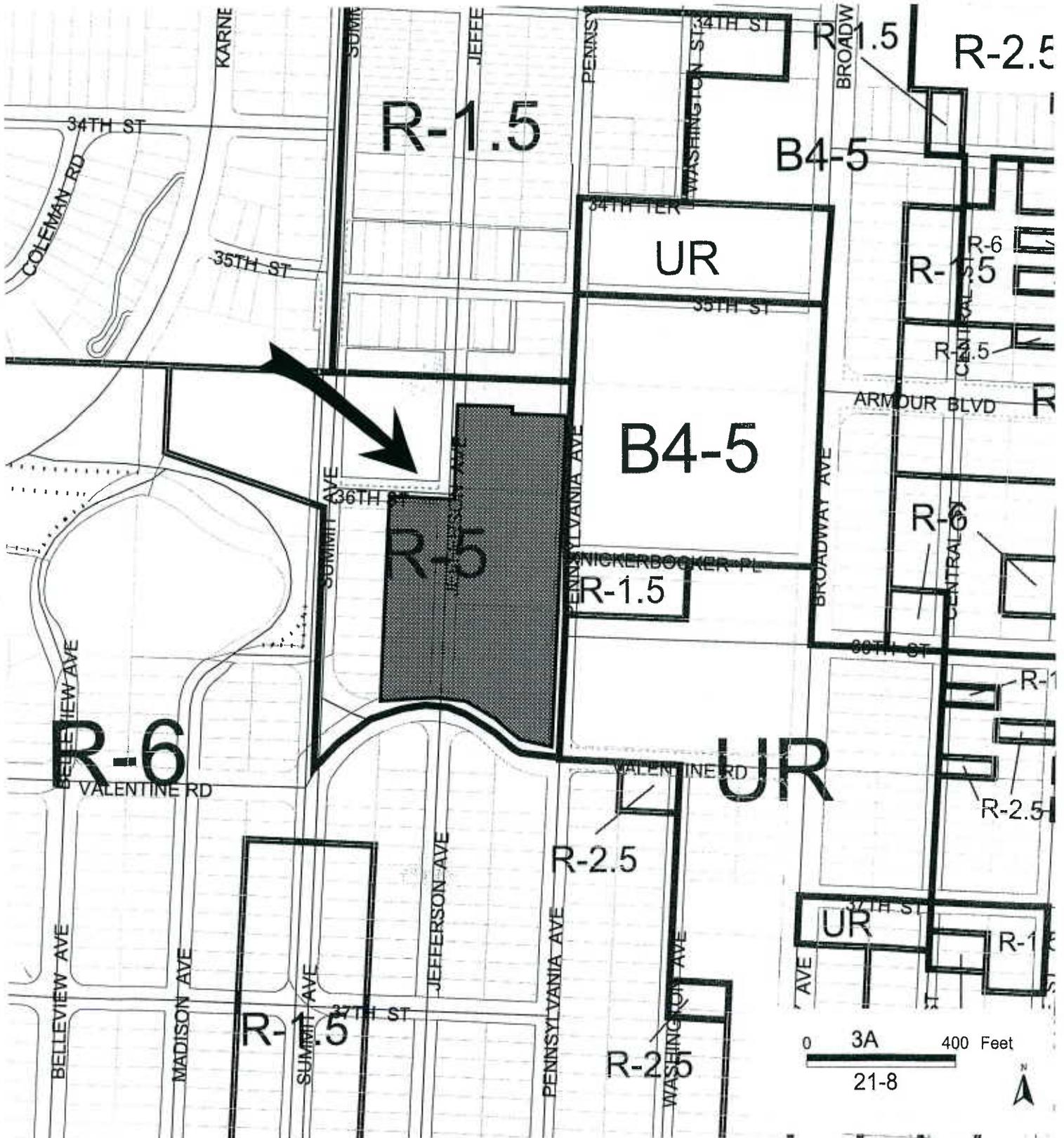


# 14275-P

04-17-12  
05-15-12

Case No. 14275-P - About 7.5 acres generally bounded by Valentine Road on the south, the west side of Pennsylvania Avenue north to and including 3530, 3528 and 3526 Pennsylvania Avenue, the east side of Jefferson Street north to and including 3523 Jefferson Street, and the west side of Jefferson Street north to and including 3600 Jefferson Street, to consider rezoning from R-5 (Residential-5) to District R-6 (Residential-6).





## City Planning & Development Department

Development Management Division

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Kansas City, Missouri 64106-2795

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### **STAFF REPORT**

**May 15, 2012**

**(16)**

**RE:** Case No. 14275-P

**APPLICANT/ AGENT:** Department of City Planning and Development & Jim Martin  
Valentine Neighborhood Association  
3775 Washington Street  
Kansas City, MO 64111

**LOCATION:** Generally bounded by Valentine Road on the south, the west side of Pennsylvania Avenue north to and including 3530, 3528 and 3526 Pennsylvania Avenue, the east side of Jefferson Street north to and including 3523 Jefferson Street, and the west side of Jefferson Street north to and including 3600 Jefferson Street.

**AREA:** Approximately 7.5 acres

**REQUESTS:** To consider rezoning from District R-5 (Residential-5) to District R-6 (Residential-6).

**LAND USE PLAN:** The Westport Area Plan recommends Multi-family Residential – Low Density for this site. The Midtown/ Plaza Area Plan is currently being update to cover this area and will designate this area for single family residential land use.

**SURROUNDING**

**LAND USE:** **North:** zoned R-5, Norman School Lofts & single family residences.  
**South:** zoned R-6, single family residences.  
**East:** zoned B4-4/ R-1.5 & UR, Kansas City Life Insurance, apartment building and Broadway/ Valentine Shopping Center  
**West:** zoned R-6, single family residences.

**MAJOR STREET PLAN:** Jefferson Street and Pennsylvania Avenue are not classified by the City's Major Street Plan.

**PREVIOUS ACTION:** On April 17, 2012, the City Plan Commission continued this application to the May 15, 2012 CPC docket at the applicant's request to allow them to modify the proposed downzoning boundary. The applicant no longer wishes to expand the current proposed boundary.

**PREVIOUS CASES:**

**Cases No. 10793-P & 10794-P** – Ordinance Nos. 64794 and 64796 passed by City Council on January 11, 1990 rezoned about 23 acres generally bounded by Valentine Road, the east side of Washington Avenue, the south side of 38<sup>th</sup> Street, and on both sides of Summit Avenue, from Districts R-2a, R-2b, R-3, and R-4 to District R-1b (single family residence) to bring zoning into compliance with existing land use and to discourage conversion of single family homes to multi-family structures.

**PLAN REVIEW/ANALYSIS:**

The Valentine neighborhood in their continued effort to stabilize their neighborhood have proposed additional neighborhood downzoning of 50 parcels. The area proposed to be downzoned is physically bounded by Valentine Road on the south, the west side of Pennsylvania Avenue north to and including 3526 Pennsylvania Avenue, the east side of Jefferson Street north to and including 3523 Jefferson Street, and the west side of Jefferson Street north to and including 3600 Jefferson Street.

The predominant land use within this area is single family residential with some duplexes. The existing residential zoning is R-5 which allows for single-family houses, attached house, townhouse, duplexes, and “multi-unit houses” of up to 8 units, subject to lot area requirements.

Table 110-2: Lot and Building Standards									
	R-80	R-10	R-7.5	R-6	R-5	R-2.5	R-1.5	R-0.5	R-0.3
<b>CONVENTIONAL DEV'T</b>									
<b>Lot Size</b>									
» Min. lot area (square feet)	80,000	10,000	7,500	6,000	5,000	4,000	3,000	3,000	2,500
» Min. lot area per unit (sq. ft.)	80,000	10,000	7,500	6,000	5,000	2,500	1,500	350	300
» Min. lot width (feet)	150	85	50	50	45	40	30	30	25
<b>Front Setback<sup>1</sup></b>									
» Minimum (% of lot depth)	25	25	25	25	25	25	15	15	15
» Min. garage (% of lot depth)	25	25	25	25	25	25	20	20	20
» Maximum required (ft)	40	30	30	30	25	25	20	20	20
<b>Rear Setback</b>									
» Minimum (% of lot depth)	25	25	25	25	25	25	25	25	25
» Maximum required (ft)	50	30	30	30	30	25	25	25	25
<b>Side Setback</b>									
» Min. each side (% lot width)	10	10	10	10	10	10	10	10	10
» Maximum required (feet)	8	8	8	8	8	8	8	8	8
» Min. abutting major street (ft)	15	15	15	15	15	15	15	15	15
<b>Height (feet)</b>									
» Maximum	35	35	35	35	35	40	45	164	235

In an effort to restrict the future development of new duplexes and multifamily structures, as well as the conversion of existing structures to additional units, the Valentine Neighborhood Association is requesting a “downzoning” of their neighborhood.

The neighborhood association is working with the Citywide Division of City Planning and Development Department on the Midtown/ Plaza Area Plan. This plan will make specific land use recommendations on a block by block and often a parcel by parcel basis to make sure that the current zoning conforms to the future land use plan.

Ideally, the new districts established by a downzoning should exactly match existing uses, e. g. single-family zoning should be applied to only single-family uses. As a practical matter, every downzoning makes some existing uses “non-conforming” in terms of the new district. Following is a matrix that demonstrates the effect of a rezoning from duplex/multifamily zoning to single-family zoning.

<p style="text-align: center;"><b>A</b></p> <p style="text-align: center;"><b>Conforming use under current zoning, also conforming under new zoning.</b></p> <p>Examples: single-family homes, vacant lots, schools and churches meeting locational requirements (churches are an allowed <u>use</u> in any zoning district)</p>	<p style="text-align: center;"><b>B</b></p> <p style="text-align: center;"><b>Conforming use under current zoning, becomes legal non-conforming under new zoning.</b></p> <p>Examples: legally established duplexes, some multifamily structures, schools and churches <u>not</u> meeting locational requirements. A CLNU <u>may</u> be required.</p>
<p style="text-align: center;"><b>C</b></p> <p style="text-align: center;"><b>Legal non-conforming use under current zoning, still legal non-conforming under new zoning.</b></p> <p>Examples: retail/office uses established legally (prior to 1923, or when a previous zoning district allowed for that use), such as a corner grocery store, some multifamily structures</p>	<p style="text-align: center;"><b>D</b></p> <p style="text-align: center;"><b>Illegal use under current zoning, still illegal under new zoning.</b></p> <p>Examples: uses established illegally, such as multifamily conversions of single-family homes without permit, or commercial uses begun in residential zoning without a business license.</p>

In Valentine, every single-family house conforms with the existing R-5 zoning, and will continue to be in conformance with the new R-6 zoning. This equates to Category A in the matrix.

As a result of the downzoning there will be a number of existing duplex structures in conformance with the current zoning as to use and density that will be made non-conforming by the downzoning. However, any legally created use may continue indefinitely no matter how the underlying zoning is changed. A certificate of legal non-conformance (CLN) may be required, which is a City-issued document demonstrating the legal creation of the use and allowing the

property to receive permits for repairs and maintenance. If a non-conforming use is destroyed or abandoned, or converted to a conforming use, it must from then on comply with the new zoning requirements. Following passage of a downzoning ordinance, the City mails notices with information on obtaining CLN's to all property owners known to have non-conforming uses. This equates to Category B in the matrix.

Although the area proposed for single-family zoning contains some duplexes and multifamily structures, some of these may already be non-conforming under the existing zoning. Many of these structures have already obtained CLN's, and they will not be made any more non-conforming by the new downzoning. This equates to Category C in the matrix.

The goal of the downzoning is to preserve the moderate-density residential character of the neighborhood by limiting future development, including the conversion of existing structures for the purpose of adding residential units. It is likely that a number of duplex and multifamily structures were illegal conversions of legal structures, done in violation of zoning requirements and/or without valid City permits or licenses. Illegal conversions are usually brought to light when building permits are sought. The downzoning will have no effect on the status of such properties. This equates to Category D in the matrix.

## 88-110-04 RESIDENTIAL BUILDING TYPES

### 88-110-04-A. RESIDENTIAL BUILDING TYPES ALLOWED

The residential uses allowed in R districts must be located in residential buildings. The following residential building types are allowed in R districts. Many residential building types are subject to supplemental standards, as referenced in 88-110-06-C.

Building Type	R-80	R-10	R-7.5	R-6	R-5	R-2.5	R-1.5	R-0.5	R-0.3
Detached house	P	P	P	P	P	P	P	P	P
Zero lot line house	P	P	P	P	P	P	P	P	P
Cottage house	-	-	P	P	P	P	P	P	P
<b>Attached house</b>									
» Semi-attached									
» on corner lots	-	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P	P	P	P	P
» in other situations	-	-	-	-	P	P	P	P	P
» Townhouse	-	-	-	-	P	P	P	P	P
<b>Two-unit house</b>									
» on corner lots	-	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P	P	P	P	P
» in other situations	-	-	-	-	P	P	P	P	P
Multi-unit house	-	-	-	-	-	P	P	P	P
Multiplex	-	-	-	-	-	-	P	P	P
Multi-unit building	-	-	-	-	-	-	P	P	P
P = permitted building type - = prohibited building type P <sup>1</sup> Permitted only in approved open space development or conservation development; subject to 88-110-06-C.4									

Kansas City Life Insurance Company owns eight (8) of the 50 parcels proposed for downzoning and have strong reservation about moving forward at this time. The KC Life representative has been in conversation with the Valentine neighborhood Association over the past couple of month in an attempt to address the long term plans regarding their overall real estate holdings within the Valentine neighborhood.

**RECOMMENDATIONS:**

City Planning and Development staff recommends approval of Case No. 14275-P without condition.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Olofu O. Agbaji". The signature is fluid and cursive, with the first name "Olofu" being the most prominent part.

Olofu O. Agbaji  
Planner