

SECOND COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 071357

Denying approval of an amendment to a previously approved preliminary development plan in District C-2-p on approximately a 0.53 acre tract of land generally located on the west side of Blue Ridge Boulevard, approximately 400 feet north of 106th Terrace. (10676-P-1)

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section A. That the Council denies approval of an amendment to a previously approved preliminary development plan in District C-2-p (Local Retail Business/Limited District) on approximately a 0.53 acre tract of land generally located on the west side of Blue Ridge Boulevard, approximately 400 feet north of 106th Terrace, and more specifically described as follows:

All that part of Lots 4 and 5, Perkins Gardens, a subdivision in Kansas City, Jackson County, Missouri, more particularly described as follows: Beginning at the southwest corner of said Lot 5 thence north along the west line of said Lot 5 and 4, a distance of 154 feet; thence east, parallel to the south line of said Lot 5, a distance of 83 feet; thence south parallel to the west line of said Lot 5, a distance of 32 feet; thence east, parallel to the south line of said Lot 5 a distance of 10 feet; thence south parallel to the west line of said Lot 5, a distance of 22 feet to a point on the south line of said Lot 4; thence east along said south line, to the southeast corner thereof, said point also being the northeast corner of said Lot 5; thence southerly, along the east line of said Lot 5, to a point on a line drawn parallel to and 55 feet south of the north line of said Lot 5; thence west, along last said parallel line, to a point on a line drawn parallel to and 121.9 feet east of the west line of said Lot 5; thence south, along last said parallel line, a distance of 45 feet to the south line of said Lot 5; thence west along said south line, a distance of 121.9 feet to the southwest corner thereof and the point of beginning.

A copy of said proposed amendment is on file in the office of the City Clerk with this ordinance and is made a part hereof.

Section B. That the Council finds and declares that before taking any action on the proposed amendment hereinabove, all public notices and hearings required by the Zoning Ordinance have been given and had.

Section C. That the Council hereby makes the following findings of fact in support of this denial:

1. This property was rezoned from C-1 to C-2p, which is a limited district, in 1989.

SECOND COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 071357

2. Limited districts allow only those uses shown on the approved plan, and allow no variances from the specifications on the plan.
3. Property is generally zoned to a limited district so that uses shown on the development plan can be allowed, without allowing all uses available in the underlying zoning district, which uses may not be appropriate for a certain site.
4. The approved plan for this property allowed a single family house and an automotive repair shop.
5. Prior to approval of this plan the automotive repair shop had operated illegally in the C-1 zoning.
6. The purpose of the limited zoning was to allow the continued use of the automotive repair shop but provide limitations so that other C-2 uses would not be allowed.
7. The Hickman Mills Area Plan, adopted in 2007, calls for streetscape and other improvements for the commercial corridors, particularly Blue Ridge Boulevard, which is the “central spine” of the area.
8. The plan notes that many of the plan area corridors are cluttered and unattractive, and improvement of these corridors is essential to the redevelopment of the Hickman Mills area.
9. The proposed amendment to the development plan would increase the clutter and unattractiveness of the Blue Ridge corridor and is not consistent with the goals of the Hickman Mills area plan.
10. Neighborhood leaders are opposed to the amendment of this limited district plan to allow a cellular tower because the tower would add to the clutter and unattractiveness along the Blue Ridge Corridor, and does not contribute to quality development in this corridor.
11. The applicant did not describe its efforts to collocate on another tower or on public property, as required by section 80-140 of the zoning ordinance.
12. Residents of the neighborhood surrounding this site and leaders in the Hickman Mills area believe that it is essential to have quality development along the important Blue Ridge Boulevard corridor.
13. Neighborhood residents testified that there is adequate cellular coverage in the area surrounding this site.

SECOND COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 071357

14. There are several other existing cellular towers in the area surrounding this property.
15. There may be opportunities to colocate on an existing building or tower or public or private property that have not been explored by the applicant.

Section D. That the Council concludes that the current zoning of this property and the current development plan provides for a reasonable use of the property, that the proposed amendment would not be in conformance with the area plan, and that the proposed amendment would be harmful to the surrounding area and is not in the public interest, and is therefore denied.

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I hereby certify that as required by Chapter 80, Code of Ordinances, the foregoing ordinance was duly advertised and public hearings were held.

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Secretary, City Plan Commission

Approved as to form and legality:

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M. Margaret Sheahan Moran  
Assistant City Attorney