

# COMMUNITY PROJECT/ZONING

## Ordinance Fact Sheet

Case No. 14275-P-1

### Brief Title

### Approval Deadline

To consider rezoning from District R-6 (Residential dash 6)  
to District R-5 (Residential dash 5).

**140943**

Ordinance Number

### Details

### Positions/Recommendations

<b>Specific Address</b> Generally located on the west side of Pennsylvania, approximately 255 feet south of W. 35th Street (3520 Pennsylvania Avenue).
<b>Reason for Legislation</b> To correct an error created during the 2012 overall neighborhood downzoning effort.
<b>Discussion</b> <b>PREVIOUS CASES:</b>  <b>Case No. 14275-P</b> – Committee Substitute Ordinance No. 120528 passed by City Council on June 28, 2012 rezoned 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).  <b>Cases No. 10793-P &amp; 10794-P</b> – 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.  <b>EXISTING CONDITIONS:</b>  The subject parcel is about 0.12 acres (5,036.27 square foot), generally located on the west side of Pennsylvania, approximately 255 feet south of W. 35th Street. The property is an undeveloped/ vacant parcel. The parcel has 40 foot of frontage on Pennsylvania Avenue. The lot depth is about 129 feet. Pennsylvania Avenue is an improved two lane street with curb, gutters and sidewalks on both sides of the street. Access to the site is via an existing curb cut on Pennsylvania Avenue.

<b>Sponsor</b>	Bob Langenkamp, AICP, Director Department of City Planning and Development
<b>Programs, Departments, or Groups Affected</b>	4th District (Glover & Marcarson)
<b>Applicants / Proponents</b>	<b>Applicant</b> City Planning and Development  <b>City Department</b> City Planning and Development
<b>Opponents</b>	<b>Groups or Individuals</b> None  <b>Basis of opposition</b>
<b>Staff Recommendation</b>	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against  <b>Reason Against</b>
<b>Board or Commission Recommendation</b>	City Plan Commission (8-0) 10-07-2014 <b>By</b> Aye: (Archie, Baker-Hughes, Gutierrez, Krum Macy, Martin, May and Van Zandt ) <input checked="" type="checkbox"/> For <input type="checkbox"/> Against <b>No action taken</b> <input type="checkbox"/> For, with revisions or conditions (see details column for conditions)
<b>Council Committee Actions</b>	<input type="checkbox"/> Do pass <input type="checkbox"/> Do pass (as amended) <input type="checkbox"/> Committee Sub. <input type="checkbox"/> Without Recommendation <input type="checkbox"/> Hold <input type="checkbox"/> Do not pass

**Details**

North of this parcel are two vacant parcels and single family residence. To the south is a single family residence on five (5) lots. The Kansas City Life Insurance Company is on the east side of Pennsylvania Avenue. To the west are single family residences.

Kansas City Life Insurance Company owns seven (7) parcels within the neighborhood downzoning area boundary. Kansas City Life Insurance Company worked with the neighborhood and consented to the downzoning of the parcels within the neighborhood. However, 3520 Pennsylvania was not identified on the inventory list and map provided by the neighborhood for downzoning. This parcel is one of three adjoining vacant parcels on Pennsylvania Avenue.

**BACKGROUND FACTS:**

The published legal description for the advertisement of this case reads:

**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).

The City Plan Commission docket map for Case No. 14275-P shows the downzoning limit along Pennsylvania (east) slightly south of the downzoning limit along Jefferson Street (west). The docket map does not include 3520 Pennsylvania in the downzoning.

The power point aerial exhibit presented by staff at the City Plan Commission and the PZ&E Committee hearing had the downzoning boundary line excluding 3520 Pennsylvania from the rezoning.

Following the approval by the City Plan Commission on May 15, 2012, staff erroneously listed the address and legal description for 3520 Pennsylvania with the ordinance request.

Committee Substitute Ordinance No. 120528 passed by City Council on June 28, 2012 included 3520 Pennsylvania even though it was not one of the parcels submitted by the neighborhood for downzoning, it was not included by the City Plan Commission at the CPC hearing or by the PZ&E Committee at the hearing. This rezoning is necessary to revert 3520 Pennsylvania to its original R-5 zoning designation.

**Policy/Program Impact**

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

**Finances**

<b>Cost &amp; Revenue Projections -- Including Indirect Costs</b>	
<b>Financial Impact</b>	
<b>Fund Source (s) and Appropriation Account Codes</b>	

**Fact Sheet Prepared By:**

Olofu O. Agbaji  
Staff Planner

**Date:** 10-24-2014

Initial application filed: 08-22-2014

**Reviewed by:**

Diane M. Binckley, Division Manager  
Development Management

**Date:** 10-24-2014

**Reference Numbers**

**Case No. 14275-P-1**

**Continued.**

The Long Range Planning and Preservation Division of City Planning and Development Department is working 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.

The proposed zoning is supported by the area plan and allows for appropriate uses at this location.

