

COMMUNITY PROJECT/ZONING

Ordinance Fact Sheet

Case No. 6932-MPD-5

130914

Ordinance Number

Brief Title _____ Approval Deadline _____ Reason _____
 To consider rezoning a 5.2 acre tract of land from District R-7.5 (Residential dash 7.5) to MPD (Master Planned District) and approval of a development plan which also serves as a preliminary plat, to allow for a Bed and Breakfast for up to Eight (8) guest rooms and parking.

Details	Positions / Recommendations	
Specific Address 4151 E 100 th Terrace, generally located at the terminus of E 100 th Terrace, at the northwest corner of I-435 and 71 Hwy	Sponsor	Robert Langenkamp, AICP, Assistant City Manager/Director City Development Department
Reason for Project To allow for a Bed and Breakfast in an existing structure for up to Eight (8) guest rooms and parking.	Programs, Departments, or Groups Affected	Council District(s): 5 th (Circo, Brooks) Other districts: Hickman Mills 140
REPORT: The site is located at 4151 E 100 th Terrace. East 100 th Terrace comes to a dead-end at the subject property, about 1,700 feet east of Grandview Road. The site has remote vehicular access as Grandview Road connects to East Bannister Road about one mile north, and has no direct connection to I-470 to the south. The 5.2 acre site contains a vacant residential unit and has been directly associated in the past with the light industrial printing facility located adjacent to and north of the site. The two land uses share a vehicular entrance off of E 100 th Terrace. The subject residential structure is also about 600 feet west of the west property line of I-435. In addition to the residential unit, the site is improved with a 14 space parking lot with the remainder of the lot extending to I-435 in native woodland. The residence is not visible from I-435. In addition to the two uses, other uses on E 100 th Terrace from west to east from Grandview Road include: Stonecroft Ministries (chained access onto E 100 th Terrace), two single family detached residences and Scott Park.	Applicants/ Proponents	Johnny Youssef Goshen Homes, Inc. 11210 College Avenue Kansas City, MO 64137
	Opponents	Groups or individuals Some neighbors and neighborhood association, due to use, traffic & parking.
	Staff Recommendation	<input checked="" type="checkbox"/> For, with conditions <input type="checkbox"/> Against Reason Against:
	Board or Commission Recommendation	By: City Plan Commission, 10/15/13, Vote DENIED ; Motion carried 6-1; Voting Aye: Baker-Hughes, Gutierrez, Martin, May, Van Zandt and Macy; Voting Nay: Archie; Absent: Krum <input type="checkbox"/> Approval <input type="checkbox"/> Approval, with conditions <input checked="" type="checkbox"/> Denial
	Council Committee Actions	<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

Discussion**Policy / Program Impact**

<p>Scott Park is adjacent to and west of the site. Scott Park is a 6.3 acre park which was acquired in 1974. There are no developed sites on the north side of E 100th Terrace. West of Grandview Road is the Oakwood Country Club. To the north of the site is a private use off of Scott Road, a private drive. East 100th Terrace is a two-way, two-lane asphalt road with no sidewalks, curbs or gutters.</p> <p>Dating back to 1972, there have been at least six city cases involving both this property and the adjacent printing facility. Both of these uses were constructed in the early 1970s as a 12,000 sf building that served as a training center for “<i>retarded and handicapped citizens</i>” and the residential building where these citizens were housed. The Board of Zoning Adjustment approved this eleemosynary (charitable) use as a conditional use in October 1974. The original nine acre site included the training center and one of the seven proposed residential cottages which were to have been built. The center has now been allowed to be used as a printing shop. In the field visit conducted by staff in September, the 100 ft x 150 ft parking lot for the printing business had two cars during working hours. The subject residential structure was vacant.</p>	Policy or Program Change <input type="checkbox"/> No <input type="checkbox"/> Yes	
	Operational Impact Assessment	
	Finances	
	Cost & Revenue Projections – Including Indirect Costs	
	Financial Impact	
	Fund Source and Appropriation Account Costs	

Project Start Date

Plan filed: July 1, 2013
 CPC date: October 15, 2013
 Plan resubmitted: Has not been resubmitted due to CPC denial recommendation

Project Completion or Occupancy Date**Fact Sheet Prepared by:****Date:** November 14, 2013

John Eckardt
 Planner

Reviewed by:**Date:** November 14, 2013

Diane Binckley, Manager
 Development Management Division

Reference or Case Numbers: Case No. 6932-MPD-5

The applicant states that they propose to use the site as a Bed and Breakfast. They state that there would be a maximum of eight separate sleeping quarters as the structure exists now. They state that the building was originally built as a group home and has always had multiple sleeping quarters.

Section 88-805-04-O, of the Zoning and Development Code defines Bed and Breakfast as the following:

88-805-04-O. Lodging

Provision of lodging services on a temporary basis with incidental food, drink and other sales and services intended for the convenience of guests. The following are lodging use types:

1. **BEDANDBREAKFAST**

A detached house in which the owner offers overnight accommodations and meal service to guests for compensation.

The zoning of the site is R-7.5, residential. According to Table 110-1, Bed and Breakfast uses are first allowed in District R-5 and refers to Section 88-320. Section 88-320 states the following:

88-320 Bed and Breakfast

88-320-01 Applicability

Bed and breakfast establishments in R-80, R-5, R-2.5, R-1.5, R-0.5, and R-0.3 districts are subject to the following standards in addition to any standards imposed as part of the special use approval process.

88-320-02 Standards and Conditions

88-320-02-A. The establishment must be operated by the owner of the dwelling unit, who must live on the property;

88-320-02-B. At least one off-street parking space must be provided per 2 guest rooms;

88-320-02-C. The building in which the bed and breakfast is located must have a minimum floor area of 3,000 square feet;

88-320-02-D. The bed and breakfast may not contain more than 8 guest rooms;

88-320-02-E. Food service may be provided for resident guests only;

88-320-02-F. Bed and breakfast establishments may not be leased or offered for use as reception space, party space, meeting space, or for other similar events open to non-resident guests; and

88-320-02-G. One non-illuminated wall sign, not exceeding 80 square inches in area, may be displayed. No window or other display or sign may be used to advertise such use.

The applicant has stated that he is willing to place all of the above restrictions on the face of the plan for regulation of this site and use.

Neighborhood:

The file contains a July 30, 2013 letter from the Southern Communities Coalition stating several concerns with the original application. Some of these concerns are:

1. Operating without proper permits.
2. The number of persons attending the B&B.
3. Overflow parking at Scott's Park, adjacent to the site.

In conversations with neighborhood representatives, some relief was given when it was understood that the area plan was no longer being requested to be changed to a commercial use, that an owner would be in the facility, that the use would be limited to a B&B with no large conference meetings and that all of the parking would be on-site.

As suggested by the Zoning and Development Code, instead of rezoning the site to R-5 and applying for a SUP, the applicant has applied for a rezoning to District MPD and has agreed to use the site only as a Bed and Breakfast use and guarantee that the owner will live on-site. As a city policy, an owner is considered to be anyone who is listed on the deed. The plan which is approved by the City Council becomes the allowed uses and essentially the zone for the site. Any future use outside of those identified on the plan may lead to the site being found to be out of zoning compliance.

RECOMMENDATION:

The City Plan Commission meeting in regular session on October 15, 2013, recommended in the following manner for the two above listed cases:

a) Case No. 371-S-24: That the case be **dismissed**.

b) Case No. 6932-MPD-5: That the case be **denied**.

Comments noted from the City Plan Commission meeting include the following:

- * "The use doesn't fit the intent of a Bed and Breakfast. From the site's marketing information, the use is more of a retreat instead of a B&B."
- * "Dismayed that the owner continued the use even after being cited that the use was in violation."
- * "Not a good fit", (within the neighborhood)

Conditions which were offered with the staff report:

1. That six (6) collated, stapled and folded copies (and a CD containing a pdf file, a georeferenced monochromatic TIF file, and CAD/GIS compatible layer of the site plan boundary referenced to the Missouri state plan coordinate system) of (a revised drawing

/all listed sheets), revised as noted, be submitted to Development Management staff (15th Floor, City Hall), prior to ordinance request showing:

- a. Show and label more clearly existing public and/or private sanitary and storm sewers, within the proposed project or immediately adjacent thereto as necessary to address adequacy of existing utilities serving the site along with any proposed extension, relocations or abandonments, or how the proposed improvements to the alley will impact the existing sewers.
- b. Show Developer Contact Information, including phone number and/or e-mail.
- c. Show and label existing conditions including width of all existing right-of ways, roadways, etc., and their means of conveyance (i.e. Plat, separate Ordinance, etc.) Show and label established roadway center lines and/or section lines and note where difference occurs.
- d. Show, label, and dimension all proposed right-of ways and easements. Show and label center lines. Distinguish public versus private utilities on the plan.
- e. Show and label existing sidewalk to remain and sidewalk ADA ramps at all new drive entrances where a curbed drive entrance rather than City standard drive approach is proposed.
- f. Depict more of the concept for storm water management mitigation and performance level for the proposed site improvements area including proposed outlet structure and site discharge locations, detention, BMP's, volume controls, pervious pavement, or treatment areas, etc., as appropriate to conceptualize ultimate stormwater management compliance with city standards. Show any off-site conveyance systems (enclosed, gutters, natural, or proposed whatever they are that are being utilized) for purposes of conveying conceptually how systems will be connected to or will convey of the 100-year post development flows from the site. Identify the private and public portions of the storm water management system and conveyance system. Show conceptually required private permanent BMP's or surface drainage easements that are needed to address redevelopment disturbances and storm water mitigation/conveyance and their corresponding easements/covenant boundaries. BMP's and surface drainage easements require stand alone maintenance obligation conveyance documents (Easement or Covenant), but are not required for site maintenance activities or voluntary BMP enhancements that are not regulatory obligations.
- g. State that this UR plan also serves as the preliminary plat.
- h. That the plan include the following information:
 1. The establishment must be operated by the owner of the dwelling unit, who must live on the property;
 2. At least one off-street parking space must be provided per 2 guest rooms;
 3. The building in which the bed and breakfast is located must have a minimum floor area of 3,000 square feet;
 4. The bed and breakfast may not contain more than 8 guest rooms ;

5. Food service may be provided for resident guests only;
 6. Bed and breakfast establishments may not be leased or offered for use as reception space, party space, meeting space, or for other similar events open to non-resident guests; and
 7. One non-illuminated wall sign, not exceeding 80 square inches in area, may be displayed. No window or other display or sign may be used to advertise such use.
2. The developer shall cause the area to be platted and processed in accordance with Chapter 88, Code of Ordinances of the City of Kansas City, Missouri, as amended, commonly known as the Development Regulations.
 3. The developer must secure permits for the sidewalks within the development at the time street improvement permits are secured. Sidewalks shall be installed per the sidewalk installation plan reviewed and accepted by the Land Development Division.
 4. After the City Plan Commission enters its disposition for the development plan, the developer shall not enter into any agreement that would encumber or otherwise have any impact on the proposed right-of-way dedications for the planned project without the prior written consent of the Land Development Division.
 5. The developer must secure permits to construct new, repair existing, or reconstruct sidewalks, curbs, and gutters as necessary along all development street frontages in accordance with Chapters 56 and 64 of the Code of Ordinances, as required by the Land Development Division, prior to issuance of any certificate of occupancy, as a condition of Board of Zoning Adjustment approval.
 6. The owner/developer shall verify adequate capacity of the existing sewer system as required by the Land Development Division prior to issuance of a building permit to connecting private system to the public sewer main and depending on adequacy of the receiving system, make other improvements may be required.