



## City Planning & Development Department

# 180242

Development Management Division  
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### CPC STAFF REPORT

November 7, 2017

(18)

**RE:**

**Case No. 14885-P**

**APPLICANT/ AGENT:**

Department of City Planning and Development &  
Howard Townsend  
Squier Park Neighborhood Association  
1121 Manheim Road  
Kansas City, MO 64109

**LOCATION:**

Generally bounded by E. Armour Boulevard on the north,  
E. 39<sup>th</sup> Street on the south, The Paseo on the West and half  
a block east of Troost Avenue (approximately 130 to 166  
east feet).

**AREA:**

Approximately 35 acres

**REQUESTS:**

To consider rezoning from District R-1.5 to District R-6 and  
from District R-1.5 to District R-2.5.

**LAND USE PLAN:**

The plan of record for this area is the Midtown/Plaza Area  
Plan which was adopted by Resolution No. 150899 in  
January 7, 2016. The plan was amended by Resolution  
No. 160794 on October 20, 2016. The recommended  
future land use for the project area is One/Two Family  
Residential, which designation is consistent to the zoning  
change within the project area.

**SURROUNDING  
LAND USE:**

**North:** zoned R-0.5, Multi-family residential.  
**South:** zoned B1-1/ R-5, commercial use and single family  
residences.  
**East:** zoned R-1.5, multi-family & single family residences.  
**West:** zoned M1-5/ B3-2/ R-5, commercial uses along Troost  
Avenue, multi-family & single family residences.

**MAJOR STREET PLAN:**

The streets within the area proposed to be rezoned are  
not classified by the City's Major Street Plan. The City's  
Major Street Plan classifies Paseo and Troost Avenue as  
"4-lane through Street" typology with two through lanes in  
each direction. Paseo is a boulevard and Troost Avenue  
is identified as an established arterial.

### **Long Range Planning and Preservation Division:**

In 2015, city staff finished updating the Midtown/Plaza Area Plan which made recommendations for how future land use should be developed in the Squier Park Neighborhood area. The area plan recommended downzoning in some areas of the neighborhood. Downzoning is where a less intense zoning is recommended for an existing zoning that does not match the current land use pattern of that area. The Squier Park Neighborhood Association has worked with the City Planning Department staff to identify the locations within the neighborhood that are recommended for downzoning. The Squier Park neighborhood is located in the Northeast Subsection of the Midtown/Plaza Area Plan. See pages 102-105 in the area plan.

### **Compliance with Area Plan**

The current area plan of record for the area is Midtown/Plaza Area Plan which was adopted by Resolution No. 150899 in January 7, 2016. The plan was amended by Resolution No. 160794 on October 20, 2016. The following are the recommendations for land use and zoning:

- 3501 Troost Avenue – Mixed Use Neighborhood – **B1 zoning**
- 1113 E. Armour Blvd- Mixed Use Neighborhood – **B1 zoning**
- 3512 Forest, 3515 Forest, 3514 Tracy, 3507 Tracy, 3504 Virginia, 3515 Virginia-3645 Virginia, 1324 E. 37<sup>th</sup> St., 1320 e. 37<sup>th</sup> St – 1308 E. 37<sup>th</sup> St., 3645 Tracy, 3644 Tracy, 1202 E. 37<sup>th</sup> St., 3644 Forest Ave.-3514 Forest Avenue and all properties between 37<sup>th</sup> to 36<sup>th</sup> to Forest to Virginia Avenue – Low Density Residential – **R-6 zoning**
- 1115 E. Armour to 3500 Paseo Blvd – High Density Residential – **R-1.5 zoning**
- 3518 Paseo Blvd to 3844 Paseo Blvd – Medium High Density Residential – **R-2.5 zoning**
- 3700 Virginia to 3738 Virginia and 1320 E. 38<sup>th</sup> Street – Low Density Residential – **R-6 zoning**
- 3727 Virginia to 3745 Virginia - Low Density Residential – **R-6 zoning**

The area plan recommends that all the areas mentioned should be downzoned because the current zoning in the residential area does not match the existing land use (single family detached housing stock). There is more low density residential in the middle of the neighborhood area taking place and higher density residential on the perimeter of the neighborhood area.

### **PLAN REVIEW/ANALYSIS:**

The Squier Park Neighborhood Association in their desire to stabilize their neighborhood is proposing downzoning of about 193 parcels. The area proposed to be downzoned is generally bounded E. Armour Boulevard on the north, E. 39<sup>th</sup> Street on the south, The Paseo on the West and half a block east of Troost Avenue (approximately 130 to 166 east feet). The proposal is to downzone about 155 parcels within the core of the neighborhood from R-1.5 to R-5 and 34 parcels from

R-1.5 to R-2.5 along Paseo and on Virginia just south of E. 37<sup>th</sup> Street. There a total of about 38 vacant parcels.

The predominant land use within this area is single family residential with some duplexes and four plexes. The existing residential zoning is R-1.5 and R-2.5 which allows for detached house, zero lot line house, cottage house, attached house, townhouse, duplexes, and "multi-unit houses" of up to 8 units, subject to a Special Use Permit.

The minimum lot size requirement in the R-1.5 district is 3,000 square foot per lot and 1,500 square foot per unit. The minimum lot size requirement in the R-2.5 district is 4,000 square foot per lot and 2,500 square foot per unit. The proposed R-6 district has a minimum lot size requirement of 6,000 square foot per lot and 6,000 square foot per unit. The existing R-1.5 and R-2.5 districts permit **Multi-unit House** residential building type outright.

## 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
Attached house									
» 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
Two-unit house									
» 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									

**A multi-unit house** is a building containing 3 to 8 dwelling units located on a single lot. Multi-unit houses appear as large detached houses and have only one entrance visible from the street. Multi-unit houses are subject to the lot and building standards of 88-110-06-B (Table 110-2) except as modified or supplemented by the multi-unit house standards of 88-110-06-C. More than one multi-unit house may be located on a single lot, subject to compliance with all applicable lot and building standards.

**A multi-unit house and duplex building types are not permitted under R-6 district.**

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

The neighborhood association has been working with City Planning and Development Department staff on the Midtown/ Plaza Area Plan. The plan made specific land use recommendations on a block by block and parcel by parcel basis to make sure that the current zoning conforms to the future land use plan. The proposed downzoning was recommended by the Midtown Plaza Area Plan.

Ideally, the new districts established by a downzoning should exactly match existing uses, for example, detached houses (single-family) building type should be applied to the zoning district that permits them. 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 multifamily zoning to single-family zoning.

Existing uses (i.e. buildings already standing) that **do not** conform to the requirements of R-6 districts may continue, provided that:

- 1) They were legally established as allowed under the regulations of the previous zoning districts, and
- 2) An application for a “Certificate of Legal Non-Conforming Use” (CLN) is filed within one year of the effective date of the zoning change. **Note that if a property already has a CLN, there is no need to reapply. Also, existing single-family residences on lots less than the required lot width or lot area do not require CLNs.**

A	B
<p><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><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>

C	D
<b>Legal non-conforming use under current zoning, still legal non-conforming under new zoning.</b>	<b>Illegal use under current zoning, still illegal under new zoning.</b>
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	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.

Within the Squier Park neighborhood, every detached house conforms with the existing R-1.5 and R-2.5 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 duplexes and multi-family 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 will post notices with information on obtaining CLN's to all property owners. **This equates to Category B in the matrix.**

Although the area proposed for detached house types 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.**

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

The Squier Park Neighborhood Association held a public informational meeting on November 2, 2017, where City staff was able to discuss the proposed downzoning with the residents. Following the public meeting, additional inventory was taken to identify the nonresidential, duplexes and multifamily structures that will be affected by the downzoning. There is an existing single family structure at 3533 Virginia identified within the area proposed to be downzoned. The building had an addition that makes it larger than a single family detached house. The owner had attempted to get a CLN for four units, but was denied by the city. The owner has asked that this parcel be allowed to be permitted as a duplex. If this parcel is excluded from the area to be downzoned, the existing R-1.5 zoning, will allow up to 4.5 units. If they are rezoned, they will become non-conforming thereby requiring a CLN. Staff also informed the neighborhood that the downzoning action will not address the design of new buildings.

Staff has worked with the neighborhood to identify the following properties to be excluded from the downzoning:

The rationale is that the existing uses are more suitable for the existing zoning districts. Also the proximity of these parcels to the existing zoning districts allows for a better transition between the zoning districts. These parcels are:

1. 1202 E. 37<sup>th</sup> Street
2. 1314 E. 37<sup>th</sup> Street
3. 3634 Forest
4. 3606 & 3608 Paseo
5. 3507 & 3517 Tracy

**Squier Park Neighborhood Meetings and Interactions:**

- Discussed at Board meetings on April 10, 2017, May 8, 2017, June 12, 2017, September 11, 2017.
- Discussed at neighborhood town hall meeting on May 1, 2017.
- Subject of a special presentation by staff from the City Planning and Development Department on June 20, 2017 (see attached attendance roster).
- Announced in a special October edition of the neighborhood newsletter delivered to residents the week of October 12, 2017.
- Neighborhood signs provided by the City Planning and Development Dept. posted the second week of October.
- Subject of an e-mail to residents sent on October 21, 2017.
- Pre City Plan Commission neighborhood meeting with City Staff on November 2, 2017.

Staff has also fielded questions from residents and out of state landlord regarding the proposed downzoning.

**RECOMMENDATIONS:**

City Planning and Development staff recommends approval of Case No. 14435-P without subject to the recommended exclusions.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Olofu O. Agbaji". The signature is fluid and cursive, with the first name "Olofu" and last name "Agbaji" clearly distinguishable.

Olofu O. Agbaji  
Planner