

# Navigating the **Downtown** KANSAS CITY , KANSAS **Development** **Process**

The Downtown Shareholders (DTS) is a membership organization and serves as the primary private sector advocate for the growth and development of Downtown Kansas City, Kansas. As a designated Neighborhood-Business-Revitalization (NBR) organization, DTS also provides leadership in urban planning and the development process Downtown.

This Zoning and Development Toolkit is provided as a service to downtown businesses and members of Downtown Shareholders. It is intended to provide a general explanation of the development, plan approval and permitting process as it affects property owners and developers in Downtown KCK.

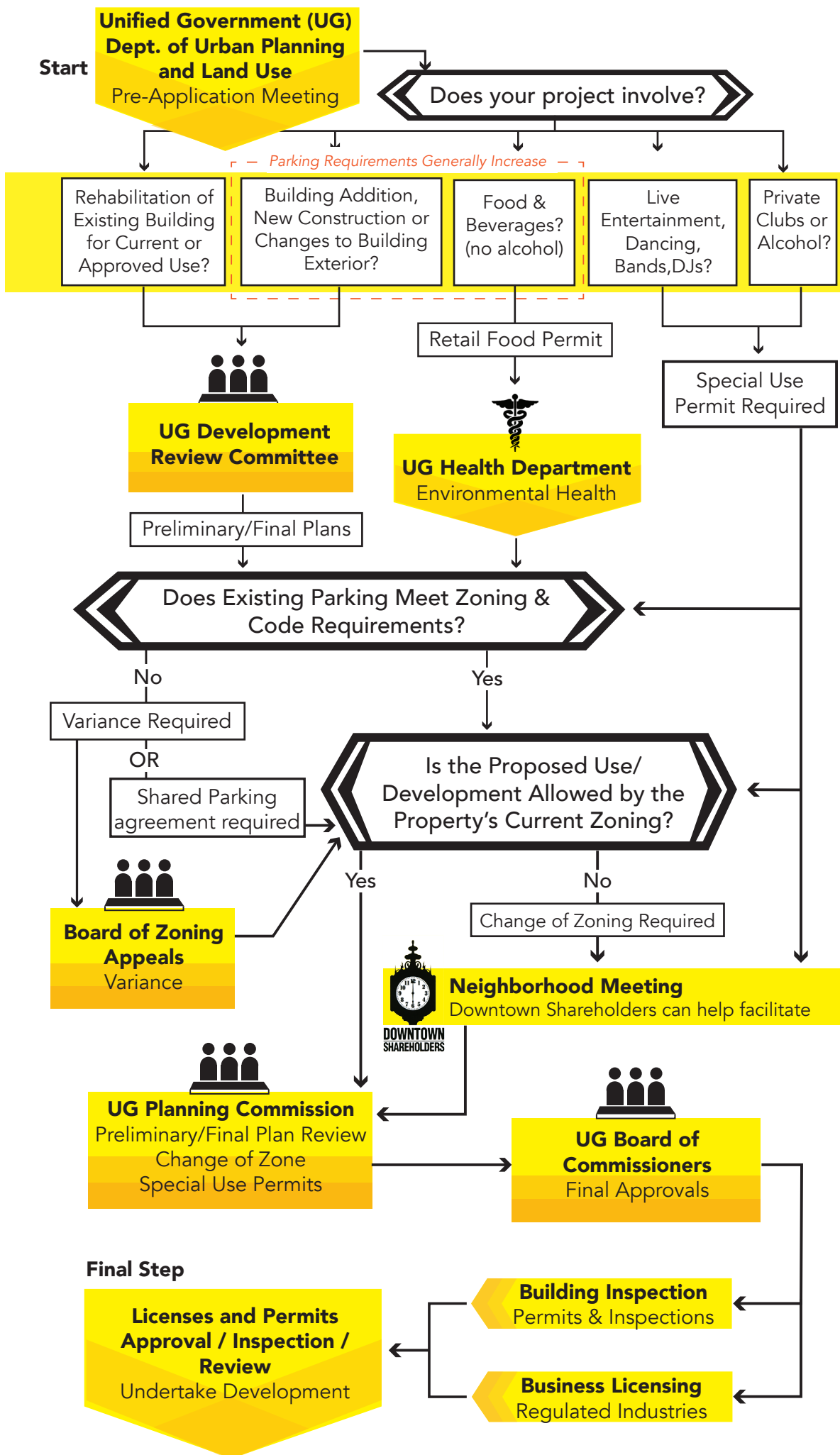
*No part of this Toolkit should be interpreted as authorization for undertaking construction, re-use, or rehabilitation of an existing building. Before undertaking such activities, please contact the Unified Government's Department of Urban Planning and Land Use.*

This Toolkit contains 4 sections, which you should review together:

- Understanding Zoning Requirements
- Commercial Design Guidelines
- Development Review and Planning Commission Approval
- Building Inspection and Code Enforcement

The process flow chart on the next page outlines the development review and approval process and highlights issues likely to face property owners and developers in Downtown KCK. Although the chart is based on stakeholder feedback, it cannot cover every circumstance or situation.

DTS staff are available to consult with business and property owners to provide advice and feedback about proposed development, as well as guidance and assistance in developing signage on downtown buildings and marketing local businesses.





## UNDERSTANDING ZONING REQUIREMENTS

Zoning regulates land use and guides ongoing decision-making about what types of activities are allowed within a particular area.

The Unified Government of Wyandotte County – KCK is authorized to use zoning by Kansas law, based on its power to protect public safety, health and welfare. Zoning requirements in Wyandotte County are specified by the Code of Ordinances, Chapter 27.

Zoning generally assigns individually-owned pieces of land, referred to as parcels, to one of three broad categories of land use: **commercial**, **residential**, or **industrial**. Areas that contain many similar properties are grouped into zoning districts, with different requirements and limitations spelled out by the zoning ordinance.

Zoning also contains **area requirements** that regulate issues such as building placement (setbacks), building height, required parking, and building and lot size.

Each individually-owned parcel of land is assigned a zoning classification that reflects its current, allowed use. You can determine the zoning for your property by checking the Wyandotte County Appraiser's website (<http://appr.wycokck.org/appraisal/publicaccess/>). Enter your property address or parcel ID number found on your property tax bill or notice of appraised value.

All property owners should be diligent in understanding how their property is zoned and what uses are and are not allowed by the zoning ordinance. Zoning began in the 1920s, thus every parcel Downtown is subject to zoning ordinance restrictions as to how property can be used, what activities are permitted, and how a building's design must accommodate the proposed use(s).



## ZONING DISTRICTS DOWNTOWN

The primary zoning for Downtown is C-D, which covers the Central Business District from 3rd Street to 10th Street, between State and Minnesota Avenues. Government and public facilities downtown are zoned C-0. Most properties along Minnesota Avenue, and the south side of State Avenue from 10th Street west to 18th Street, are zoned C-3.

The primary differences among these districts are the allowed intensity of use, which describes differences in levels of activity, traffic, and potential for nuisance.

The C-0 district, for example, allows only office and administrative uses (no retail sales are allowed). C-0 businesses are expected to operate from 9:00 a.m. to 5:00 p.m., all transactions must occur inside the building, and uses are limited to professional services, such as insurance, banking, and health care.

As the district intensity increases from C-1 to C-3, not only are retail sales allowed, but the more intense districts also allow wholesale trade and auto parts sales (C-2), along with automobile and machinery sales and repair services (C-3).

Most residential properties Downtown are zoned R-1(B). This zoning classification allows for new and infill single-family residential construction in areas developed before World War II. Generally, R-1(B) zoning only allows residential uses, with the exception of churches, public schools, parks and playgrounds, museums, libraries and cultural centers. A handful of properties downtown, including several detached apartment buildings, are zoned R-2(B). Large residential complexes Downtown, such as those operated by the KCK Housing Authority, are zoned RP-5 or RP-6.

## ZONING & THE DOWNTOWN MASTER PLAN

While requirements for specific districts are listed in the zoning ordinance, zoning for future land use is controlled by the Downtown Master Plan, which has been approved by the UG Board of Commissioners as the official policy framework for future private development, and investment in public works and infrastructure.

All zoning decisions (including Change of Zone requests) must follow the guidance of the Master Plan. Under Kansas law, if you wish to have your property re-zoned in a way not allowed by the Master Plan, you must also ask the Planning Commission to approve a Master Plan Amendment.

## CHANGE OF ZONE & SPECIAL USE PERMITS

If you wish to use the property in a way not allowed by zoning, you must seek a **Change of Zone** from the Department of Urban Planning and Land Use. Activities involving alcohol or live entertainment, and other land uses that are likely to post an inconvenience or nuisance to the public or neighboring properties, must obtain a **Special Use Permit**.

Preparing a Change of Zone or Special Use Permit application usually requires assistance from an attorney or certified urban planner, and is subject to approval by the **Unified Government Planning Commission** and **Board of Commissioners**.

## PLANNED DISTRICT ZONING

Some parcels Downtown are classified as Planned Districts, including C-D, CP-0, CP-1, CP-2 & MP-2. Planned District zoning permits more flexibility in building and site design than standard zoning.

Planned District projects undergo a two-step review, involving a **Preliminary** and **Final Development Plan**. Developers and/or property owners must submit detailed architectural plans, which also include design and signage guidelines that control the development's construction and appearance.

If the Planning Director determines that a proposed Planned District may change traffic patterns, or create congestion, a **traffic study** might be required. A professional traffic engineer must prepare the traffic study to show how new traffic will be handled, and how vehicles will enter and exit the site from public streets.

## COMMERCIAL DESIGN GUIDELINES

Buildings within all commercial districts in Wyandotte County are required to follow the Commercial Design Guidelines outlined in Chapter 27 of the Code of Ordinances. The Commercial Design Guidelines ensure that commercial properties are built using high quality materials that harmonize well with their surroundings, and support property values.

The Commercial Design Guidelines apply to all new development, and redevelopment where the proposed changes exceed 50% of the parcel's value. Projects meeting these thresholds should anticipate additional time for preliminary and final design review.

Commercial Design approval is normally undertaken by the UG Planning Commission, but the UG Planning Director normally reviews projects that do not require a Change of Zone through the Development Review Committee (DRC) process.

## VARIANCES

If you are unable to comply with the area requirements, such as the off-street parking or setbacks, you can request a **Variance** from the **Board of Zoning Appeals**. The Board of Zoning Appeals is constituted by the Planning Commission, which holds a separate meeting for this purpose. Like a Change of Zone or Special Use Permit, a Variance application also requires a Neighborhood Meeting.

To qualify for a Variance, you must show that literal enforcement of the zoning ordinance will result in unnecessary hardship, and that granting the Variance will not adversely affect other property owners or public safety and welfare. Because of the legal nature of the proceedings, a Variance application is typically prepared and presented by an attorney.

### Key Zoning Restrictions for Downtown Businesses

**The following list is by no means exhaustive. For more information, please consult Unified Government staff** (see contact info. on back panel).

Businesses within the C-D, C-1, and C-2 Districts cannot sell goods or services, or store materials, outside a building.

Alcohol-serving establishments and businesses featuring live entertainment require a Special Use Permit.

Auto accessory sales are allowed within the C-D and C-1 Districts. Tire and battery sales, transmission repair, body work and similar services are allowed only within the C-2 District. Heavier, polluting repair services, such as body and frame repair work, are permitted only in the C-3 District.

Automotive equipment sale and rental, cars, trucks, trailers, boats, etc. and their storage in unenclosed spaces outdoors are only allowed in the C-3 District.

Drive-in and drive-through business facilities (such as banks) are allowed in the C-1 District. Drive-through restaurants are permitted within C-2 and C-3 Districts.

Within the C-D District, commercial uses other than hotels are not generally required to provide off-street parking. Within all other commercial districts, owners must provide at least four paved off-street spaces per 1,000 square feet of a building's floor area.

Except for vehicles making normal deliveries, semi-trailers, contractors' equipment and trucks over 30,000 pounds GVWR cannot be parked or stored within commercial zoning districts.

Existing buildings designed and constructed as residences cannot be converted to commercial use within the C-D District. Residential buildings must provide at least one off-street parking per residence.

## DEVELOPMENT REVIEW AND PLANNING COMMISSION APPROVAL

### DEVELOPMENT REVIEW COMMITTEE

If you are proposing to:

- build new non-residential or multifamily developments,
- make exterior additions/changes that expand an existing non-residential or multifamily building,
- make changes in use to any existing structure used for non-single-family residential purposes

you are required to submit a formal Development Plan to the Unified Government for approval.

Development Plans are reviewed initially by the **Development Review Committee (DRC)**, which includes representatives of Building Inspection division, Health Department, Engineering and Public Works, Urban Planning and Land Use, Economic Development, KCK Fire Department and Board of Public Utilities.

Development Plans are usually submitted in two phases: a **Preliminary Plan** and a **Final plan**. A Development Plan ensures that the proposed development follows the zoning regulations and incorporates a compatible arrangement of buildings, parking, lighting, signage, landscaping, circulation, drainage, and open spaces.

Plans for interior improvements that do not involve changes to the structure are handled by the UG Building Inspection division.

### PLANNING COMMISSION APPROVAL

The UG Planning Commission is an 11-member appointed body whose authority over planning issues is defined by state law. The Planning Commission is responsible for adopting and reviewing the comprehensive plan, considering requests for Changes of Zone and Special Use Permits, and reviewing and approving Preliminary and Final Development Plans.

All Planning Commission actions on a Change of Zoning or Special Use Permit must also be approved or denied by the UG Board of Commissioners. Denial of a Final Development Plan for an Unplanned District (that is, an area zoned other than C-D or CP) by the UG Planning Director may be appealed to the Planning Commission. Denial of a Final Development Plan by the Planning Commission may be appealed to the full UG Board of Commissioners.

### NEIGHBORHOOD MEETINGS

If you submit a Preliminary Plan, Change of Zone or Special Use Permit application, the Unified Government requires that you hold a Neighborhood Meeting. The meeting must be held in close proximity to the proposed project.

The UG Department of Urban Planning and Land Use will provide a list of property owners within 200 feet of your proposed project. You can obtain a copy of a sample letter and required meeting affidavit from the Planning Department. Invitations should be mailed ten (10) days prior to the meeting date. Although it is not formally required, the Unified Government recommends that notices be sent via certified mail.

Downtown Shareholders can assist you in hosting or facilitating your meeting. Neighborhood Meetings are an excellent way to win support from residents, and to troubleshoot any potential concerns. Neighborhood Meetings should be held in the late afternoon or early evening to ensure neighbors are able to attend.

## BUILDING INSPECTION AND CODES

The Building Code is found in Section 8 of the Unified Government Code of Ordinances. If you are changing a building's use, a licensed design professional will need to perform a code analysis and submit plans to determine whether the proposed use complies with the Building Code.

A Building Permit is not required for ordinary repairs, such as painting.

All plans required to obtain building permits must be submitted to the Building Inspection division, located within the Neighborhood Resource Center at 4953 State Avenue. The Building Inspection division will review construction documents, issue permits, and inspect the premises to enforce the Building Code. The building cannot be used or occupied for its proposed use until the Building Inspection division has issued a Certificate of Occupancy.

More information about Building Inspection and Code Enforcement is available online:  
<http://www.wycokck.org/>

## ABOUT DOWNTOWN SHAREHOLDERS

Since 2005, Downtown Shareholders (DTS) has been instrumental in transforming the image of Downtown KCK and setting the stage for increased retail, commercial and housing development. DTS operates a number of programs including special event planning, business outreach and marketing services. DTS also administers the Downtown Improvement District, which deploys 10 ambassadors who provide street maintenance and security services throughout Downtown.

Assistance with planning and development issues downtown can be obtained from:

### **Chuck Schlittler, Executive Director**

Downtown Shareholders of Kansas City, Kansas  
726 Armstrong Ave., Suite 201  
Kansas City, KS 66101  
913-371-0705  
director@downtownkck.org  
www.downtownkck.org

## KEY CONTACTS

Formal inquiries about all planning and development issues should be directed to:

### **Development Review Committee Coordinator**

4953 State Avenue  
Kansas City, Kansas 66102  
913-573-8664  
913-573-8622 (f)  
EDR@wycokck.org  
www.wycokck.org/DRC/

Please note: Appointments to discuss or review zoning issues and development plans are generally required. Please note that pre-application meetings are encouraged, and may be scheduled with the DRC Coordinator.

Building Inspection and Building Permit information can be obtained from:

### **Anthony Hutchingson, Chief Building Inspector**

Neighborhood Resource Center  
4953 State Avenue  
Kansas City, KS 66102  
913-573-8620  
913-573-8622 (f)  
ahutchingson@wycokck.org  
www.wycokck.org/building/

Information on development incentives can be obtained from:

### **George Brajkovic, Director**

Economic Development Division  
701 North 7th Street, Room 421  
Kansas City, Kansas 66101  
913-573-5730  
gbrajkovic@wycokck.org  
www.wycokck.org/economic

Additional assistance with navigating the economic development process, including further information on development incentives, is available from:

### **Greg Kindle, President**

Wyandotte Economic Development Council  
727 Minnesota Avenue  
Kansas City, KS 66101  
913-371-3198  
info@wyedc.org  
www.wyedc.org

Unless otherwise indicated, all development inquiries posed to Downtown Shareholders will be kept confidential.