

# COMMUNITY PROJECT/REZONING

**150520 & 150521**

## Ordinance Fact Sheet

Ordinance Number

**Case No.** 249-S-13 & 14296-MPD-2

### Brief Title

To approve an amendment to the South Central Area Plan, rezoning to MPD, and a preliminary development plan.

### Details

**Location:** Northwest corner of E 53<sup>rd</sup> St and Troost Ave

**Reason for Legislation:** Approval of area plan amendment and rezoning requires City Council approval.

**EXISTING CONDITIONS:**  
The subject property is a five-acre site on the west side of Troost Ave between 52<sup>nd</sup> St and 53<sup>rd</sup> St, consisting of the St Francis Xavier church, a 37,000 sq. ft. vacant school building and surface parking, all owned by the Catholic Diocese of Kansas City – St Joseph. The church building is located in the northeast portion of the site with the school to the south and surface parking areas to the west of both buildings. The site is split by two zoning districts: B3-2 for the approximately 130 ft. strip of land adjacent to Troost Ave and R-6 for the remaining area. The property is located immediately opposite Troost from the campus of Rockhurst University which is zoned MPD (Master Planned Development).

**HISTORY:**  
This is the third application received requesting rezoning of the property to allow demolition of the former school and development of a multi-unit residential building. The first request, Case No. 14296-MPD, was submitted on April 20, 2012 and proposed the rezoning of the entire 5-acre St Francis Xavier site from Districts B3-2 and R-6 to MPD (Master Planned Development). This case was continued several times and finally continued off docket by the City Plan Commission on November 6, 2012. MPD is a zoning classification which requires submittal and approval of a preliminary development plan concurrent with a request to rezone to MPD. The Zoning & Development Code contains many other zoning districts which do not require plan submittal or approval, also known as “open zoning” districts. Following a series of plan revisions and continuances to the previous case, the applicant submitted a request to rezone a 1.2-acre portion of the St Francis Xavier site (that portion of the site including the school) to District R-0.5 (Residential 0.5). District R-0.5 is an open zoning district, thus this request was not accompanied by a plan and review of the request was restricted to review of the merits of R-0.5 zoning on the subject property. The City Plan Commission recommended denial of this request at its February 18, 2014 meeting. The applicant opted not to proceed to City Council with this recommendation and has instead filed a new application similar to the first application – a request for approval of a rezoning of the 5-acre site to MPD and approval of a preliminary development plan.

### Positions/Recommendations

<b>Sponsors</b>	Councilmember Ford
<b>Programs, Departments or Groups Affected</b>	4 <sup>th</sup> District (Glover, Marcason)
<b>Applicants / Proponents</b>	<b>Applicant</b> The Catholic Diocese of Kansas City – St Joseph 20 W 9 <sup>th</sup> St Kansas City, MO 64105  <b>City Department</b> City Planning & Development <b>Other</b>
<b>Opponents</b>	<b>Groups or Individuals</b> Adjacent residents <b>Basis of Opposition</b> Use, density, parking, public engagement
<b>Staff Recommendation</b>	<input checked="" type="checkbox"/> <b>For</b> <input type="checkbox"/> <b>Against</b> <b>Reason Against</b>
<b>Board or Commission Recommendation</b>	City Plan Commission (6-0) 03-17-2015 By Archie, Baker-Hughes, Crowl, Martin, May, and Macy <input type="checkbox"/> <b>For</b> <input checked="" type="checkbox"/> <b>Against</b> <input type="checkbox"/> <b>No Action Taken</b> <input type="checkbox"/> <b>For, with revisions or conditions</b> (see details column for conditions)
<b>Council Committee Actions</b>	<input type="checkbox"/> <b>Do Pass</b> <input type="checkbox"/> <b>Do Pass (as amended)</b> <input type="checkbox"/> <b>Committee Sub.</b> <input type="checkbox"/> <b>Without Recommendation</b> <input type="checkbox"/> <b>Hold</b> <input type="checkbox"/> <b>Do not pass</b>

**REZONING & PLAN REVIEW:**

The applicant is proposing demolition of the former school and development of an 85-unit multi-unit residential building. A portion of the proposed building and parking to serve the building is located on a part of the site zoned R-6, causing the need to rezone. The applicant has submitted an application to rezone the entire site from R-6 and B3-2 to MPD (Master Planned Development), a type of zoning district which requires concurrent approval of a preliminary development plan pursuant to 88-520-02.

While the plan shows the entire 5-acre site, the northern half which includes the church and a 69-space surface parking lot will remain as is. Redevelopment of the site is limited to the southern half. On this portion of the site, the developer proposes retaining the parish hall building, demolishing the former school, the construction of a new 4-story (49'-6" in total height), 85-unit residential building, and construction of 174 parking spaces. The plan shows the parish hall as "existing commons to remain" in the middle of the site just south of the driveway from Troost. The proposed residential building is "u-shaped" and located adjacent to the right-of-way lines of Troost and 53<sup>rd</sup> St, with a north-south wing at the west end of the building. An 87-space parking lot is located within the area surrounded by the building and points northward, including some parking located below the portion of the building fronting along 53<sup>rd</sup> St. A 74-space lot is located to the west, accessed from 53<sup>rd</sup> St on the south, and connecting internally to the 87-space lot, the drive from Troost and the existing 75-space lot west of the church. An additional 13 parking spaces are proposed along the drive from Troost. This amounts to a total of 249 spaces on the overall site (including church parking).

The parish hall proposed to remain will continue to be used for parish ministry according to the applicant but will also be shared with the residents. The ground level of the proposed building along Troost is proposed to contain ancillary uses including a chapel, study area, fitness center, management offices, and conference room all primarily intended for use by residents according to the applicant. The remainder of the ground level will consist of 8 residential units. The remaining 77 units are proposed for the upper three floors.

Due to the change in grade across the site, with Troost Ave sitting lower than the west side of the property, the building will appear as a four-level building from Troost and from the east end of the 53<sup>rd</sup> St frontage, but as a three-level building from the west end of the 53<sup>rd</sup> St frontage and the west property line. The building is proposed to be constructed of an earth-tone stone veneer at ground-level along Troost with grey and brown cement fiber siding above, and grey stone veneer at the northeast and southeast corners. The south elevation of the building is proposed to consist of grey stone veneer at the southeast corner, and brown and grey cement fiber siding along the remainder of this elevation. The north elevation is proposed to consist of the same materials as the other two, with grey stone veneer at the east end adjacent to Troost and grey and brown siding elsewhere. The west elevation is proposed to consist entirely of grey (and a small

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

**Finances**

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

amount of brown) cement fiber siding. The elevations show the roof as a flat roof. Information regarding whether there will be roof-mounted mechanical equipment and whether the wall is a parapet that will screen such units is not provided.

A landscape plan has been provided showing screening along the west side of the parking lot as well as some internal parking lot landscaping and street trees along Troost.

**Parkland Dedication**

The developer will pay cash in lieu of parkland dedication in the amount of \$17,246.09 based upon the formula (# of units (85) X 2 persons per unit X 0.006 acres per person = 1.02 acres; 1.02 acres X \$16,907.93 (2015 acquisition rate) = \$17,246.09). The funds will be directed to Blue Hills Park.

**ANALYSIS:**

**Area plan amendment.**

The South Central Area Plan identifies the subject property as an institutional use. The area plan was adopted in 1980 and at that time the use classification was appropriate for the entire site given it was used as a church and school, however since that time the school has closed. Neither the current (B3-2) nor proposed (MPD) zoning conform to the land use recommendation, consequently the applicant is requesting an amendment to the area plan to change the recommended land use to Mixed Use Neighborhood. The requested amendment applies only to the 2-acre portion of the site proposed to be redeveloped as a residential use since the remainder of the site includes the church, which remains consistent with the land use recommendation.

The proposed land use recommendation is consistent with the *FOCUS Urban Core Plan* which recommends the creation of *Mixed Use Centers* along commercial corridors in the urban core by “*shifting away from the strip commercial development to nodal development, or mixed use centers, in which commercial development is allowed to occur at the full depth of the block at significant intersections.*” For much of its length through the City, land along Troost Ave is zoned commercially. Commercial zoning extends along the corridor between 27<sup>th</sup> St and 82<sup>nd</sup> St in a nearly uninterrupted pattern. The Prospect Ave and 31<sup>st</sup> St corridors have a similar linear zoning pattern. For that portion of Troost Ave between 49<sup>th</sup> and 62<sup>nd</sup> Sts, the *FOCUS Urban Core Plan* specifically recommends “*revitalization along entire corridor*” consisting of “*reintegration of higher-density residential with commercial and other nonresidential activity concentrated at major intersections including 55<sup>th</sup> & 59<sup>th</sup> Streets*”. The plan recommends this be implemented by downzoning areas between the major intersections (nodes) to concentrate commercial uses at the nodes and increase residential densities between nodes along the corridor. Because the South Central Area Plan was adopted prior to FOCUS, it does not contemplate this pattern of development.

Staff finds the proposed land use recommendation is consistent with the stated goals of the *FOCUS Urban Core Plan*, as summarized above.

**Continued from Page 2**

**Proposed Rezoning and Preliminary Development Plan**

The MPD District is a planned district, accompanied by a preliminary development plan which establishes the allowed uses and lot and building standards on the property. In the case of the proposed plan, the allowed uses are household living (the proposed multi-unit residential), residential support services including administrative offices (to support the proposed residential), and religious assembly (both the existing church and support services for the proposed residential). Should the application be approved, only these uses would be permitted. The lot and building standards (setbacks, building height, floor area ratio, density) are those provided on the plan. The plan proposes a 4'-6" building setback along 53<sup>rd</sup> and Troost and shows the building setback 71'-2" from the west property line (down from 74'-3" at time of CPC consideration). At the time of City Plan Commission consideration, staff recommended that the developer specify a minimum building setback from the west property line. This has been done with the revised plans which show a minimum building setback of 50'. The plan notes a building height of approximately 49'-6" at its maximum height along Troost at the northeast corner, 47' at the southeast corner along Troost and 32' along the west side of the building. A note has been added since City Plan Commission consideration to set a maximum allowable building height of 50'.

A major amendment requiring Plan Commission and City Council approval, would be necessary to add any other principal uses or to alter the lot and building standards unless such alteration meet the criteria for a minor amendment as provided by 88-570-02-H.

One of the primary concerns raised is the availability of parking for the proposed use. The zoning and development code requires 1 parking space per unit for all residential uses (except senior housing). Regardless of the number of bedrooms within a unit, the parking requirement is 1 space, however with the original request staff recommended the number of spaces be tied to the number of bedrooms at a ratio of 1 space per 0.8 bedrooms. A total of 283 bedrooms were proposed in the original request. When applying this ratio to that number of bedrooms, the parking requirement increased from 103 (number of units) to 227 (0.8 spaces per bedroom X 283 bedrooms). The number of units has been reduced from 103 to 85 and the number of bedrooms from 283 to 237 with the current request. The number of spaces now provided adjacent to the proposed development (excluding those spaces existing off-site and adjacent to the church) is 174, for a ratio of 0.73 parking spaces per bedroom, or 2.04 spaces per unit – more than double the minimum required by code. If the parking spaces adjacent to the church are counted, the ratio per bedroom rises to 1.05 from 0.73 and the ratio per unit increases from 2.02 to 2.92, nearly triple the amount required by code. A MAX bus line is located on Troost Ave with a northbound station located at 52<sup>nd</sup> St and southbound at 51<sup>st</sup> St. The availability of transit in immediate proximity to the site, the site's location adjacent to university campuses, the fact that the use is targeted toward students of either campus and that parking can be shared with the church on the same property are all reasons staff does not support additional increases in parking beyond what is proposed.

Generally, the proposed plan represents a reduction in size, density and scale from the original proposal. A comparison of the two is provided below.

Development Info (proposed building only)	Case No. 14296-MPD (first request, final submittal)		Case No. 14296-MPD-2 (current request)	
	Required	Provided	Required	Provided
Zoning	MPD		MPD	
Dwelling units	103		85	
Bedrooms	283		237	
Maximum height	5 stories / approx. 55 ft.		4 stories / max. 50 ft.	
Building coverage	30,070 sq. ft.		20,685 sq. ft.	
Building floor area	109,563 sq. ft.		90,840 sq. ft.	
Floor Area Ratio	0.48		0.40	
Density	4.5 units per acre		3.75 units per acre	
Parking	Required	Provided	Required	Provided
Church	0 <sup>1</sup>	69	0	75
“Focus Areas”	0 <sup>2</sup>	0	0	0
Multi-unit residential	103 <sup>3</sup> , 227 <sup>4</sup>	233	85	174
Total	103, 227	315	85	262

<sup>1</sup> Exempt from parking requirements due to building being constructed prior to parking requirements (1951).

<sup>2</sup> Exempt from parking requirements due to location on MAX Route.

<sup>3</sup> Number required by ordinance.

<sup>4</sup> Number based upon 80% principle.

At the time of City Plan Commission consideration, staff expressed concern with the proposed building elevations in that they are inferior in design to the original proposal. The original proposal included a rhythmic repetition in design and material across each facade and pitched roofs with overhangs. The elevations have not been revised since City Plan Commission, therefore, staff recommends the elevations be revised to be more consistent with the original proposal. See following page for comparison.



Figure 1 Elevations proposed with original request, plans dated 8/21/12

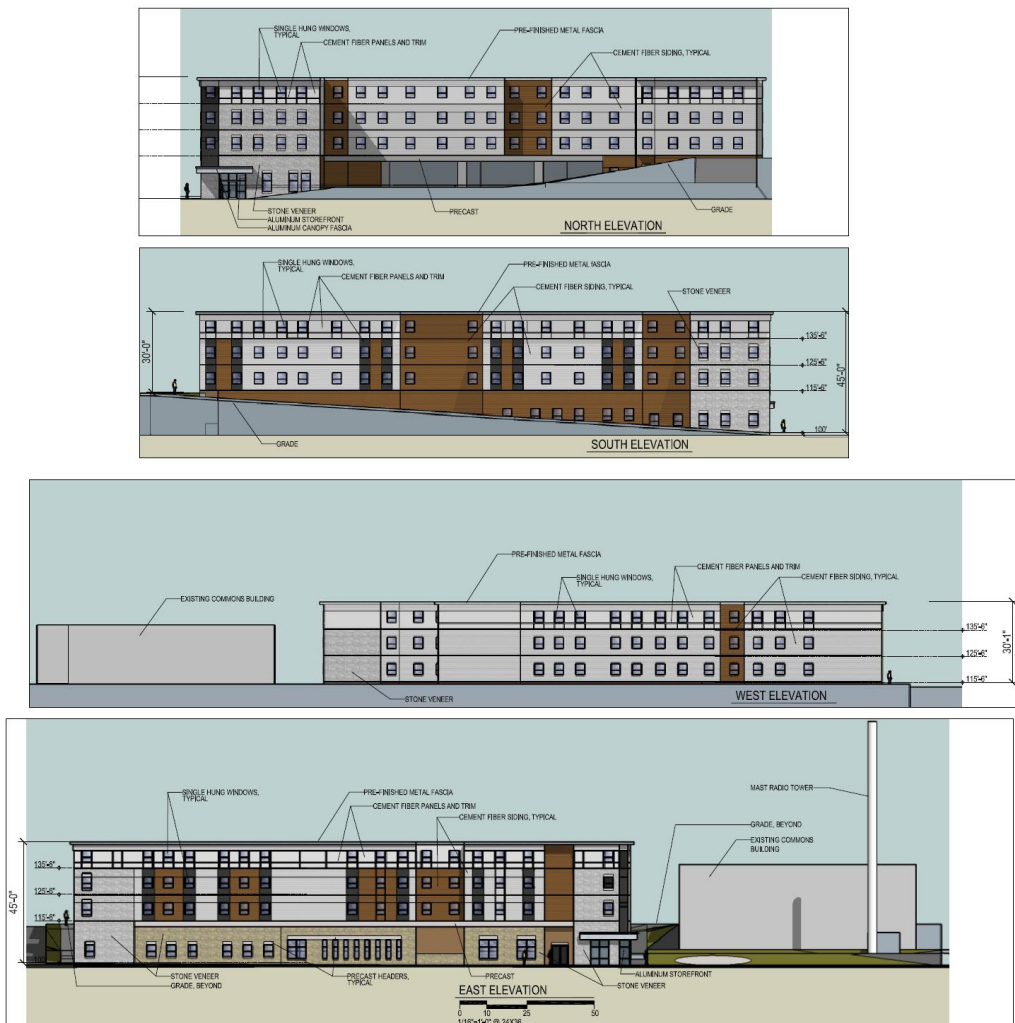


Figure 2 Elevations proposed with this request

In reviewing and making decisions on proposed zoning map amendments, the city planning and development director, city plan commission, and city council must consider at least the following factors:

**88-515-08-A Conformance with adopted plans and planning policies;**

A portion of the plan area includes an existing church, a use that is consistent with the area plan's recommended land use, and which is proposed to remain. The portion of the site proposed to be redeveloped for residential uses was formerly used as a school. The controlling area plan (South Central Area Plan) was adopted in 1980 and identifies this portion of the site (like that portion including the church) for institutional uses – a use classification appropriate at that time given its former function as a school. The area plan was adopted prior to *FOCUS* and as a consequence, it does not anticipate *FOCUS'* policy of transitioning commercial corridors stated above. Consequently, amending the area plan to the proposed land use recommendation is appropriate.

Subject to approval of the area plan amendment, and in consideration of the established policies recommended by *FOCUS*, the proposed rezoning conforms to adopted plans and planning policies.

**88-515-08-B Zoning and use of nearby property;**

The UMKC campus is located to the west, and zoned R-6. Property to the north is also a part of the UMKC campus and zoned R-5 and B3-2. Property to the east is part of the Rockhurst campus and zoned MPD. Property to the south is residential (along Harrison St) and zoned R-6 and undeveloped and zoned B3-2 (along Troost).

**88-515-08-C Physical character of the area in which the subject property is located;**

The character of the area is mixed with university campuses located directly to the east, north and west. Residential uses are located to the southwest and undeveloped, commercially-zoned land is located to the south. The property lies in a transitional area between university campuses, at the northern edge of a commercial corridor and residential neighborhood.

**88-515-08-D Whether public facilities (infrastructure) and services will be adequate to serve development allowed by the requested zoning map amendment;**

The subject property is in an urban area with existing infrastructure. Troost Ave is classified as an established major arterial street with a MAX rapid transit line. Adequate public facilities and services are available to serve the subject property.

**88-515-08-E Suitability of the subject property for the uses to which it has been restricted under the existing zoning regulations;**

The current zoning (R-6 and B3-2) permits a wide variety of uses, including residential and commercial uses. *FOCUS* recommends transition of corridors such as Troost from a linear or strip commercial pattern to a nodal pattern, implemented by downzoning portions of the corridor between nodes so as to concentrate the commercial uses at nodes and to increase residential densities between nodes. The subject property is in such an area between nodes (*FOCUS* identifies a node at 55<sup>th</sup> St). Current zoning allows for detached and duplex residential development and a wide variety of commercial uses, neither of which support concentration of commercial uses around nodes and increased residential densities. Given the recommendations of *FOCUS* to create a nodal commercial pattern, increase residential densities, and the location of this property surrounded on three sides by university campuses, the property is no longer suitable for uses to which it is restricted by current zoning.

**88-515-08-F Length of time the subject property has remained vacant as zoned;**

The subject property is developed as a school which has been vacant for eight years and a religious assembly use which continues to exist.

**88-515-08-G The extent to which approving the rezoning will detrimentally effect nearby properties; and**

The proposed zoning district is a planned district in which the uses, lot and building standards and development of the land is established by a plan through a public hearing process, allowing public input as to the uses, density, setbacks, height, parking and overall development of the site. The building is proposed to be three stories, or 30 ft. in height along the west and southwest sides (sides nearest residential areas) which is less than the maximum allowed by current zoning (R-6). The 74'-3" building setback is far greater than the minimum required by current zoning as well (R-6). The number of parking spaces required is 1 space per unit (85 spaces total) while the amount provided (excluding the off-site spaces and those existing west of the church) is more than double the minimum at 2.02 spaces per unit, or 0.72 spaces per bedroom. Subject to the recommended conditions, approval of the rezoning is not expected to have a detrimental effect on nearby properties.

**88-515-08-H The gain, if any, to the public health, safety, and welfare due to denial of the application, as compared to the hardship imposed upon the landowner, if any, as a result of denial of the application.**

The application proposes rezoning and plan approval allowing only residential and religious assembly uses. A portion of the site is zoned B3-2 which allows many different uses including commercial and higher-density residential uses. Denial of the application would retain commercial zoning on that portion of the property, thus allowing a number of potentially incompatible land uses or the land to remain vacant and underutilized, which is disadvantageous to both the property owner and the public. Denial of this application may not impose a hardship upon the landowner but will also not result in a gain to the public health, safety or welfare.

## RECOMMENDATIONS:

- a. **Case No. 249-S-13** – To consider an amendment to the South Central Area Plan to change the recommended land use on about 2 acres generally located at the northwest corner of 53rd St and Troost Ave from Institutional to Mixed Use Neighborhood.

**At its March 17, 2015 meeting, the City Plan Commission voted (6-0) to RECOMMEND DENIAL Case No. 249-S-13.** (Staff had recommended approval without conditions).

- b. **Case No. 14296-MPD-2** – To consider rezoning from Districts R-6 (Residential 6) and B3-2 (Community Business Commercial (dash 2)) to District MPD (Master Planned Development), and approval of a preliminary development plan for an existing religious assembly use to remain and the development of a multi-unit residential building.

**At its March 17, 2015 meeting, the City Plan Commission voted (6-0) to RECOMMEND DENIAL of Case No. 14296-MPD-2.**

However, staff had recommended approval of Case No. 14296-MPD-2 (formerly 14296-MPD-1) based on the application, plans, and documents provided for review prior to the hearing and subject to the following conditions as provided by the Development Review Committee at the March 4, 2015 meeting:

1. That the developer submit for approval by the ~~Development Review Committee~~ City Plan Commission, a final development plan set in substantial conformance to the approved preliminary development plan and including a fully labeled and dimensioned site plan, landscape plan demonstrating compliance with 88-425, lighting plan and photometric study demonstrating compliance with 88-430, floor plans with principal and accessory uses labeled, and color building elevations with all materials labeled. **Note that a Committee Substitute is necessary to alter this condition to state that the final development plan must obtain approval from the City Plan Commission rather than Development Review Committee. During the intervening time period the zoning and development code was amended to require MPD final development plans obtain approval from City Plan Commission.**

*The following condition is recommended by the Parks & Recreation Department. Please contact Richard Allen at [richard.allen@kcmo.org](mailto:richard.allen@kcmo.org) or 816-513-7713.*

2. The developer is responsible for payment of cash in lieu of parkland dedication in the amount of \$17,246.09 based upon the established formula for multi-family uses (# of units X 2 persons per unit X 0.006 acres per person = 1.02 acres required, 1.02 acres X 2015 acquisition rate of \$16,907.93 = \$17,246.09).

*The remaining conditions are recommended by the Land Development Division of City Planning & Development. Please contact Brett Cox at [brett.cox@kcmo.org](mailto:brett.cox@kcmo.org) or 816-513-2509.*

3. The developer shall submit a Storm Drainage analysis from a Missouri-licensed civil engineer to the Land Development Division evaluating proposed improvements and impact to drainage conditions. Since this project is within a "Combined Sewer Overflow" (CSO) district, the project shall be designed to retain rainfall of 1.5 inch depth over the entire site to simulate natural runoff conditions and reduce small storm discharge to the combined sewer system. Manage the 10-year storm and 100-year storm per currently adopted APWA standards. The analysis shall be submitted, and the developer secure permits to construct any improvements required by the Land Development Division prior to issuance of any building permits.
4. The developer submit a letter to the Land Development Division from a Licensed Civil Engineer, Licensed Architect, or Licensed Landscape Architect, who is registered in the State of Missouri, to identifying sidewalks, curbs, and gutters in disrepair as defined by Public Works Department's "OUT OF REPAIR CRITERIA FOR SIDEWALK, DRIVEWAY AND CURB revised 4/8/09" and base on compliance with Chapters 56 and 64 of the Code of Ordinances for the sidewalks, curbs, and gutters where said letter shall identify the quantity and location of sidewalks, curbs, gutters that need to be constructed, repaired, or reconstructed to remedy deficiencies and/or to remove existing approaches no longer needed by this project. The developer shall secure permits to repair or reconstruct the identified sidewalks, curbs, and gutters as necessary along all development street frontages as required by the Land Development Division and prior to issuance of any certificate of occupancy permits including temporary certificate occupancy permits.
5. The owner/developer must submit plans for grading, siltation, and erosion control to Land Development Division for review and acceptance, and secure a Site Disturbance permit for any proposed disturbance area equal to one acre or more prior to beginning any construction activities.
6. The developer shall submit an analysis to verify adequate capacity of the existing sewer system as required by the Land Development Division prior to issuance of a building permit to connect private system to the public sewer main and depending on adequacy of the receiving system, make other improvements may be required.

**Fact Sheet Prepared By:**      **Date:** June 30, 2015

Joseph Rexwinkle, AICP  
Staff Planner

**Reviewed By:**                      **Date:** June 30, 2015

Diane Binckley, AICP  
Division Manager  
Development Management

**Initial Application Filed:** January 30, 2015

**City Plan Commission:** March 17, 2015

**Revised Plans Filed:** June 29, 2015

**Reference Numbers:**

Case No. 249-S-13 & 14296-MPD-2