



City Planning & Development Department

Development Management Division

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STAFF REPORT

August 4, 2015

(19 & 20)

RE: a. **Case No. 611-S-4**
b. **Case No. 14579-MPD**

OWNER: Eric Krugh & Westport Today of KC, LLC
4225 Baltimore
Kansas City, MO 64111

APPLICANT: Travis Holt
Jewel Box Homes
4444 Broadway Blvd
Kansas City, MO 64111

AGENT: Aaron G. March, Esq.
White Goss
4510 Belleview, Suite 300
Kansas City, MO 64111

LOCATION: Generally located east of Washington St between W 44th St and W 45th St.

REQUESTS: a. To amend the Plaza-Westport Neighborhood Plan as to the recommended land use on property located east of Washington St between W 44th St and W 46th St, from multi-family residential, medium-density to multi-family residential, high-density.
b. To consider rezoning from R-1.5 (Residential 1.5) to MPD (Master Planned Development) and approval of a preliminary development plan which also acts as a preliminary plat to allow a multi-unit residential development.

AREA: About 0.5 acres.

SURROUNDING LAND USE: **North** Medical office with structured parking, zoned R-1.5.
East Medical office with surface parking, zoned R-1.5.
South Multi-unit residential, zoned R-1.5.
West Washington St, beyond which are single-family residential, zoned R-1.5.

MAJOR STREET PLAN: Washington St is not a major street.

LAND USE PLAN: The Plaza-Westport Neighborhood Plan recommends Multi-family Residential – Medium Density for the subject property which supports a density up to 29 units per acre. The plan is proposed to be amended to Multi-family Residential – High Density.

PERVIOUS CASES: None.

EXISTING CONDITIONS:

The subject property is a 0.5 acre site on the east side of Washington St between 44th and 46th St. The site is currently undeveloped and is surrounded by medical office uses to the north and east along Broadway, multi-family residential uses to the south and southwest along Broadway and Washington St respectively, and single-family residential uses to the west on the opposite side of Washington St, all zoned R-1.5. Undeveloped land also exists to the northwest along the opposite side of Washington St. Between 44th and 46th St, Washington St traffic is one-way, northbound.

AREA PLAN AMENDMENT:

The applicant is proposing rezoning to MPD (Master Planned Development) to allow the construction of an 18-unit, multi-unit residential development, known as The Vernon on Washington. The proposed development results in a density of 34.62 units per acre, which exceeds the density corresponding with the recommended land use in the Plaza-Westport Neighborhood Plan (29 units per acre maximum); therefore, an area plan amendment is necessary. The proposed amendment changes the land use designation to Multi-family Residential, High-Density, allowing 30 or more units per acre. The land use; multi-family residential, is supported by the area plan, both under current and proposed land use designations. It is the density that necessitates the proposed amendment.

REZONING AND PLAN REVIEW:

Current zoning (R-1.5) allows multi-unit residential development at a density of up to 29 units per acre; or 15 units on the subject property, however the developer is proposing an 18-unit, multi-unit residential building. While the use is permitted under current zoning, the proposed density is not. The next available zoning district (R-0.5) is an open zoning allowing a density of up to 124 units per acre and a building height of 164 feet. This zone is not compatible with the density and scale of surrounding development. The only other available zoning is MPD, a planned zoning district. As a result, the developer is requesting approval of a rezoning to MPD along with a preliminary development plan which establishes a density of 18 units for the site (34.62 units per acre) and a maximum building height of 45 ft.

The plan depicts a three-story building constructed mainly of lap siding and brick, and lying adjacent to Washington St on the northern two-thirds of the property, with six units per story. A 25-space parking lot is located behind the building and to the south of the building on the southern one-third of the property. The parking area is proposed to be gated and accessed by a pair of one-way drives with the entrance at the south end of the property and exit at the north, immediately to the north of the building. Eight parking spaces immediately south of the building will be covered with the remaining 17 uncovered. While the building will be constructed adjacent to Washington St, a 14.5 ft building setback will be provided. The adjacent building to the south is setback about 17 ft, however 14.5 ft complies with the minimum required of District R-1.5 (current zoning). All parking spaces within the vehicular use area will also be setback a minimum of 14.5 ft. from Washington St right-of-way. The parking area will be constructed on or immediately adjacent to the south, east and north property lines, which requires modifications from zoning code requirements. Under conventional zoning, the code requires a setback of 8 ft from both the north and south property lines and 18 inches from the east property line, however, since the proposed zoning is MPD, the applicant can request the proposed setbacks, which are allowed if approved as part of the plan. An 8.5 ft setback is provided from the south property line, however a 0 ft setback is provided on the north and east sides. A modular block retaining wall is planned along the east and north property line and a pedestrian access gate along the east property line is proposed allowing direct pedestrian access to the property to the east and beyond. The site will set lower than the adjacent property to the north and east and the maximum height of the retaining wall is proposed to be 5 ft.

The plan depicts the public sidewalk along Washington St and amenities located within the 14.5 ft front yard and along the sidewalk. These amenities include pedestrian scale lighting along the two park benches and 20 short-term bicycle parking spaces along the sidewalk and a covered seating area, picnic and grill area and fire pit; all located in the setback between the parking area south of the building and Washington St right-of-way. Long-term bicycle parking will be provided within the units. A low brick wall with decorative metal fencing is proposed along the west side of the site connecting from the north and south edges of the building to the gates across both entries to the parking lot. This brick wall/fence will measure 48 in in height, with the brick portion being approximately 12 in. This is likely not sufficient to meet the parking lot screening requirement of 88-425-06, so staff is recommending a condition related to this.

The building will be accessed from four points, two at the south end of the building which provide access to two units per floor, and two near the north end which provide access to four units per floor. Elevations provided show the building to be three stories in height with balconies, varying roofline and pitched roof. Predominant building materials will include stucco and lap siding.

Parkland Dedication

The developer is responsible for dedicating 0.22 acres of private open space or payment of \$3,652.11 in lieu of dedication. At Development Review Committee the applicant indicated they intend to pay cash in lieu. The condition recommended by Parks and Recreation allows either option. These amounts are based on the following formula: $18 \text{ units} \times 0.006 \times 2 = 0.216 \text{ acres}$, $0.216 \text{ acres} \times \$19,907.93 \text{ acquisition rate per acre} = \$3,652.11$. If the applicant elects to dedicate private open space, the space shall be platted as a tract(s) and shall be reflected on the final plat and final development plan approved by City Plan Commission.

ANAYLSIS:

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;

The Plaza-Westport Neighborhood Plan recommends Multi-family Residential – Medium Density for the subject property. This designation allows the proposed use and a density of 29 units per acre. The proposed development requires the area plan be amended to Multi-Family Residential – High Density due to the development's proposed density of 34.62 units per acre. Subject to approval of the area plan amendment, the proposed development plan conforms to the area plan.

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

Surrounding property is zoned R-1.5 and consists of medical office uses and structured parking to the north and east, single-family residential to the west and multi-family residential to the south.

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

The character of the area is commercial to the north and east transitioning to residential to the west and south. The commercial uses to the north and east consist primarily of large, multi-story structures while the character of the residential area to the south and west is of mixed forms with some one-story single-family residential and multi-story multi-family residential.

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

Adequate infrastructure either exists or will be constructed to serve the proposed development.

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

The property is zoned R-1.5 and the proposed use is permitted under existing zoning regulations, however the proposed density is not. The property is suitable for multi-family residential uses at densities permitted by existing zoning.

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

The property consisted of a mixture of single-family and multi-family residential uses, which since 2007 have been demolished. The last structure was demolished after 2011.

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

Approval of the requested rezoning will allow an increase in density from 15 to 18 units. The proposed zoning is a planned district whereby the plan controls the form and arrangement of development of the property. The proposed zoning and plan requires a public hearing process and approval by the City Council upon a recommendation of the City Plan Commission, which adds value to the project. While the rezoning allows increased density which may detrimentally affect nearby property, the approval process and plan serve to protect surrounding properties by providing assurance as to the form and arrangement of development.

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.

Denial of the application would permit development of the site with the proposed use, however the development's density would be reduced which may detrimentally affect the economic viability of the project. Denial of the application would not provide a gain to the public health, safety or welfare as the zoning allowing the proposed use would remain in place thereby allowing construction of a 15-unit multi-family development by right without a public hearing process or a plan.

Staff is supportive of the proposed parking lot layout and the proposed setbacks on the east and north sides of the lot given their proximity to a parking garage (to the north) and surface lot and commercial building (to the east).

Staff is supportive of the project on the basis that the land use is appropriate for the location of the property as evidenced by both existing zoning and recommendations of the area plan, and that a plan is approved through the public hearing process in exchange for the modest increase in density. Staff recommends several conditions to ensure its compliance with the area plan recommendations and zoning and development code requirements.

RECOMMENDATIONS:

- a. **Case No. 611-S-4** – To amend the Plaza-Westport Neighborhood Plan as to the recommended land use on property located east of Washington St between W 44th St and W 46th St, from multi-family residential, medium-density to multi-family residential, high-density..

City Planning and Development Staff recommends approval of Case No. 611-S-4 without conditions.

- b. **Case No. 14579-MPD** – To consider rezoning from R-1.5 (Residential 1.5) to MPD (Master Planned Development) and approval of a preliminary development plan which also acts as a preliminary plat to allow a multi-unit residential development.

City Planning and Development Staff recommends that Case No. 14579-MPD be approved 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 July 22, 2015 meeting:

1. That two (2) 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, prior to ordinance request showing:
 - a. Perimeter vehicular use area screening or landscaping as required by 88-425.
2. The developer shall obtain approval of a final development plan from the City Plan Commission prior to building permit. Such plan shall include a detailed and fully-dimensioned site plan, color elevations with all materials labeled, landscape plan, and lighting plan with photometric study, all demonstrating compliance with the approved preliminary development plan and all applicable provisions of Chapter 88.

The following condition is recommended by Parks and Recreation Department. Please contact Richard Allen with questions at 816-513-7713 or richard.allen@kcmo.org.

3. The developer shall be responsible for park land dedication in the form of 0.22 acres of private open space or payment in lieu of dedication in the amount of \$3,652.11 based upon the following formula (18 units x 0.006 x 2 = 0.216 acres, 0.216 acres x \$19,907.93 acquisition rate per acre = \$3,652.11) pursuant to section 88.405.17 of the zoning and development code. The fee shall be paid before recording the final plat and is subject to change based upon the number of units constructed.

The remaining conditions are recommended by the Land Development Division of City Planning & Development. Please contact Brett Cox with questions at 816-513-2509 or brett.cox@kcmo.org.

4. 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, by making application under said code for a Minor Subdivision and submitting and recording a Lot Consolidation Plat or replatting the property in accordance therewith.
5. 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 certificate of occupancy.
6. The developer shall verify vertical and horizontal sight distance for the drive connection to Washington St and make improvements to ensure local jurisdiction and/or minimum AASHTO adequate sight distance standards are met.
7. The developer must pay impact fees as required by Chapter 39 of the City's Code of ordinances as required by the Land Development Division.
8. 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 permit.

9. The developer must obtain the executed and recorded city approved grading, temporary construction, drainage/sewer, or any other necessary easements from the abutting property owner(s) that may be required prior to submitting any public improvements crossing properties not controlled by the developer and include said document(s) within the public improvement applications submitted for permitting.
10. 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.
11. 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.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Joe Rexwinkle", written in a cursive style.

Joseph C. Rexwinkle, AICP
Planner