

# COMMUNITY PROJECT/ZONING

## Ordinance Fact Sheet

Case Nos. a) 132-S-43 and b) Case No. 14506-MPD

**150834**

Ordinance Number

Brief Title

Approval Deadline

Reason

To consider a) Amending the Westport Planning Area Plan by changing the recommended land use from Public and Semi Public land use to commercial and b) rezoning the site from Districts R 1.5 (Residential 1.5), R-5 (Residential 5), B 1-1 (Neighborhood business 1 (dash 1), and B 3-2 (Community business (dash2)) to District MPD (Master Planned Development)

**Details**

**Positions / Recommendations**

|  |   |  |
|--|---|--|
| Specific Address About 4.6 acres generally located south of E 38 <sup>th</sup> Street, west of Gillham Road, north of E 39 <sup>th</sup> Street and east of Warwick Boulevard  | Sponsor                                   | Jeffrey Williams, AIA, Director, City Development Department   |
| Reason for Project<br>To allow for the rehabilitation of the Westport Middle School.   | Programs, Departments, or Groups Affected | Council District(s): 4 <sup>th</sup> ( Shields, Justus)<br>Other districts: Kansas City School District  |
| <b>EXISTING CONDITIONS/RECENT HISTORY:</b><br><br>The site is about 4.6 acres and generally located south of E 38 <sup>th</sup> Street, west of Gillham Road, north of E 39 <sup>th</sup> Street and east of Warwick Boulevard. Gillham Road and Warwick Boulevard are within the control of the Parks and Recreation Department. The site contains the historic Westport Middle School, a school parking structure, some site improvements and open space. The plan states that the school has two levels of basement and five levels above grade for a height elevation of 93 feet. The parking structure has two usable floors for offices, a mezzanine, bridge and two levels of parking. The school and parking structure are connected with a bridge. The school has been vacant since 2010. | Applicants/ Proponents                    | E. F. Chip Walsh<br>HP Development Partners LLC<br>918 Fifth Street, Suite 6<br>Kansas City, MO 64106  |
|  | Opponents                                 | Groups or individuals<br>None known  |
|  | Staff Recommendation                      | <input checked="" type="checkbox"/> For, with conditions<br><input type="checkbox"/> Against<br>Reason Against:  |
|  | Board or Commission Recommendation        | By: City Plan Commission, 07/21/15,<br>Voting Aye: Archie, Baker-Hughes, Burnette, Martin, May and Macy. Nay: None, Absent: Crawl, Gutierrez. 6-0<br><input type="checkbox"/> Approval<br><input checked="" type="checkbox"/> Approval, with conditions<br><input type="checkbox"/> Denial |
|  | Council Committee Actions                 | <input type="checkbox"/> Do pass<br><input type="checkbox"/> Do pass (as amended)<br><input type="checkbox"/> Committee Sub.<br><input type="checkbox"/> Without Recommendation<br><input type="checkbox"/> Hold<br><input type="checkbox"/> Do not pass                                   |

**Discussion****Policy / Program Impact**

|  |  |  |
|--|--|--|
| <p>Of the 4.6 acre site, about two acres are in open space. The grass open space includes most of the area north of the parking structure or Building B. Due to the topographic relief, there are retaining walls on the north side of the site, adjacent to E 38<sup>th</sup> Street, and the east side of the site, adjacent to Hyde Park. City owned Hyde Park is between the school site and Gillham Road. Also within Hyde Park and appearing to be associated with the Westport Junior High is a boulevard-like pedestrian entrance, extending from a cul-de-sac on E 38<sup>th</sup> Street on the north and the west entrance of the school on the south. There is relatively strong topographic relief on the site. The elevation of the intersection of E 39<sup>th</sup> and Warwick Boulevard is 924. The elevation of the intersection of E 38<sup>th</sup> Street and Gillham Road is 892. This is the reason for the need of the retaining wall. The wall at its highest is about 10 feet high.</p> | <b>Policy or Program Change</b>                                  | <input type="checkbox"/> No <input type="checkbox"/> Yes |
|  | <b>Operational Impact Assessment</b>                             |  |
|  | <b>Finances</b>  |  |
|  | <b>Cost &amp; Revenue Projections – Including Indirect Costs</b> |  |
|  | <b>Financial Impact</b>  |  |
|  | <b>Fund Source and Appropriation Account Costs</b>               |  |

**Project Start Date**

Plan filed: April 3, 2015  
 CPC date: July 21, 2015  
 Plan resubmitted: September 17, 2015

**Project Completion or Occupancy Date****Fact Sheet Prepared by:**

John Eckardt  
 Planner

**Date:** August 12, 2015

**Reviewed by:**

Diane Binckley, Manager  
 Development Management Division

**Date:** August 12, 2015

**Reference or Case Numbers:** Case Nos. a) Case No. 132-S-43 & b) Case No. 14560-MPD

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South of the site is the Westport High School. West of the site is the Hyde Park Auto Service, and residential uses. Some of the residential structures are apartments. North of the site also contains both multifamily and single family residential uses.

Warwick Boulevard has 60 feet of right of way, has a three lane cross-section with vehicular parking on the east side. East 39<sup>th</sup> Street has 60 feet of right of way, has a four lane cross-section and no parking on either the north or south. There is a curb-side drop-off at the school entrance. East 38<sup>th</sup> Street has 60 feet of right of way, has three lanes available with travel each way and a parking lane on the north. There is no parking allowed on the south side of E 38<sup>th</sup> Street.

According to city staff in the Landmarks Division of City Development Department,

*Westport Junior High School was listed on the National Register of Historic Places on February 25, 2014. It is locally significant in the area of architecture an excellent example of the Junior High School sub-type of the Early 20th Century/Progressive Era School property type, as outlined in the Multiple Property Documentation Form (MPDF) "Historic Resources of the Kansas City, Missouri School District Pre-1970." Designed by District architect Charles Smith and constructed in 1924, the grand and imposing five-story structure embodies both the educational pride of the community and the educational pedagogy of the District during this period. It embodies the significant features of the Progressive Era property type, which was shaped by reform movements during this period. At Westport Junior High these include fireproof construction, wide corridors and ample stairs to accommodate egress; large windows to allow natural light and air into the building; double-loaded corridors to organize classrooms; and many rooms dedicated to specific functions as part of a comprehensive curriculum. Art, music, the sciences and manual training rooms supported cultural and vocational education, while two gymnasiums and a natatorium assured the physical well-being of the students. Westport Junior High served the students of Kansas City for over eighty-five years.*



## FINANCIAL INCENTIVE PLAN/S:

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Based upon agreements with Kansas City Mo School District, the buyer will not be able to seek tax abatement relief. The applicant does state however that they will apply for New Market Tax Credits.

### **REQUEST:**

The applicant states that the subject vacant school is one of the schools that was determined to be shuttered and repurposed by the Kansas City Mo School District in its recent “right sizing” effort. The applicant proposes to rehabilitate the two structures and improve the grounds. The proposed plan includes the following as allowed uses:

Office, Food and Beverage, Entertainment and Spectator Sport, Daycare Center, Parking Garage, Medical Office, Urban Agriculture, Artisan Industrial, Non-Accessory Parking, Personal Improvement Services, College/University, Library/Museum/Cultural Exhibit, Research Service, Consumer Repair, Retail Sales (not to exceed 3,000 sf). Following the hearing by the Development Review Committee on June 16, 2015, the applicant’s representative wrote stating that they also wanted to add the possibility of residential uses up to 100 units. This allowance makes a difference for the required parkland dedication fee.

To the northwest of the structures, within the two acre existing open space area, the developer proposes an agricultural facility and on-surface parking. The agricultural facility may be composed of a greenhouse and garden area. The greenhouse is shown at the southeast corner of the open space area. The applicant states that the garden may be a demonstration community garden. There could be sales of product on the site or off the site. The garden area will have parking along Warwick Boulevard with an access to E 38<sup>th</sup> Street on the north. The parking wraps around to the south and east, just north of Building B. Part of the parking is listed as “pervious pavement”. The applicant is reminded that only “pervious concrete” will be allowed as a parking surface.

### **AREA PLAN:**

The school contains 161,869 sq ft. The adjacent building contains 70,456 sf. ft. which includes up to 215 parking stalls. The owner proposes multiple uses of the project, including retail. The Westport Planning Area Plan adopted by the City Council with Resolution No. 41438 on August 11, 1972, and last amended with Resolution No. 150230 on April 9, 2015, recommends Public and Semi Public land use at this location. The Public/Semi Public is a reflection of the prior school use. Since the applicant now proposes retail at this location, the applicant has also applied for an amendment to the City’s area plan. Case 132-S-43 requests changing the site designation in the area plan to “commercial”.

*According to the Westport Area Plan, for Commercial – Primarily intended to accommodate “heavier” commercial activities and/or operations that are not found in or compatible with mixed-use neighborhood oriented environments. Included are large-scale commercial development targeted in designated areas along major arterials with highway access. This*

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*land use classification corresponds with the “B3” and “B4” zoning category within the zoning ordinance.*

## **PARKLAND DEDICATION:**

Parkland dedication is a requirement of platting for residential development. According to Section 88-405-17 the developer has three options for this dedication whenever residential development is proposed. Applicants can dedicate land to the City, provide private open space for park purposes or pay money in lieu of parkland dedication. The plan will show when revised, the proposal for up to 100 multifamily residential units. Therefore the money in lieu is calculated as follows:

\*100 MF units x 2 persons/unit x 0.006 acres/person = 1.2 acres

\* 1.2 acres x \$16,907.93 = \$20,289.52 or \$202.89/unit.

These monies will likely be used at Hyde Park. Hyde Park is located at Gillham Road and E 38<sup>th</sup> Street, was acquired by the City in 1902 and is 7.46 acres in size. Also, the Parks and Recreation Department has the ability to spend parkland funds at other parks located within the three mile limitation boundary of the site. Note that the applicant states that they may or may not have some or all of the residential uses in the school. If the applicant uses less residential units than the 100 units allowed for, the number of units constructed will owe a parkland fee at a rate of \$202.89 per unit and will not owe the entire \$20,289.52 which was based upon the maximum number allowed.

## **ANALYSIS:**

With Case No. 132-S-43, the project will be in compliance with the City's area plan. The Westport Area Plan must be revised because it currently recommends Public/Semi Public. The proposed land use is Commercial and is supported by City staff in the Long Range Planning and Preservation Division of the City Development Department.

The applicant states that they have no defined use for either structure and have therefore shown a possible range of uses. All of the uses appear reasonable for this site given the location, residential density of the area, supporting traffic system and state of the existing structures being vacant for four years. According to the parking requirements per use (estimated), the parking required is 300 stalls and the parking provided is over 300 spaces. The applicant is also providing all required short and long term bicycle parking spaces. City staff has also reviewed the case against the factors contained with Section 88-508 of the Zoning and Development Code and believes that all factors can be supported.

The applicant was required to submit a traffic study with the application. Upon review of the study, Streets and Traffic Division of the Public Works Department agrees with the study recommendation and supports a prohibition of vehicles leaving the upper parking deck from turning left or south onto Warwick Boulevard. This is reflected in a condition for approval.

## **88-515-08 REVIEW CRITERIA**

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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;*
- 88-515-08-B.** *zoning and use of nearby property;*
- 88-515-08-C.** *physical character of the area in which the subject property is located;*
- 88-515-08-D.** *whether public facilities (infrastructure) and services will be adequate to serve development allowed by the requested zoning map amendment;*
- 88-515-08-E.** *suitability of the subject property for the uses to which it has been restricted under the existing zoning regulations;*
- 88-515-08-F.** *length of time the subject property has remained vacant as zoned;*
- 88-515-08-G.** *the extent to which approving the rezoning will detrimentally affect nearby properties; and*
- 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.*

## **RECOMMENDATION:**

At its regularly scheduled meeting on July 21, 2015, the City Plan Commission recommended in the following manner: Please note additions in bold and deletions in strikethrough.

- a. Case No. 132-S-43 – Approval with no conditions.
- b. Case No. 14560-MPD – Approval with the following conditions:

*Condition.1 per Land Development Division (Brett Cox, ([brett.cox@kcmo.org](mailto:brett.cox@kcmo.org)) and John Eckardt ([john.eckardt@kcmo.org](mailto:john.eckardt@kcmo.org)))*

- 1. That two (2) collated, stapled and folded copies (and a CD) of (a revised drawing /all listed sheets), revised as noted, be submitted to Development Management staff (15<sup>th</sup> Floor, City Hall), prior to ordinance request showing:
  - a. Show conceptually, proposed stormwater management facilities.
  - b. Clearly delineate the property line to the east of the urban agriculture area and the Hyde Park walk and consult with Parks and Recreation staff regarding the use of the entrance.
  - c. For the pervious pavement area, change to pervious concrete.
  - d. For the 24 foot wide driving aisles, show as 25 foot wide or provide an acceptable standard allowing for 24 foot. (Contact: Gary Marker).

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- e. Change the total parking provided from 300 to either 314 or the correct number.
  - f. Change the bicycle parking provided to match the change in the vehicular parking provided.
  - g. Include a stamp from a registered landscape architect.
  - i. Confirm that shrubs and street trees meet or exceed the landscape requirements of the Zoning and Development Code for vehicle use areas adjacent to streets.
  - k. Include the allowance for up to 100 multifamily residential units.
  - l. Include a signage and lighting plan as required by the Code.
- 2. 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 to the Land Development Division and approved prior to issuance of building permits.
- 3. 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 along E 38th Street and E 39th Street 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.
- 4. 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.
- 5. 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.

*Condition 6. per Wei Sun, Public Works Department (wei.sun@kcmo.org)*

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6. That the developer construct a raised median and associated geometric modifications along Warwick Boulevard to prevent left-turns at the intersection of Warwick Boulevard and the Upper Garage Deck, **or other traffic means as agreed upon by both Public Works and Parks and Recreation Department staffs.**

*Condition 7 per Fire Marshal's Office (John.Hastings@kcmo.org)*

7. That the developer provide fire protection as required by the Fire Marshal's Office, including the provision for siren activated gates.

*Condition 8 per Parks and Recreation Department (Richard.allen@kcmo.org)*

8. That the developer contribute parkland dedication money at a rate of \$16,907.93 per acre in satisfaction of Section 88-405-17 of the Zoning and Development Code prior to the issuance of a building permit and as anticipated to be as follows:

\*100 MF units x 2 persons/unit x 0.006 acres/person = 1.2 acres

\* 1.2 acres x \$16,907.93 = \$20,289.52 or \$202.89/unit.

*Conditions 9 & 10 per City Development Department (John.eckardt@kcmo.org)*

9. The developer shall submit a final MPD Development Plan for each project or phase of the development to the City Plan Commission prior to issuance of a building permit. The final MPD Development Plan shall meet the development standards of Chapter 88-400 including; plan information; property uses; setback distances; lighting (with a photometric study); landscaping, including information on (i) species, planting size, and spacing of all trees and shrubbery; (ii) buildings and dumpster elevation drawings; (iii) fencing, if utilized, identifying material, color, height, setback and type, with an elevation drawing of a section; streetscaping; signage (including elevations); and architectural characteristics.
10. That within 30 days of approval of a preliminary development plan by the city council, the landowner must file with the appropriate recorder of deeds office a statement that such a plan: (1) has been filed with the city plan commission; (2) has been approved; (3) that the MPD preliminary development plan is applicable to certain specified legally-described land; and (4) that copies of the plan are on file in the city planning and development department. The statement recorded with the recorder of deeds must also specify the nature of the plan, the proposed density or intensity of land use and other pertinent information sufficient to notify any prospective purchasers or users of the land of the existence of such a plan and further include all information as required by Section 88-520-03-H.