



City Planning & Development Department

Development Management Division

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Kansas City, Missouri 64106-2795

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STAFF REPORT

January 19, 2016

(10)

RE:

Case 7899-MPD-12

APPLICANT/AGENT:

Thomas Nolte
Nolte & Associates, P.A.
9400 Reeds Rd, Suite 200
Overland Park, KS 66207

OWNER:

Rockhurst University
1100 Rockhurst Road
Kansas City, MO 64110

LOCATION:

Generally bounded by E. 51st Street and Rockhurst Road on the north, E. 54th Street and E. 55th Street on the south, The Paseo on the east, and Troost Avenue on the west.

AREA:

About 55 acres.

REQUESTS:

To consider rezoning the 55 acre tract of land from District MPD (Master Planned Development) to District MPD, for the purpose of amending the existing Rockhurst University MPD preliminary development plan to allow for two (2) four-plex townhomes.

LAND USE PLAN:

The South Central Area Plan recommends public-semipublic, retail commercial, low density residential (1-8 units per acre) medium density residential (9-28 units per acre) and light industrial uses for this site.

SURROUNDING LAND USE:

North: zoned B3-2/ R-6, Commercial and S.F. residences.
South: zoned B3-2/ R-6, Commercial and S.F. residences.
East: zoned R-2.5, Single family residences.
West: zoned B3-2, Mixed commercial.

MAJOR STREET PLAN:

The City's Major Street Plan classifies E. 55th Street as a "2-lane through Street" and a local link typology. Troost Avenue is classified as a four-lane thoroughfare and an

established arterial. The Paseo is classified as a six-lane thoroughfare Historic/ Established Boulevard under the jurisdiction of the Parks and Recreation Department.

ARTERIAL STREET

IMPACT FEE:

(Informational only)

Benefit District – Exempt

The proposed development is within an exempt district.

PREVIOUS CASES:

Case No. 7899-MPD-11 – On November 7, 2012, the Development Review Committee approved an MPD final plan on about 4.8 acres located on the north side of E. 54th Street between vacated Forest Street and vacated Tracy Avenue to allow for an academic building.

Case No. 7899-MPD-10 – Ordinance No. 110804 passed by City Council on November 3, 2011, rezoned about 55 acres generally bounded by Troost Avenue on the west, The Paseo on the east, E. 51st Street and Rockhurst Road on the north and E. 54th Street and E. 55th Street on the south, from Districts R-1.5 (Residential 1.5), R-2.5 (Residential 2.5), R-6 (Residential 6) and B3-2 (Community Business - 2) to District MPD (Master Planned Development), and approved a preliminary development plan for an educational institution.

Case No. 7899-PD-9- On July 6, 1999, the City Plan Commission approved a final plan on about 11 acres in District PD/R-4 for additional parking and other site improvements for Rockhurst College.

Case No. 7899-A-8 – On June 8, 1999, the Board of Zoning Adjustment granted variances to the maximum allowable height for an existing educational building and dormitory.

Case No. 1314-V - Ordinance No. 990752, passed by City Council on June 10, 1999, vacated E. 54th Street between Troost Avenue and Forest Avenue.

Case No. 7899-PD-7 - Ordinance No. 990635, passed by City Council on June 10, 1999, rezoned about 11 acres from District R-4 (low apartments) to District PD/R-4 (low apartments, planned development; overlay) and approved a development plan, for additional parking and other site improvements for Rockhurst College.

Case No. 7899-P-6 - Ordinance No. 990631, passed by City Council on June 10, 1999, Rezoned about 11 acres generally bounded by 53rd Street on the north, Tracy Avenue on the east, 54th Street on the south and Troost Avenue on the west from Districts R-1b (one-family dwellings), C-2 (local retail business) and R-4-p (low apartments, limited district) to District R-4 (low apartments).)

Case No. 7899-P-5 – On December 23, 1993, City Plan Commission approved a final plan for a parking lot on about 0.85 acre at the southwest corner of 53rd Street and Tracy Avenue.

Case No. 7899-P-4 - Ordinance No. 931108, passed by City Council on November 22, 1993, amended the approved preliminary development plan to allow a parking lot at the southwest corner of E. 53rd Street and Tracy Avenue.

Case No. 1073-V - Ordinance No. 931343, passed by City Council on November 22, 1993, vacated Tracy Avenue between E. 53rd Street and E. 54th Street, and vacated E. 53rd Street from Tracy Avenue to Virginia Avenue and from Lydia Avenue to The Paseo.

Case No. 7899-P-3 – On September 20, 1988, the City Plan Commission approved a final plan for a parking lot at the northeast corner of 54th Street and vacated Forest Avenue.

Case No. 7899-P-2 - Ordinance No. 63034, passed by City Council on October 13, 1988, amended the approved preliminary development plan to allow a parking lot at the northeast corner of E. 54th Street and vacated Forest Avenue.

Case No. 7899-P-1 – On July 17, 1979, the City Plan Commission approved a final plan for a parking lot on about 1.5 acres at the southeast corner of vacated E. 53rd Street and Forest Avenue.

Case No. 395-V - Ordinance No. 50439, passed by City Council on June 8, 1979, vacated Forest Avenue between E. 53rd Street and E. 54th Street, and E. 53rd street between Troost Avenue and Tracy Avenue.

Case No. 7899-P- Ordinance No. 50339, passed by City Council on June 8, 1979, rezoned about 5.4 acres on both sides of vacated Forest Avenue between E. 53rd Street and E. 54th Street from District R-1b (one-family dwellings) to District R-4-p (low apartments, limited district) and approved a preliminary development plan for the south portion of the Rockhurst College campus.

EXISTING CONDITIONS:

The existing Rockhurst University campus contains about 27 structures on 55 acres, occupying all of the area between Troost Avenue on the west and The Paseo on the east from Rockhurst Road to E. 54th Street, as well as several parcels of land fronting on Troost Avenue to the north and south, and properties at the corners of Forest Avenue at Rockhurst Road and E. 54th Street. The structures include a number of academic buildings, library, physical plant, field house, student life center, and eight student residential buildings. A baseball field, softball field, tennis courts and soccer field are located east of vacated Tracy Avenue, which extends through the center of the campus. A three-story, 423 space parking garage with 10,000 square feet of potential commercial use was recently constructed at the northeast corner of Rockhurst Road and Troost Avenue.

The campus is bordered on the north, south and partially on the east by residential uses within zoning districts R-2.5 and R-6 with commercial zoning extending one-half block east from the Troost Avenue frontage. Most of the streets within the campus are private streets. Ordinance No. 110804 passed by City Council on November 3, 2011, rezoned the campus from Districts R-1.5, R-2.5, R-6 and B3-2 to District MPD, and approved a preliminary development plan for an educational institution.

PLAN REVIEW & ANALYSIS:

The applicant is requesting to amend the exiting MPD preliminary plan to allow for the construction of two (2) four-plex townhomes at the southwest corner of E. 54th Street and Forest Avenue. The existing MPD plan did not show any structures or uses on this parcel. This proposed amendment does not change the existing MPD plan beyond allowing for the construction of the two four-plex townhomes. Condition #7 of Ordinance No. 110804 passed by City Council on November 3, 2011, limits development beyond phase I unless a traffic study is prepared, reviewed and approved by the Public Works Department. This amendment will carry these conditions forward.

The current approved MPD plan allowed for development plan of the campus over time in three phases. In Phase 1 (2011-2015), a new lecture hall/theater and a 250 bed residence hall will be constructed. Additions will be made to an administrative building, the physical plant, field house and science center. In Phase 2 (2015-2020) a 216 bed residence hall and several small support buildings will be demolished. New construction includes a second parking structure at

the southwest corner of E.54th Street and Troost Avenue, two academic buildings, a 250 bed residence hall and athletic services building. Phase 3 (2011-2030) includes two new residence hall totaling 500 beds and a small chapel building with possible residential component. Staff recommends that the proposed 4-plex buildings be included as part of phase 1 of the development.

The proposed amendment is to a 0.5 acre tract of land at the southwest corner of the campus. The plan shows two four-plex buildings with 32 parking spaces to be used as student housing. Vehicular ingress/egress to the site will be provided from an existing drive off E. 54th St. to the north. This will be the only access to the site. The parking will extend along the western half of the property to the southern property line. Chapter 88-420 of the Zoning and Development Code requires 1 parking space per units, for a total of 8 parking spaces for the 8 units. The proposed development meets the requirement of the Zoning and Development Code as it relates to parking. A trash enclosure is proposed at the northwest corner of the site. Staff recommends that the materials of the trash enclosure match that of the proposed buildings and meet Section 88-425-08. Staff recommends details of the trash enclosure confirming compliance be submitted at the time of final plan application.

The building will be about 25 feet in height. The four-plex buildings are proposed to be constructed of brick veneer and cement board lap siding (hardieplank) and shake shingles, accented with wood trim. The plan shows two raised front porches with wood box columns and railings. Staff recommends that the material for the retaining wall be shown on the face of the final plan. Staff recommends that a landscape plan and a signage plan be submitted as part of the final MPD plan. The landscaping and signage for this project will be reviewed at the time of final plan application.

Parkland Dedication:

According to Chapter 88-405-17 of the Zoning and Development Code, the developer can either dedicate land for public park, provide open space for park purposes or provide money in lieu of parkland dedication. The development is providing a need for the following:

$$8 \text{ multi-family units} \times 2 \times 0.006 = 0.096 \text{ acres}$$
$$0.096 \text{ acres} \times \$16,907.93 = \$1,623.16$$

That the developer dedicate 0.096 acres of parkland or contribute \$1,623.16 in lieu of parkland dedication for the 8 multifamily lots to be utilized at Ivanhoe Park in satisfaction of Chapter 88-408 of the Zoning and Development Code.

Per Section 88-280-01, the MPD district is intended to accommodate development that may be difficult if not impossible to carry out under otherwise applicable zoning district standards. The proposed MPD does not serve as a preliminary plat. The MPD district will allow for multiple buildings and uses on one lot and establish the building setbacks and other site development standards.

88-520-03-F. MPD Review Criteria

In reviewing and making decisions on proposed MPD rezonings and preliminary development plans, review and decision-making bodies must consider at least the following factors:

- the preliminary development plan's consistency with any adopted land use plans for the area;
 - *The South Central Area Plan recommends public-semipublic, retail commercial, low density residential, medium density residential, and light industrial uses for this site.*
- the preliminary development plan's consistency with the MPD district provisions of 88-280; and
 - *The proposed amendment is consistent with the MPD plan.*
- the sufficiency of the terms and conditions proposed to protect the interest of the public and the residents of the MPD in the case of a plan that proposes development over a long period of time.
 - *This plan is proposed to allow for the campus development in three phases.*

88-280-06 Approval Criterion

MPD zoning may be approved only when the city council, after receiving the recommendation of the city plan commission, determines that the proposed development cannot be reasonably accommodated by other available regulations of this zoning and development code, and that a MPD would result in a greater benefit to the city as a whole than would development under conventional zoning district regulations. Such greater benefit may include implementation of adopted planning policies, natural resource preservation, urban design, neighborhood/community amenities, or a general level of development quality.

At the DRC meeting staff informed the developer of the need to revise the submitted plan set to meet the requirements of Development Management Division's City Plan Commission application checklist in its entirety. The projected commencement date is spring of 2016 with anticipated completion in December 2016. Staff also informed the developer of the need to reach out to the surrounding neighborhood prior to the CPC hearing.

RECOMMENDATIONS:

The City Planning and Development Department staff recommends that **Case No. 7899-MPD-12** 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 December 23, 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. Correct title of plan to read "Rockhurst University MPD Plan".
 - b. Move proposed townhome buildings to phase I and extend the date to 2016.
 - c. Properly resize and collate all plan sheets to the same size and list accompanying sheets on the cover.
 - d. A signage plan that meets the requirements of Chapter 88-445 in its entirety.
 - e. Show concept for stormwater management.

Conditions 2. & 3. per City Planning & Development, Development Management Division (Olofu Agbaji, Olofu.Agbaji@kcmo.org)

2. Conditions of approval of Ordinance No. 110804 passed by City Council on November 3, 2011 (Case No. 7899-MPD-10) still applies and shall be carried forward.
3. The developer shall submit a final MPD Development Plan for each project or phase of the development to the Director of City Planning and Development 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.

**Conditions 4. - 9. per City Planning & Development, Land Development Division
(Brett Cox, 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.
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 building permits.
6. 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.
7. 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.

8. 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.
9. The developer must grant a BMP Easement to the City as required by the Land Development Division, prior to recording the plat or issuance of any building permits.

Condition 10. per Parks and Recreation Department (Richard Allen, richard.allen@kcmo.org)

10. That the developer dedicate 0.096 acres of parkland or contribute \$1,623.16 in lieu of parkland dedication for the 8 multifamily lots to be utilized at Ivanhoe Park in satisfaction of Chapter 88-408 of the Zoning and Development Code.

Respectfully submitted,



Olofu O. Agbaji
Planner