



City Planning & Development Department

160359

Development Management Division

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STAFF REPORT

April 5, 2016

(26)

RE: Case No. 14609-MPD (Previously advertised as 14609-UR)

APPLICANT: Plaza Hotels, LLC
900 W 48th Pl, Suite 900
Kansas City, MO 64112

OWNER: Commerce Bank
1000 Walnut, 7th Floor
Kansas City, MO 64106

AGENT: Chase Simmons
Polsinelli PC
900 W 48th Pl, Suite 900
Kansas City, MO 64112

LOCATION: Generally located on a portion of the block bound by Broadway, W 46th St, W 46th Ter, and Wornall Rd.

REQUESTS: To consider approval of a rezoning from District B3-2 (Community Business) to District MPD (Master Planned Development) and approval of a preliminary development plan which also acts as a preliminary plat on approximately 1.5 acres generally located on a portion of the block bound by Broadway, W 46th St, W 46th Ter, and Wornall Rd to allow an approximately 293,840 square foot mixed use development.

AREA: About 1.5 acres.

SURROUNDING LAND USE:

North	W 46 th St, beyond which are residential and office uses, zoned R-0.5 (Residential 0.5).
West	Broadway, beyond which are residential uses, zoned R-0.5.
South	Hotel zoned UR (Urban Redevelopment) and W 46 th Ter, beyond which are residential uses zoned R-0.5 and B4-5 (Heavy Business/Commercial).
East	Wornall Rd, beyond which is a hotel zoned UR and office zoned B1-1 (Neighborhood Business).

LAND USE PLAN: The Plaza Westport Neighborhood Plan is the area plan of record and it recommends mixed use development for the subject property (Page 53).

MAJOR STREET PLAN: None of the abutting streets are, in the vicinity of the subject property, classified as major streets by the Major Street Plan.

ARTERIAL STREET The subject property is located within Benefit District H and is

IMPACT FEE:
(Informational only)

subject to impact fees as required by Chapter 39.

PREVIOUS CASES:

Case 9904-A – On September 23, 1986 the Board of Zoning Adjustment approved auxiliary off-site parking and a front yard setback variance. This approval allowed the western of the two parking lots that exist along the south side of W 46th St.

Case 9904-P-1 – Ordinance 910274 passed in April 1991 approving a rezoning from District R-5 (High Apartments) to C-2-p (local retail business, limited district) and preliminary plan to allow a bank with drive-through.

Case 9904-P-2 – On August 20, 1991 the City Plan Commission approved a final plan for a bank with drive-through.

EXISTING CONDITIONS:

The subject property consists of approximately two-thirds of the block bound by W 46th St on the north, W 46th Ter on the south, Broadway on the west and Wornall Rd on the east. The remainder of the block is a Residence Inn hotel and tennis court, both under single ownership. The subject property and hotel's tennis court are located to the east and north of the hotel site, and separated from the hotel site by public right-of-way which apparently used to include an alley that no longer exists. The site's elevation drops about fifty feet from a high point at its northwest corner near the intersection of 46th and Broadway down to a low point at the southeast corner at the intersection of 46th Ter and Wornall. This intersection is the familiar five-leg intersection where Wornall, 46th Ter and Wyandotte St all meet on the north edge of the Country Club Plaza. Surrounding streets are two-lane, two-way streets. The subject property is owned by Commerce Bank which operates a drive-through bank on the eastern portion of the property and two small parking lots on the remainder adjacent to 46th St.

BACKGROUND:

On October 2, 2015 the applicant submitted both applications; a request to amend the Plaza Westport Neighborhood Plan and a request to rezone from District B3-2 (Community Business) to District UR. As is required, the rezoning request was accompanied by a preliminary development plan. The subject property lies in an area with overlapping area plans; the Plaza Westport Neighborhood Plan and the Plaza Urban Design and Development Plan, both of which have since been repealed with the adoption of the Midtown Plaza Area Plan on January 7, 2016 by Committee Substitute for Resolution No. 150899, As Amended. Section F of this resolution states that "any rezoning application that is pending on the effective date of this resolution and which complies with one of the plans being repealed or amended by this resolution, will be considered to be in compliance with the Midtown Plaza Area Plan, if the rezoning is approved within one year of the effective date of this resolution". With regard to the overlapping nature of the prior area plans, staff initially determined that the Plaza Urban Design and Development Plan was the area plan of record and the area plan amendment request was advertised accordingly. After further analysis staff determined the Plaza Westport Neighborhood Plan to be the area plan of record. Consequently, staff will evaluate the requested rezoning and preliminary development plan against the recommendations of the Plaza Westport Neighborhood Plan and that the proposed rezoning and preliminary development plan will be considered to conform to the Midtown Plaza Area Plan if they conform to the Plaza Westport Neighborhood Plan.

Meanwhile, as a consequence of concerns raised by staff and adjacent residents, the developer has continued the project several times while they met with surrounding property owners and residents and prepared amendments to the original submittal. On February 11, 2016

the developer submitted an amended rezoning request and amended preliminary development plan. The zoning request has changed from UR (Urban Redevelopment) to MPD (Master Planned Development) as a result of the fact that the developer has not proposed a specific tax incentive(s) and without doing so the property is not eligible for UR zoning. The plan revisions are a result of an attempt to conform to the Plaza Westport Neighborhood Plan and concerns raised by staff and residents with regard to the original submittal.

REZONING & PRELIMINARY DEVELOPMENT PLAN:

The applicant proposes redevelopment of the property resulting from demolition of the existing bank and surface parking lots and construction of a 292,850 square foot mixed use development and 161,800 square foot, 4.5 level, 410 space parking garage. The development is proposed to include a 2,700 square foot bank with four drive-through lanes, 34,780 square feet of retail uses, a 204-room hotel, and 144-unit residential building.

The elevation of the site varies considerably with the northwest corner of the site sitting approximately thirty-five feet higher than the northeast corner and fifty feet higher in elevation than the southeast corner. This change in elevation results in the ground-level of the northeast corner of the proposed development sitting one level below and the ground-level at the southeast corner sitting two levels below the ground level at the northwest corner. This is illustrated in Figure 1 below (See Sheet A111 of proposed plans).

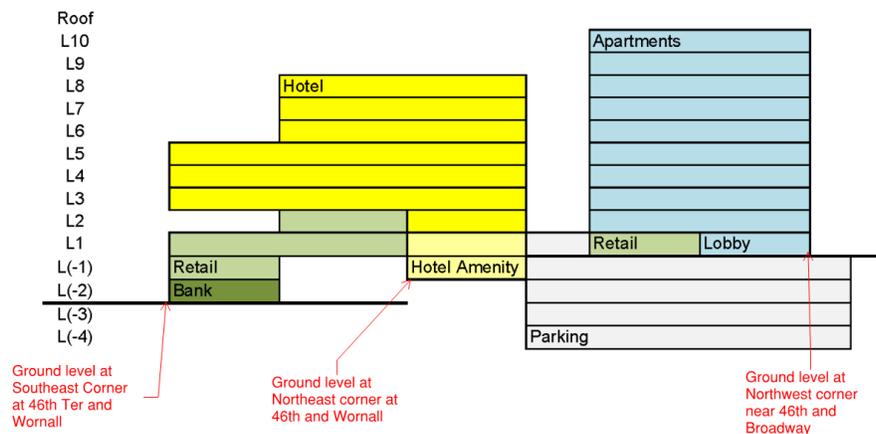


Figure 1. Illustration of Ground Level at SE, NE and NW Corners of Proposed Development

The figures illustrate that the proposed building height is nine stories above grade at the southeast corner and ten stories above grade at the northeast and northwest corners. The plans indicate a varying building height in feet depending upon the portion of the building measured. At its tallest point, the residential component will extend 128 ft above grade at the northwest corner. The hotel will measure 126 ft above grade at the northeast corner, stepping down to 114 ft above grade at the southeast corner of the hotel. The retail component adjacent to the intersection of 46th Ter and Wornall will measure 45 ft above adjacent grade.

The colors in the illustrations correspond to the proposed uses and are intended to identify the arrangement of the uses within the buildings. For instance, green indicates retail uses, yellow hotel uses, and blue residential. The grey color indicates parking garage. The proposed garage will be a 4.5-level, 410-space garage and will be accessed from three points; 46th St, Wornall Rd and the alley along the south side of the subject property. Along 46th St only a small portion of the garage will extend above grade near the middle of the block where an entrance to the garage is proposed (shown in Figure 2). The Wornall Rd access to the garage is located in the middle of the block between 46th and 46th Ter (also shown in Figure 2), though the garage itself will be located behind retail and hotel uses along this street frontage. In addition to a garage

access at this location, the plans also propose a drop off lane for the proposed hotel from Wornall immediately north of the garage and bank drive-through entrance. The bank is proposed to be located at the ground level southeast corner with its proposed drive-through lanes immediately to the west under the second level of the building. (See Sheet A102 of plans for illustration of drop off lane, drive-through lanes and garage entrance from Wornall.)

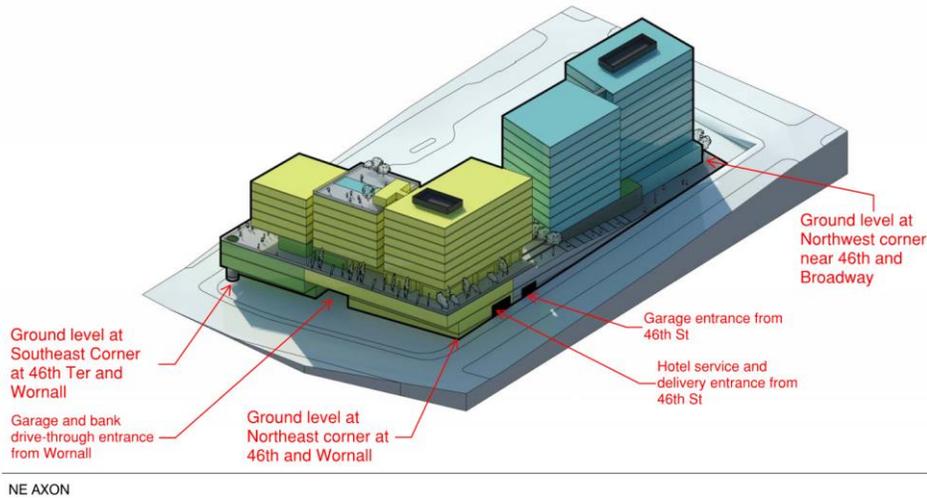


Figure 2. NE Axon showing view from the northeast and illustrating ground level at each of the same points in Figure 1

Along the south side one to two levels of the garage will appear above grade of the alley where an entrance/exit to the garage is proposed near the west end of the alley (See Figure 3). An existing hotel located on the remainder of the block will conceal view of this portion of the garage from Broadway and 46th Ter.

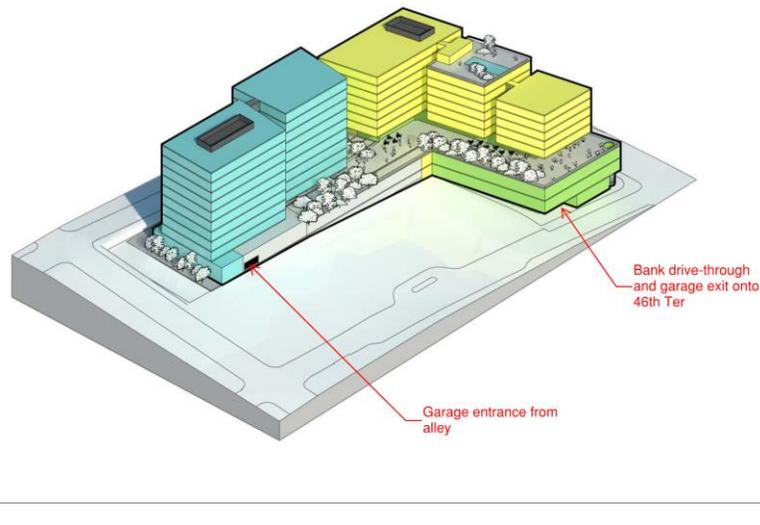


Figure 3. SW Axon showing view from the southwest and garage entrance to alley and garage and drive-through exit onto 46th Ter

The bulk of the proposed retail uses are to be located on the first three levels above grade in the southeast portion of the development. An additional retail area is proposed in the north-central portion of the development adjacent to the residential lobby and placed (vertically) atop the garage and below the residential towers. (Identified on Sheet A104 as “sundries”) The proposed hotel use begins at the ground level in the northeast portion of the development and extends 10 levels above grade at this point. The first two levels consist of lobby, restaurant, and meeting

space. The guest rooms begin on the third level. Due to the approximately 15 foot change in elevation between the northeast and southeast corners of the site, the bottom of the third level of the hotel (northeast corner) is consistent in elevation with the rooftop of the third level of retail uses at the southeast corner. It is at this level (hotel third level) where additional complimentary retail spaces are also proposed opening onto a pedestrian area lying at the foot of the south and west sides of the proposed residential and hotel towers. The developer is referring to this feature as an "arcade deck" or "skydeck". The purpose of this feature is to provide an amenity for residents, guests and general public as a gathering space and a platform for viewing the Country Club Plaza. The deck is proposed to include an outdoor event space at the southeast corner, landscaping and playgrounds. The deck will be accessible from an elevator connecting to the ground level at the southeast corner as well as a "grand stair" connecting to the public sidewalk along 46th St. The hotel rooms continue in the fourth level above. (See Sheet A105 for the proposed pedestrian deck details)

The proposed residential uses are located in the north central and northwest portions of the development. The first level featuring residential units is the same level as the pedestrian deck described above. An additional drop off lane on 46th St for the residential component is proposed at the northwest corner of the development.

This case was previously heard at the March 1 City Plan Commission hearing and continued to allow staff time to review revised plans. The previous plans provided no information on architectural detail or building materials, but did provide information on the massing, which was in the previous plans and remains in the revised plans a five "towers" design atop a deck which is consistent with the top of the top level of the parking garage. The "towers" are technically two buildings with three of the five "towers" connected to one another forming the hotel component and the remaining two connected to one another and forming the residential component. This massing is one of the major revisions from the original plans which depicted two "towers" (See Figure 4). Staff believes this revision is a substantial improvement from the original for several reasons including that it breaks up the massing of the development, lets more sunlight through to the north and east, and creates a more articulated and interesting skyline.

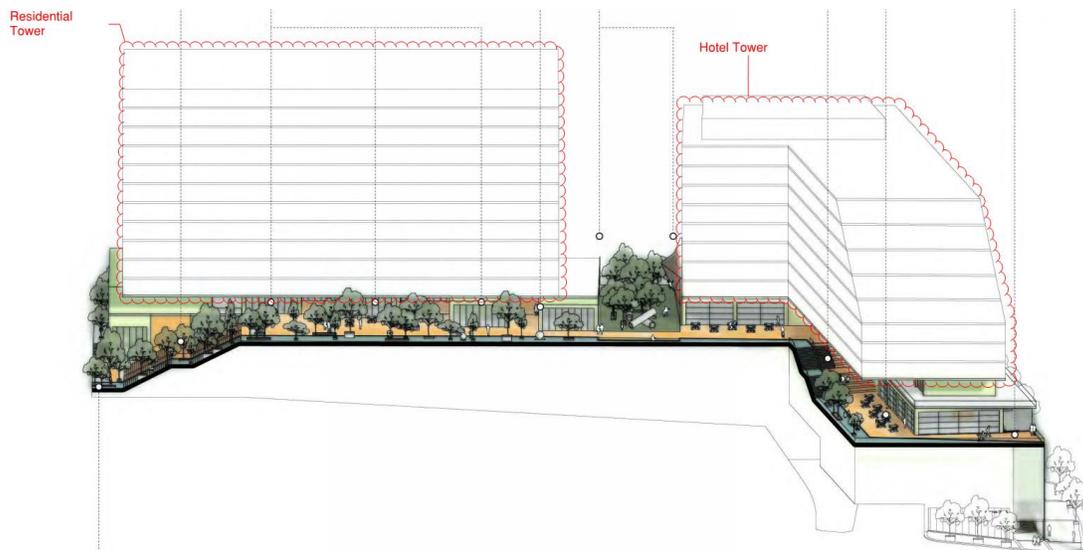


Figure 4. Original two "tower" proposal

In the case of the hotel component, the three "tower" design (See Figure 3 above) corresponds to three steps in building height wherein the building height increases one level per tower from the southeast corner of the development to the northeast corner. With the top of each lower "tower" featuring a guest amenity area (viewing deck on the top of the southernmost tower

and pool deck atop the middle tower – see Sheet A107 and A108).

Parkland Dedication, 88-408

Parkland dedication or payment in lieu of dedication is required when residential uses are proposed. The plans propose a total of 144 units, which requires dedication of 1.728 acres of parkland. Staff recommends the developer make a payment in lieu of dedication using the 2016 acquisition rate. The amount due is estimated to be \$52,462.43, which is payable prior to building permit or recording of a final plat, whichever occurs first.

Parking Standards, 88-420

The sum of the proposed uses requires a total of 312 parking spaces. The proposed parking garage contains 410 spaces; therefore the proposed number of spaces exceeds the minimum required.

Landscape & Screening Standards, 88-425

The final development should include a landscape plan complying with applicable landscape requirements. There are three landscape requirements that will apply to this project; street trees, screening of parking garages and screening of mechanical equipment and containers.

Lighting Standards, 88-430

The final development plan should include a lighting plan with photometric study demonstrating compliance with lighting standards.

Sign Standards, 88-445

The final development plan should either contain a sign plan demonstrating compliance with sign standards or a note stating that all signage shall comply with 88-445 of the zoning and development code and shall be reviewed for compliance with such standards at time of sign permit.

Pedestrian Standards, 88-450

These standards require a public sidewalk system along public streets, onsite pedestrian circulation system and contain design standards for their construction. The preliminary development plan appears to comply with the applicable pedestrian standards in that the site is surrounded by public streets on the north, east and south, all of which feature public sidewalks. Additionally, the plans show an internal circulation system composed of the pedestrian deck discussed above with access to this deck from the public sidewalk along 46th St via the "grand stair" and from Wornall/46th Ter via a proposed elevator. The final development plan shall substantially conform to this design and provide additional detail to ensure compliance with these standards. Additionally, staff recommends a streetscape plan be provided providing design details for the public sidewalk system adjacent to the site.

Building Elevations – Revised Following March 1 City Plan Commission meeting

At the March 1, 2016 City Plan Commission meeting, the applicant presented revised plans depicting information on the proposed building elevations including architectural design and materials. The applicant requested and the Commission granted a continuance to allow time for the applicant to file the revised plans with staff for staff's review. The revised plans were filed on March 8 and depict the buildings to be constructed of brick and/or stucco and glass as predominant materials with ceramic tiles, terra cotta, and decorative ironwork details. All of these materials conform to the recommendations of the area plan, however staff recommends the conditions previously-recommended remain given to ensure that these details are formally evaluated and established with the final development plan, which is required to be approved by the City Plan Commission prior to construction.

AREA PLAN:

Staff from the Long Range Planning Division has evaluated the project and offers the following analysis:

The recently adopted Midtown Plaza Area Plan (adopted by Resolution 150899, on January 7, 2016) is the adopted plan for this area. However, this development is being reviewed for compliance with the Plaza-Westport Neighborhood Plan, based on the following section of Resolution 150889:

“Any rezoning application that is pending on the effective date of this resolution, and which complies with one of the plans being repealed or amended by this resolution, will be considered to be in compliance with the Midtown/Plaza Area Plan, if the rezoning is approved within one year of the effective date of this resolution.”

At the March 1 City Plan Commission meeting, the Commission expressed the desire that the project be reviewed against the Midtown Plaza Area Plan for informational purposes. This review is provided below and is followed by review against the area plan of record – the Plaza-Westport Neighborhood Plan.

Midtown Plaza Area Plan (For informational purposes only)

For the northern portion of the property (generally along the 46th Street side of the property) the plan recommends “Urban Density Residential”(see page 30) and for the southeastern portion of the property (generally at the northwest corner of 46th terrace and Wornall) the plan recommends “Mixed Use Community”. These are defined as follows:

Residential Urban - Intended for the highest density developments, up to 145 units per acre. This land use classification corresponds with the “R-0.3” and “R-0.5” zoning categories within the zoning ordinance.

Mixed Use Community - Primarily intended to accommodate and promote a variety of community-serving retail sales or service uses generally of a higher intensity and larger scale than what is allowed in Mixed Use Neighborhood areas. This category should include a mix of business and residential uses designed to enhance the pedestrian environment of the community and correspond with the “B2” zoning category within the zoning ordinance.



The residential building is generally consistent with this land use recommendation (based on proposed unit density) and the proposed bank is consistent with the "Mixed Use Community" land use recommendation. The proposed hotel however is inconsistent with the land use recommendations for the following reasons: 1) hotels are first allowed in B3 zoning and the land use plan recommends B2 zoning at this location; and 2) The northern portion of the hotel is located in an area recommended for residential land use (generally the southern portion of the hotel and mixed use building is located in the "Mixed Use Community" area, and the northern portion of the hotel is located within the "*Residential Urban*" area). So the hotel use is not consistent with the land use recommendations of the MPAP, while the remainder of the uses appear to be consistent.

Building Height: In the MPAP the entire development area is recommended for a building height of "**45' - 90' (Minimum of 3 stories, Maximum of 7 stories)**" (see page 45 of MPAP). The proposed development does not comply with this recommendation.

Development Form Guidelines: The MPAP designates this area as a "District", and areas to the north of 46th Street as a "Neighborhood". There are also development guidelines specific to each of these area types. I have not included a full review of applicable design guidelines here.

Plaza Sub Area - Planning Recommendations and Supplemental Development Areas (page 39): The eastern portion of the property is recommended for "No Increase in Zoning Intensity". The western portion of the property is within "Supplemental Development Area C" and is designated as "Potential Redevelopment". These terms are described as follows:

- *No Increase in Zoning Intensity: If redevelopment within this area occurs, it is acceptable to the existing (or lesser) development intensity as per the zoning district requirements*
- *Potential Redevelopment: Redevelopment of this property is encouraged*

The proposed development exceeds the floor area and building height allowed in the existing B3-2 zoning and is therefore not consistent with the "No Increase in Zoning Intensity" recommendation. The proposed development is also inconsistent with the recommendation for "Potential Redevelopment" because it is not consistent with the land use or building height recommendations.

Summary:

The proposed development is not consistent with the building height recommendations or the Planning Recommendations and is only partially consistent with the land use recommendations of the Midtown Plaza Area Plan.

Plaza Westport Neighborhood Plan (area plan of record)

The Plaza Westport Neighborhood Plan recommends "Mixed Use" land use at this location, which is defined as:

"This land use category is intended to include a combination of uses, including commercial, office, residential and community serving facilities. These areas are intended to include a broader range of shopping and personal services than the Neighborhood Mixed-Use category, as well as residential, institutional, and office uses. Development in these areas should be consistent with the mixed-use guidelines in the FOCUS Kansas City Plan."

The proposed development is generally consistent with this land use recommendation.

Building Height Recommendation

For building height recommendations, the Plaza Westport Neighborhood Plan incorporates the "Bowl Concept" of the Plaza Urban Design and Development Plan, which recommends "4-10" stories at this location. The proposed 10 story residential building and 9 story hotel are consistent with this building height recommendation.

Building Design Guidelines

Aside from land use and building height recommendations there are additional development guidelines that should be incorporated into the final development plan and overall building design. Past plans for the area as well as the current Midtown Plaza Area Plan have all emphasized the importance of compatible building design for new buildings in the Country Club Plaza Area. In response to this, staff has compiled the following relevant guidelines.

Architectural Character and Materials

46th Terrace/Wornall Road Street Level Guidelines (below Arcade Deck Level)

- Development adjacent to Country Club Plaza buildings and at the street level should incorporate the highest level of the following design elements of the Country Club Plaza, including:
 1. brick and stucco facades,
 2. colorful ceramic tile.,
 3. terra cotta ornamentation,
 4. decorative ironwork,
 5. day-tile roofs and
 6. bell lowers and other features common found within the Country Club Plaza.
- All future buildings in the Plaza area should incorporate the contemporary use of these building materials, architectural design details, human scale design features and recognizable architectural characteristics
- Use the highest level of architectural detail and incorporate human scale elements near streets and entries, and around the ground floor.
- The street level of commercial/mixed use structures should have a dominant transparent quality
- Windows at the street level of all buildings should be transparent.

Upper Floor Guidelines (at and above Arcade Deck level)

Upper floors of new buildings should incorporate the following building materials and architectural design elements of the Country Club Plaza area, although at a lower level of detail and articulation than at the street/pedestrian level.

1. brick and stucco facades,
 2. colorful ceramic tile.,
 3. terra cotta ornamentation,
 4. decorative ironwork,
 5. day-tile roofs and
 6. bell lowers and other features common found within the Country Club Plaza.
- The materials listed above should comprise the majority of the exterior building materials. The use of glass (aside from windows), metal and other architectural panels is allowed but should be minimized.

The use of smooth-faced limestone as part of the wall material surrounding storefront display windows and entrances and as a complimentary wall material in texture and color to the original Spanish-Mediterranean style motif.

Wood or iron cantilevered balconies, balconettes, and window grills; exposed rafters and brackets; arched arcades; and square bell towers and domes are important characteristics of the thematic architecture of The Country Club Plaza.

Sculpture, fountains, street trees and shrubbery, as well as flower beds enhance public thoroughfares, reinforcing the defined sense of place.

General Guidelines

- Design buildings to provide human scale, interest, and variety using the following techniques:
- Use the highest level of architectural detail and incorporate human scale elements near streets and entries, and around the ground floor. Incorporate building entry details like porches and recesses, occupied spaces like bay windows and balconies
- Vary building form with recessed or projecting bays and changes in materials, details, surface relief, color, and texture.
- Windows and other openings should relieve blank walls where possible, adding visual interest, improving pedestrians' sense of security, and introducing a human scale to street-level building frontages.
- Windows at the street level of all buildings should be transparent.
- Design buildings to minimize long windowless walls and service areas visible from public streets. Large blank walls along streets should be avoided whenever possible. Where blank walls are unavoidable they should be designed to increase pedestrian comfort and interest, through some combination of the following methods:
 1. Installing vertical trellis in front of the wall with climbing vines or plant materials.
 2. Providing art over a substantial portion of the blank wall surface.
 3. Providing display windows.
 4. Dividing the mass of the wall into sections.
- In mixed use areas, buildings should maintain and reinforce street level pedestrian activity regardless of size or use. This should include a design that:
 1. Provides street-level, pedestrian-oriented uses.
 2. Maintains a continuous, transparent, highly permeable and active street wall.

Screening

- Screen all trash dumpsters, storage areas, service areas, loading areas and mechanical and technology equipment with a combination of landscaping, decorative walls, fences and/or berms.
- Equipment or other items placed on roofs should be screened from view from adjacent taller buildings.
- Any lights or outdoor speakers should be arranged to reflect the light and transmit the noise away from adjacent buildings.

Public Spaces

- Design public space to maintain a comfortable sense of enclosure for pedestrians, with a size, proportion, and location that integrate thoughtfully with surrounding uses.
- Locate public space in high use areas with good visibility, access, and proximity to active uses in order to encourage activity and "eyes on the street."
- Ensure that public spaces are accessible and comfortable for all users. Private, fenced, and restricted access open spaces, and open spaces that are isolated from activity are discouraged.
- Incorporate elements in public space design that enhance a sense of comfort and safety for users, including lighting, visibility, enclosure, and proximity to active uses.
- Include a variety of amenities in public space design to enhance user experience, including seating, lighting, shade, landscaping, wayfinding, art, interpretive and interactive features, public facilities, special pavement, and other amenities.

Streetscape

- Design sidewalks to comfortably accommodate pedestrians, with landscaping, amenities, and other functions supportive of a complete street.
- Support a quality pedestrian environment by focusing active uses and amenities at street level, orienting buildings toward the street, and encouraging transparency, variety, visibility, and interactivity for ground level uses fronting the sidewalk.
- Design streets and sidewalks to incorporate elements that enhance a sense of comfort and safety for users, including lighting, visibility, enclosure, and proximity to active uses.

Pedestrian Access and Circulation

- Buildings should be accessible to the pedestrian on all sides adjacent to a street. Direct access into the building from the public sidewalk should be provided.
- Ensure that pedestrian street crossings meet Walkability Plan level of service recommendations. At a minimum provide crosswalks that:

- Are well-marked and visible to vehicles;
- Include pedestrian and intersection amenities to notify drivers that there is a pedestrian crossing present and enhance the local urban design context and character
- Provide for safety for all age/ability groups.
- Ensure adequate line-of-sight from pedestrian to automobile and automobile to pedestrian.
- Pedestrian walkways and plazas should be clearly delineated or spatially separated from parking and driveways through use of elements including bollards, lighting, landscaping, and special pavement treatments. Where a walkway crosses a street, drive-aisle or driveway, it should be clearly delineated by a change in paving materials, color, texture, or height.

The proposed plan in its current state conforms to the area plan's recommended building height and land use. Long Range staff is recommending conditions related to relevant building design recommendations. Subject to approval of these conditions, staff finds that the proposed development is in substantial compliance with the Plaza-Westport Neighborhood Plan.

ANALYSIS:

The uses proposed are financial services, retail, food and beverage retail, eating and drinking establishment, lodging, and multi-unit residential. All of these uses are first allowed in District B3. The current zoning of the property is B3-2 (-2 is an "intensity designator" regulating such things as required setbacks, building height and floor area ratio) which limits the floor area ratio to 3.0 and building height to 50 ft. The proposed floor area ratio is 4.81 and proposed building height is a maximum of 128 ft, both of which are first allowed in B3-5. The problem with the -5 intensity designator is that it allows a floor area ratio of up to 6.0 and an unlimited building height. Staff finds that this is undesirable, does not conform to the area plan recommendations, and provides no assurance to adjacent residents as to the height, massing, or quality of development that may occur. Rezoning to MPD accomplishes each of these as it is a zoning district accompanied by a plan which depicts allowed building height, floor area ratio and uses and restricts the development as depicted. Section 88-280 of the zoning and development code states the following:

88-280 MPD, MASTER PLANNED DEVELOPMENT DISTRICT

88-280-01 PURPOSE

88-280-01-A.GENERAL

The MPD, Master Planned Development district is intended to accommodate development that may be difficult if not impossible to carry out under otherwise applicable zoning district standards. Examples of the types of development that may benefit from the MPD zoning tool include the following:

1. ENHANCED PROTECTION OF NATURAL RESOURCE AREAS

Developments that offer enhanced protection of natural resources and sensitive environmental features, including streams, water bodies, floodplains, wetlands, steep slopes, woodlands, wildlife habitats, and native plant communities.

2. TRADITIONAL URBAN DEVELOPMENT

Developments characterized by lot configurations, street patterns, streetscapes, and neighborhood amenities commonly found in urban neighborhoods platted or otherwise created before the 1950s.

3. MIXED-USE DEVELOPMENT

Developments that contain a complementary mix of residential and nonresidential uses.

4. MIXED HOUSING DEVELOPMENT

Residential developments containing a mix of housing types such as detached house, attached house, multi-unit house, etc., such as those formerly approved with a community unit project application.

88-280-01-B.SPECIFIC OBJECTIVES

Different types of MPDs will promote different planning goals. In general, however, MPDs are intended to promote the following objectives:

1. flexibility and creativity in responding to changing social, economic, and market conditions and that results in greater public benefits than could be achieved using conventional zoning and development regulations;
2. implementation and consistency with the city's adopted plans and policies;
3. efficient and economical provision of public facilities and services;
4. sustainable, long-term communities that provide economic opportunity and environmental and social equity for residents;
5. variety in housing types and sizes to accommodate households of all ages, sizes, incomes, and lifestyle choices;
6. compact, mixed-use development patterns where residential, commercial, civic, and open spaces are located in close proximity to one another;
7. a coordinated transportation systems that includes an inter-connected hierarchy of appropriately designed improvements for pedestrians, bicycles, and vehicles;
8. compatibility of buildings and other improvements as determined by their arrangement, massing, form, character, and landscaping to establish a high-quality livable environment;
9. the incorporation of open space amenities and natural resource features into the development design;
10. low-impact development (LID) practices; and
11. attractive, high-quality landscaping, lighting, architecture, and signage that reflects the unique character of the development.

The proposed development is a mixed use development, which is among the four examples MPD is intended to accommodate. Furthermore, staff finds that the proposed zoning and development plan achieves specific objectives 1, 2, 6, 8, 9, and 11. The alternative to MPD (rezoning to B3-5) would not conform to the area plan recommendations with regard to building height. Even if the alternative were approved, the proposed development plan would still require approval of a development plan (due to its floor area), however, the developer could then propose a development plan with a much greater building height or floor area ratio than currently proposed because the zoning would allow such. Therefore, staff finds the proposed rezoning to MPD more appropriate.

Building Elevations – Revised Following March 1 City Plan Commission meeting

At the March 1, 2016 City Plan Commission meeting, the applicant presented revised plans depicting information on the proposed building elevations including architectural design and materials. The applicant requested and the Commission granted a continuance to allow time for the applicant to file the revised plans with staff for staff's review. The revised plans were filed on March 8 and depict the buildings to be constructed of brick and/or stucco and glass as predominant materials with ceramic tiles, terra cotta, and decorative ironwork details. All of these materials conform to the recommendations of the area plan, however staff recommends the conditions previously-recommended remain given that these details are typically formally evaluated and established with the final development plan, which must be approved by the City Plan Commission prior to construction. Staff does have the following general comments regarding the revised plans:

1. Additional ornamentation and detail is needed below the pedestrian deck/arcade particularly where large expanses of the same material (i.e. brick and glass) exist along 46th Ter, Wornall and the east/west ends of 46th St frontages.
2. The ironwork depicted is not what staff considers to be decorative.

3. Clarify whether glass will exist behind the terra cotta shown immediately below the pedestrian deck/arcade along Wornall Rd and 46th St frontages.
4. Additional ornamentation and detail should be added along any large blank facades. Staff is supportive of a lesser level of detail for such facades above the pedestrian deck/arcade deck relative to those below, however additional detail beyond what is presently depicted is desired.

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

The area plan of record is the Plaza Westport Neighborhood Plan which recommends mixed use (Page 53) and a building height of 4 to 10 stories. The proposed development complies with these recommendations. Subject to the recommended conditions, the proposed project complies with applicable design guidelines as well.

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

Property to the north is zoned R-0.5 (Residential 0.5) and is developed with multiple two-story apartment buildings. R-0.5 allows a density of 124 units per acre and a maximum building height of 164 ft. Property to the northeast is zoned R-0.5 and consists of an approximately thirteen-story residential building. To the east property is zoned UR (Urban Redevelopment) consisting of a several-story hotel and parking garage and B1-1 (Neighborhood Business) consisting of a three-story office building. Property immediately to the south is zoned UR and consists of a six-story hotel beyond which is property zoned B4-5 and R-0.5 and developed as three and four-story residential buildings. Property immediately to the west is a tennis court zoned UR, beyond which is property zoned R-0.5 consisting of an approximately 12 story residential building and three story residential building.

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

The physical character of the area is mixed use urban. The property is surrounded by multi-story buildings on all sides including an approximately 6-story hotel and 11-story residential building to the southwest, a 12-story and 3-story residential building to the west, 4-story residential buildings to the south, a 13-story residential building to the northeast and hotel and office building to the east. The property to the north is a low-rise, two-story apartment building complex.

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

Upon evaluation of the proposed development and associated traffic impact analysis, the Public Works Department has determined a number of traffic improvements are necessary and is recommending conditions related to these improvements. Subject to the recommended conditions, the subject property is adequately served by public facilities.

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 B3-2 which permits a wide variety of uses. All of the proposed uses are permitted under current zoning and current zoning conforms to the recommended land use of the Plaza Westport Neighborhood Plan. The property remains suitable for the uses to which it is restricted under current zoning. The need for rezoning is not caused by the proposed uses but rather is caused by the characteristics of the proposed development.

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

The subject property is developed as a bank.

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

Approval of the rezoning will allow the same uses as allowed by current zoning. The rezoning is

caused by the characteristics of the proposed development, namely the floor area ratio and building height. Proposed zoning will allow a building height and floor area ratio as depicted on the proposed development plans. Alternatives available include rezoning to District B3-5 which would allow a greater floor area ratio than proposed and an unlimited building height. Staff finds that the proposed MPD zoning is preferable to the alternative since it restricts building height and floor area ratio to that depicted on the plan (as well as other characteristics depicted such as use). Current zoning would allow for a total floor area of approximately 146,000 square feet and a maximum building height of 50 feet. The proposed zoning allows for a total floor area of 293,840 square feet and a maximum building height of 128 feet. The proposed development may impact nearby properties, the extent of which is difficult to measure but may include diminished views, increased traffic, and increased shadow (for properties to the north).

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 will result in the property remaining in its current state as a bank with a drive-through and surface parking lots. Given the property's location this is not the highest and best use of the property. Denial would result in current zoning remaining in place which would permit redevelopment of the property with a maximum permitted floor area of approximately 146,000 square feet and a maximum building height of 50 feet, characteristics of which are inconsistent with several surrounding properties which are much greater than 50 feet in height. Staff finds that denial will not result in a *gain* to the public health, safety and welfare over current conditions nor would it necessarily result in a hardship on the property owner as the property could be redeveloped under existing zoning.

RECOMMENDATION:

City Planning and Development Staff RECOMMENDS APPROVAL of Case No. 14609-MPD 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 following the October 21, 2015 meeting, at the November 4, 2015 meeting and following the February 17, 2016 meeting:

1. That two (2) collated, stapled, and folded (to 8.5 by 11 in. size) hardcopies and one (1) digital copy (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 plane coordinate system) of the plans, **revised as noted below**, be submitted to Development Management staff (15th Floor, City Hall), prior to ordinance request showing:
 - a. That the list of permitted uses be consistent with the use classifications of the zoning and development code including financial services with drive-through (bank); household living, multi-unit building (residential); eating and drinking establishments (restaurant); food and beverage retail sales; lodging, hotel; and retail sales.
 - b. That the proposed "sundries" use shown on Sheet A104 be clarified and that the corresponding use classification of the zoning and development code be noted.
 - c. That the building height in feet and in stories above adjacent grade be provided in the site data chart on Sheet C003 and on A100.
 - d. The drive through lane width at its intersection with W 46th Ter reduced to a maximum of 24 ft as required of 88-338-02-J and that this be accomplished, in part, by shifting the eastern edge of the drive westward, away from the building, to improve pedestrian safety.
 - e. The parking spaces, drive aisles, and drive-through lanes be located entirely on the subject property. The number of drive-through lanes shall be reduced, if necessary, to accommodate this.

The following revision is recommended by Paul Lillig. Please contact him at picasodb@yahoo.com with questions.

- f. Additional handicap accessible spaces near pedestrian entrances to the garage.

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

- g. Dimension existing R/W width for Broadway and Wornall Rd.
2. That prior to issuance of a building permit the developer secure approval of a final development plan from the City Plan Commission. Said plan shall include a detailed site plan, landscape plan complying with 88-425, lighting plan with photometric study complying with 88-430, sign plan complying with 88-445 or a note stating that all signage shall comply with 88-445, and color building elevations with materials labeled demonstrating compliance with Condition 4.
3. That prior to issuance of a building permit the developer secure approval of a streetscape plan from City Planning and Development staff with the intent being to carry forward the general design of streetscapes found in the Country Club Plaza. Specific design requirements applied to this streetscape plan shall be established at time of final development plan approval.

The following revisions are recommended by Land Development Division of City Planning & Development Department. Please contact Gerald Williams at 816-513-2897 or gerald.williams@kcmo.org with questions.

4. That the final development plan demonstrate compliance with the recommended development guidelines as follows:
 - a. That the exterior design of those portions of the building below the arcade deck and adjacent to public streets include a level of detail, articulation, and ornamentation similar to that found on the Country Club Plaza and include one or more of the following design elements/building materials: brick, stucco, colorful ceramic tile, terra cotta ornamentation, decorative ironwork, day-tile roofs, bell towers or other features commonly found in the Country Club Plaza area.
 - b. That the exterior design of those portions of the building at and above the arcade deck shall incorporate the same design elements/building materials but that a lesser level of detail, articulation and ornamentation shall be considered acceptable. Glass panels and metal or architectural panels are permitted but their use shall be minimal relative to the recommended building materials.
 - c. That a minimum of 60% of the building facade between 4 and 10 feet above adjacent grade in all pedestrian zones shall be comprised of windows that allow view of interior commercial space, product display, art or mural display, or interactive lighting. For the purposes of this condition, a pedestrian zone is any portion of the ground-level building façade adjacent to a street and occupied by a use other than the parking garage or a residential use and the publicly accessible portions of the arcade or pedestrian deck.
 - d. That rooftop mechanical equipment be screened with a parapet or solid screen that is a height equal to or greater than the maximum height of the mechanical equipment proposed and that said parapet or screen wall shall be constructed of materials compatible with the overall building design.

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

5. That prior to issuance of a building permit the developer is responsible for payment of cash-in-lieu of parkland dedication. The amount due shall use the 2016 acquisition rate of

\$30,360.20 and be based upon the following formula (number of residential units X 2 persons per unit X 0.006 acres = required dedication in acres; number of acres X 2016 acquisition rate = amount due).

The following conditions are recommended by the Public Works Department. Please contact Gnani Mahalingam at 816-513-9843 or gnani.mahalingam@kcmo.org with questions.

6. That, at the intersection of 47th Street and Broadway, the developer construct exclusive eastbound and westbound left-turn lanes on 47th Street with 100 feet of storage plus tapers, including associated elimination of adjacent on-street parking, loading, and unloading, as required by the Public Works Department.
7. That, at the intersection of 47th Street and Broadway, the developer re-stripe the north leg of Broadway so as to add an exclusive southbound left-turn lane with 100 feet storage plus taper, including associated prohibition of adjacent on-street parking, loading, and unloading on Broadway from 47th Street to 46th Terrace, as required by the Public Works Department.
8. That, at the intersection of 47th Street and Broadway, the developer modifies the traffic signals so as to provide for protected-permissive traffic signal phasing for all left-turn movements, as required by the Public Works Department.
9. That the developer re-stripe 47th Street between Wyandotte Street and JC Nichols Parkway so as to allow for a third eastbound through lane on 47th Street and petition the Public Works Department to restrict parking, loading, and unloading on the south side of 47th Street during weekday afternoon peak traffic periods (from 4:30 pm to 6:00 pm on weekdays) , as required by the Public Works Department.
10. That the developer re-stripe Broadway from 46th Terrace to 45th Street so as to provide for a second northbound lane and petition the public Works Department to restrict on-street parking, loading, and unloading on the east side of Broadway from 46th Terrace to 45th Street during weekday afternoon peak traffic periods (from 4:30 pm to 6:00 pm on weekdays), including transitioning the striping north of 45th Street to match the existing striping configuration, as required by the Public Works Department.
11. That the developer modify the intersection of 47th Street and Central Street so as to eliminate the existing pedestrian crossing across 47th Street on the east side of Central Street and provide a wider raised median for pedestrian refuge for the pedestrian crossing across 47th Street on the west side of Central Street, as required by the Public Works Department.
12. That the developer petition the City to prohibit the eastbound left-turn movement from 47th Street into Wornall Road during weekday PM peak traffic periods (from 4:30 pm to 6:00 pm on weekdays), as required by the Public Works Department.
13. That the developer petition the Public Works Department to prohibit the eastbound left-turn movement from 46th Terrace into JC Nichols Parkway during weekday afternoon peak traffic periods (from 4:30 pm to 6:00 pm on weekdays), as required by the Public Works Department.
14. That the developer prepares and submits to the Public Works Department for review and approval two options for improvements to the five-leg intersection of 46th Terrace, Wyandotte Street, and Wornall Road, as required by the Public Works Department. The first option shall be a mini-roundabout, and the second option shall be a tee intersection with Wornall Rd teeing into Wyandotte Street south of 46th Street. The Public Works Department shall select which, if any, of the options the developer shall construct, and the developer shall construct the selected option.
15. That the developer shall prepare and submit to the Public Works Department for review proposed modifications to the traffic signal timing and coordination plan along the 47th Street corridor from Jefferson Avenue to Main Street so as to re-optimize the operation of the traffic signal system taking into account the changes required herein, as required by the Public Works Department.

16. That if garage access to the alley is proposed, either that portion of the alley between Broadway and the garage access be widened to 20 feet to accommodate two-way traffic, or the alley be converted to one-way operation.

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

17. 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 runoff from 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 permit.
18. The developer must dedicate additional right of way for W 46th Terrace as required by the adopted Chapter 88 so as to provide a minimum of 25 feet of right of way as measured from the centerline, along those areas being platted, or seek approval recommendations from the Transportation and Development Committee for any variances requested to the Major Street Plan prior to City Plan Commission approval.
19. The developer must subordinate to the City all private interest in the area of any right-of-way dedication, in accordance with Chapter 88 and as required by the Land Development Division, and that the owner/developer shall be responsible for all costs associated with subordination activities now and in the future.
20. After the City Plan Commission enters its disposition for the development plan, the developer shall not enter into any agreement that would encumber or otherwise have any impact on the proposed right-of-way dedications for the planned project without the prior written consent of the Land Development Division.
21. The developer shall verify vertical and horizontal sight distance for the drive connection to public right-of-way and make improvements to ensure local jurisdiction and/or minimum AASHTO adequate sight distance standards are met.
22. 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.
23. 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.
24. 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.
25. 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.

The following condition is recommended by the Aviation Department. Please contact Jade Liska at 816-243-3045 or jade.liska@kcmo.org.

26. All Wheeler Downtown Airport height zoning restrictions shall be met per the Aviation Department.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Joe Rexwinkle". The signature is fluid and cursive, with the first name "Joe" being more prominent.

Joseph C. Rexwinkle, AICP
Planner