

# COMMUNITY PROJECT/REZONING

## Ordinance Fact Sheet

**Case Nos.** 722-S & 7942-UR-1

### Brief Title

To approve a finding of blight and urban renewal tax incentive plan, and rezoning to District UR with associated development plan for the reuse of Norman School.

### Details

**Location:** Former Norman School, generally located north of W 36<sup>th</sup> St between Summit/SW Trafficway and Jefferson St.

**Reason for Legislation:** Council approval is required for both requests.

### EXISTING CONDITIONS:

The subject property is a 2.05-acre tract of land located along the east side of Southwest Trfy, north of 36th. The property is developed as Norman School, a three-story, 45,974-square foot building, originally constructed in 1906. The site is elevated several feet above Southwest Trfy, E 36th St and Jefferson St with a stone retaining wall that matches the building. The building is set in the north-central portion of the property with a large open space to the south that was once used as the playground. Staircases along the east, southeast, west and southwest corners of the lot provide pedestrian access to adjacent sidewalks along the streets. The site is surrounded by residential uses in all directions. The uses consist of a mixture of residential building types from single-family residential to the east, south and southeast, multi-unit residential to the north, south and southwest, and senior housing to the west across Southwest Trfy.

### PROPOSAL & BACKGROUND:

The developer proposes the reuse and expansion of the former Norman School building for residential purposes. The developer is seeking tax abatement to assist and, as a consequence, is seeking approval of an Urban Renewal Plan. As is customary with such plans, the proposed urban renewal plan requires Rezoning to District UR (Urban Redevelopment).

On May 8, 2015 three application requests were submitted to the City; the Urban Renewal Plan (Case 722-S) and Rezoning (Case 7942-UR-1) referenced above. The third application was an Area Plan Amendment (Case 132-S-43). The area plan of record at that time was the Westport Planning Area Plan which recommended "public/semi-public" land uses for the property (on the basis of its previous use as a school). Due to this recommendation and a relative lack of flexibility in the plan regarding the land use recommendation, an Area Plan Amendment was required and was submitted by the applicant.

On July 7, 2015 the City Plan Commission received a staff recommendation of approval of all three requests, held a public hearing on the three, and then voted to recommend denial of all three to the City Council.

Since that time the City Council has adopted the Midtown Plaza Area Plan which makes a different recommendation

**Ordinance Number**

### Positions/Recommendations

<b>Sponsors</b>	Councilmember Shields, 4 <sup>th</sup> District Councilmember Justus, 4 <sup>th</sup> District
<b>Programs, Departments or Groups Affected</b>	4 <sup>th</sup> District (Shields, Justus)
<b>Applicants / Proponents</b>	<b>Applicant</b> Clint Evans, NSPJ (Rezoning)  Robert Long, Land Clearance for Redevelopment Authority (Urban Renewal Plan) <b>City Department</b> City Planning & Development <b>Other</b>
<b>Opponents</b>	<b>Groups or Individuals</b> <b>Basis of Opposition</b>
<b>Staff Recommendation</b>	<input checked="" type="checkbox"/> <b>For</b> <input type="checkbox"/> <b>Against</b> <b>Reason Against</b>
<b>Board or Commission Recommendation</b>	City Plan Commission (5-1) 07-07-2015 By Voting Aye: Baker-Hughes, Burnette, Martin, May and Macy. Voting Nay: Cowl <input type="checkbox"/> <b>For</b> <input checked="" type="checkbox"/> <b>Against</b> <input type="checkbox"/> <b>No Action Taken</b> <input type="checkbox"/> <b>For, with revisions or conditions</b> (see details column for conditions)
<b>Council Committee Actions</b>	<input type="checkbox"/> <b>Do Pass</b> <input type="checkbox"/> <b>Do Pass (as amended)</b> <input type="checkbox"/> <b>Committee Sub.</b> <input type="checkbox"/> <b>Without Recommendation</b> <input type="checkbox"/> <b>Hold</b> <input type="checkbox"/> <b>Do not pass</b>

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with regard to the land use of this property. As a consequence, staff believes that the area plan amendment is no longer necessary. See attached memo for more details.

**SUMMARY OF REQUESTS:****Urban Renewal Plan, Case 722-S**

The plan, prepared by the Land Clearance for Redevelopment Authority (LCRA) is titled the *Norman School Urban Renewal Plan* and applies only to the subject property. The benefits of developing within an urban renewal plan area are: 1) pursuant to Section 99.420(4) RSMo, the LCRA receives the power of eminent domain from the City Council and may exercise this power for the purpose of assisting redevelopment projects and/or eradication of blight or insanitary conditions, and 2) the LCRA may grant tax abatement to the developer as allowed for in Chapter 99 RSMo (assessed valuation of property is “frozen” for 10 years of abatement on the increased valuation of the property).

According to the proposed plan, the primary objectives of the plan are to:

- 1) To stimulate and facilitate private investment in a residential project that provides new market-rate apartments and off-street parking.
- 2) To stimulate and facilitate the historic rehabilitation of a long-vacant and badly-deteriorated historic school building.
- 3) To adaptively reuse the existing vacant and deteriorating historic school building, thereby restoring this building's active use within the Valentine neighborhood.
- 4) To construct an architecturally-appropriate residential addition to the existing Norman School building.
- 5) To create approximately 61 market-rate multi-family housing units, thereby increasing supply of housing units and population of the Valentine neighborhood.

Additional objectives that will be fulfilled upon adoption of the plan include:

- 1) To eliminate the adverse conditions which qualify the redevelopment project area as a blighted area and an insanitary area, within the meaning of the Land Clearance for Redevelopment Authority Law, and to prevent the recurrence of these conditions which constitute an economic and social liability, have impaired the provision of orderly residential development, and which impair the tax base and general welfare of the community.
- 2) To enhance the tax base of the municipality and the other public taxing districts by developing the area to its highest and best use and encouraging private investment in the surrounding areas, thereby increasing tax revenues and corresponding public service to the community.
- 3) To provide, in harmony with the general plan for the community, a coordinated, adjusted and harmonious development of the community and its environs.
- 4) To promote the health, safety, order, convenience, prosperity and the general welfare of the community, as well as efficiency and economy in the process of development and the use of standards and controls which will ensure the sound development of the area.

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

**Finances**

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

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In order to be eligible for the tax abatement, the plan requires the developer to apply for and obtain rezoning to District UR (Urban Redevelopment) for the proposed development.

While the LCRA would have statutory right to exercise eminent domain if this request is approved, however, the plan states that the LCRA does not believe it will be necessary to do so and that if the LCRA determines it to be necessary at some point in the future, such a determination will constitute a major amendment to the plan which must first receive approval of the City Council prior to exercising such authority.

According to the Blight Study, the LCRA has determined the plan area to be a blighted area and insanitary area based upon the following:

- 1) Deterioration of site improvements.
- 2) Inadequate or obsolete public infrastructure.
- 3) Unsafe or Unsanitary Conditions.

The Land Clearance for Redevelopment Authority approved this plan at its January 27, 2016 meeting.

### **Rezoning (Case 7942-UR-1)**

Concurrent with the rezoning request, the applicant has submitted a preliminary development plan which proposes rehabilitation of the former school building into approximately 40 apartment units and two four-story additions to the north side of the building with an additional 21 units. A 74-space parking lot is proposed south of the building taking access from Jefferson St at the southeast corner of the site. The parking lot is u-shaped with a resident amenity area including a cabana and pool located to the south of it. Pedestrian access to the public sidewalk system is provided in multiple locations including toward the northwest, east, southwest and southeast. A landscape plan has been provided which shows the developer intends to retain all healthy existing mature street trees. Additional landscaping will surround the parking lot and building foundations. Building elevations have been provided which show that while the proposed additions will be four-stories in height, they will not exceed the height of the existing building, and are consistent in scale, setback and mass with adjacent multi-unit residential buildings to the north. The existing building is constructed of stone and the plans indicate that the proposed additions will match.

### **ANALYSIS:**

See attached memorandum for analysis of this request against the recommendations of the Midtown Plaza Area Plan.

### **Parkland Dedication**

A total of 0.732 acres of parkland dedication is required (61 units x 2 (people per unit) x 0.006 (acres per person) = 0.732 acres). The plan proposes to use the resident amenity area as a credit toward this requirement. The amenity area is to include a cabana and pool and is 0.09 acres; leaving a balance of 0.642 acres due. The Parks and Recreation Department recommends a condition requiring the applicant to pay money in lieu of dedication for the balance due in the amount of \$10,854.89 (0.642 acres x \$16,907.93 per acre acquisition rate = \$10,854.89). The funds will be applied toward a park within the vicinity of the development.

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

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

The Midtown Plaza Area Plan recommends residential-medium density for the subject property and further recommends that this land use recommendation be flexible to allow reuse of the subject property given its historic status. The proposed rezoning conforms to this recommendation. See attached memorandum for further explanation.

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

Nearby properties are used and zoned for residential purposes.

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

The physical character consists of a mixture of two and three story multi-family and single-family residential structures with some multi-family residential properties being a similar density to the proposed project.

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

Adequate public facilities are available.

#### **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 currently zoned R-1.5 and R-5 with a majority of the existing building located in that portion zoned R-5. Both districts are intended primarily for residential uses, however, only R-1.5 allows multi-family residential uses. R-5 allows mainly single-family residential, but also allows the former use (school). It is not possible for the property to be redeveloped as single-family given that it is designated a national historic landmark. Given this status it is suitable to be repurposed as is rather than redeveloped into single-family homes. The property is no longer suitable for the uses to which it is restricted under current zoning.

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

The property has been vacant since 2006.

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

Approval of the rezoning and associated plan allows reuse of the site as a 61 unit, multi-family residential building with two building additions to the north side. The property is currently vacant so the reuse will result in an increase in population and traffic to and from the property, however staff expects this impact to be minimal since the use is residential like surrounding uses which is a similar density to other surrounding multi-family uses.

**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 may cause the property to remain vacant and further into disrepair and may impose a hardship on the landowner due to the limited manner in which it may be reused. The gain to the public welfare may be overshadowed by the potential threat to public welfare if denied as it would likely prolong the building's vacancy and result in a worsening of its physical condition.

**RECOMMENDATIONS:**

**City Plan Commission Recommendation**

At its July 7, 2015 meeting, the City Plan Commission RECOMMENDED DENIAL of Cases 722-S (Ordinance 160088) and 7942-UR-1 (Ordinance 160097) 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 June 24, 2015 meeting.

**Staff Recommendation on Ordinance 160088 (Case 722-S)**

City Planning and Development Staff RECOMMENDS APPROVAL of the Norman School Urban Renewal Plan without conditions.

**Staff Recommendation on Ordinance 160097 (Case 7942-UR)**

City Planning and Development Staff RECOMMENDS APPROVAL of rezoning from Districts R-1.5 and R-5 to District UR and approval of the associated preliminary development plan, subject to the following conditions.

1. The developer is responsible for payment of money in lieu of parkland dedication in the amount of \$10,854.89 prior to issuance of a building permit. This amount is based upon the following formula: (number of residential units (61) X 2 persons per unit X 0.006 acres = required dedication in acres (0.628) X \$16,907.03 per acre = \$10,854.89). This amount is subject to change based upon the actual number of residential units constructed and the actual land area dedicated to private open space.
2. The developer shall submit to Development Management staff, for review and approval prior to building permit, a final plan in substantial compliance with the preliminary plan and including the following: a fully-labeled and dimensioned site plan; a fully-labeled and dimensioned landscape plan showing landscaping (including species, common name and size at time of planting), overhead and underground utilities, lighting plan with photometric study, and building elevations with all materials labeled.

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

3. 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.
4. 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.
5. The developer must dedicate additional right of way for Southwest Trafficway/Summit St as required by the adopted the Major Street Plan and Chapter 88 so as to provide a minimum of 60 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.
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.

**Fact Sheet Prepared By:**      **Date:** February 5, 2016  
Joseph Rexwinkle, AICP  
Staff Planner

**Reviewed By:**                      **Date:** February 5, 2016  
Diane Binckley, AICP  
Division Manager  
Development Management

**Initial Application Filed:** May 8, 2015  
**City Plan Commission:** July 7, 2015, recommended denial  
**Revised Plans Filed:** February 1 and 4, 2016

**Reference Numbers:**  
Case No. 722-S & 7942-UR-1