



Development Management Division

15th Floor, City Hall
414 East 12th Street
Kansas City, Missouri 64106-2795

Ph: (816) 513-8801
Fax:(816) 513-2838

STAFF REPORT

October 18, 2016

(26)

RE: Case No. 14725-UR

APPLICANT: Ryan Cronk
Flaherty & Collins Properties
8900 Keystone Crossing, Suite 1200
Indianapolis, IN 46240

OWNER: Bill Haw, c/o Livestock Exchange, LLC
1600 Genessee, Suite 846
Kansas City, MO 64102

AGENT: Mary Matze/ Darren Lazan
Landform
105 S. Fifth Avenue, Suite 513
Minneapolis, MN 55401

LOCATION: Generally located at the northwest corner of American Royal Drive and Genessee Street.

AREA: Approximately 2.5 acres

REQUESTS: To consider rezoning the tract of land from District M3-5 to District UR (Urban Redevelopment), and approval of a development plan that allows for mixed use building development (236 units and 5,500 square feet).

LAND USE PLAN: The Greater Downtown Area Plan, adopted by the City Council Resolution No. 100049 on March 11, 2010 and last amended on May 9, 2013 by Resolution No. 13032, recommends Downtown Mixed Use at this location.

SURROUNDING

LAND USE: **North:** zoned M3-5, Stockyard Exchange.
South: zoned M3-5, Kemper Arena.
East: zoned M3-5/ UR, Mixed use.
West: zoned M3-5, Parking garage.

MAJOR STREET PLAN: American Royal Drive and Genessee Street are not classified on the City's Major Street Plan.

**ARTERIAL STREET
IMPACT FEE:** This proposal is within an exempt area.
(Informational only)

PREVIOUS CASES:

SD 0953A, Final Plat, Butler World Headquarters — On May 1, 2001, the City Plan commission recommended approval of a final plat in District M-2b (heavy industry, non-residential) on approximately 15.4 acres generally located at the northwest corner of Genessee Street and American Royal Drive, creating three industrial lots.

SD 0953—Preliminary Plat, Butler World Headquarters — Ordinance No. 010472, passed by City Council on April 19, 2001, approved the preliminary plat of three industrial lots on approximately 16 acres in District M-2b (heavy industry, non-residential), subject to conditions. (Note: The site is located within an “open” zoned district; therefore, no preliminary or final plans exist for this project.)

PIEA Incentive Plans:

The proposed rezoning is within the existing West Bottoms PIEA plan boundary. This project was by Resolution No. 1769 adopted by the PIEA Board and will receive tax abatement.

EXISTING CONDITIONS:

The project site is in the West Bottoms, specifically located at the northwest corner of American Royal Drive and Genessee Street. The site is a 2.5-acre surface parking lot directly north of the Kemper Arena. This is the southern half of Lot 2, Butler World Headquarters. The site has frontage on American Royal Drive and Genessee Street. Current access to the parking lot is via Genessee Street, a 5-lane one-way street due south. This provides access to the West Bottoms Garage directly west.

Surrounding uses includes Kansas City Livestock Exchange building to the north. The Stockyard Brewing (formerly Golden Ox) is directly north of the access drive. Kemper Arena is directly south of American Royal Drive. To the east are Rockstar Burger, Pole Worx, Plug Projects, Lucky Boys, Voltaire, West Bottoms Kitchen and American Royal Center. To the west is the West Bottoms municipal parking garage.

PLAN REVIEW & ANALYSIS:

The application is requesting to rezone the 2.5-acre tract of land in the West Bottoms from District M3-5 to District UR (Urban Redevelopment), and approval of a development plan that allows for mixed use development. The proposed mixed use residential and commercial building will consist of 236 apartment units and 5,152 square feet of commercial space. The plan shows two L-shaped buildings with an internal courtyard. The north easterly building is 5-stories and the southwesterly building is 5-stories. The buildings are pushed to the right-of-way of American Royal Drive and Genessee Street. Access to the site is proposed via the existing curb cut on Genessee Street.

The development has secured 230 parking spaces within the existing municipal West Bottoms garage adjacent to this lot on State Line Road via a lease agreement with the City. The plan also shows 22 surface parking plus 3 ADA accessible parking on the south side of the access drive. The Zoning and Development Code requires one parking space per dwelling unit and 4 spaces per 1,000 square foot of retail/commercial space. The plan provides 265 stalls, which exceeds the parking required by the code. There are 10 additional parking spaces on the north side of the access drive for the Stockyard Brewing Company. The plan shows short term bicycle parking at the southeast corner of the site, but does not address long term bicycle parking spaces. Staff recommends that the development data be revised to show the required short term and long term bicycle parking.

According to the applicant, the proposed buildings are designed to capture the historic industrial feel of the surrounding neighborhood. Building architectural elements reflect the industrial nature of the surrounding infrastructure by using steely grey and autumn colors. Building materials include metal, brick masonry, stucco and other high quality materials called for by the GDAP. Proposed elevations show some balconies.

The proposed retail/ commercial spaces are located on the first floor at the northeast corner of the building with frontage on Genessee Street. The courtyard is heavily landscaped and will be improved with amenities for the residents of the development. Sidewalks are proposed along the public streets with planting beds as required by the GDAP. Public entrances to the buildings are located on the north and south elevations.

Proposed landscaping shows deciduous and evergreen trees throughout the site per Chapter 88-425. Shrubs are provided in clusters where vehicular use areas abut public streets. The plan also shows extensive plantings within the courtyard. Staff recommends that the landscaping plan be revised to proposed

plantings within the courtyard.

The submitted plan did not include any lighting plan as required by the condition of approval. Staff recommends that a lighting plan that meets the requirement of 88-430 be submitted as part of the revised package. The plan shows some signage and the logo mural on the building elevations, but no signage plan was submitted with the application. Staff recommends that a signage plan that meets the requirement of Chapter 88-445 in its entirety be submitted with the revised plan.

Preliminary Plat:

The developer submitted an accompanying preliminary plat in conjunction with the proposed UR development plan. Unfortunately the preliminary plat area is 8.5 acres, which is larger than the 2.5 acres proposed to be rezoned. Staff recommended that the applicant submit a separate preliminary plat to consolidate and subdivide Lots 2 and 3 of Butler World Headquarters and further subdivide it into 3 lots thereby creating the development parcel. The developer has submitted the preliminary plat and staff will work on expediting the preliminary and final plats to establish the 2.5 acre tract. The proposed plat proposes zero setbacks and 20 foot parking setback for the UR district.

The project is in close proximity to the Charles B Wheeler Downtown Airport. Staff recommends that the applicant provided a statement on the plans acknowledging the airport zoning restrictions. The aviation department indicates the proposed development is within the Part 77 Horizontal Surface with an approximate elevation of 948 feet. The City's Airport height Zoning Ordinance 040342 and associated maps will need to be adhered to by the development.

Parkland Dedication:

According to Section 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:

$$236 \text{ multi-family units} \times 2 \times 0.006 = 2.83 \text{ acre}$$
$$2.83 \text{ acre} \times \$30,360.20 = \$85,980.09$$

The developer shall either dedicate 2.83 acres of parkland or contribute \$85,980.09 in lieu of parkland dedication for the 410 multi-family units in satisfaction of Chapter 88-408 of the Zoning and Development Code. The applicant proposes to provide gardens, common space and multiple amenities for the use of residents. Staff is supportive of common space counting toward required parkland dedication.

Staff recommends the plan delineate the area to be counted toward park land dedication on the plans and that the plan shall note all the recreational features to be provided. Staff recommends that the developer provide a detailed calculation of private open space and amenities provided to meet the parkland dedication requirements. This shall be approved by the Parks and Recreation Department prior to ordinance request.

Long Range Planning & Preservation Comments:

The Greater Downtown Area Plan recommends Downtown Mixed Use land use at this location. The proposed mixed use development is consistent with this land use recommendation. But the uses and development standards of the DX zoning district should be incorporated into the development plan.

DOWNTOWN MIXED-USE (DMX)

The DMX district is primarily intended to accommodate office, commercial, custom manufacturing, some light industrial, public, institutional and residential development, generally at lower intensities than in the DC district. The DMX district promotes a mix of land uses both horizontally (i.e. adjacent to one another) and vertically (i.e. within the same building). This land use classification corresponds with the DX and DR zoning districts within the new zoning ordinance.

The GDAP recommends a building height of "130' / FAR 10" and while the proposed 6 story building fits within this height, this should also be incorporated into the proposed zoning plan.

The attached GDAP development guidelines apply to this development and should be placed on the development plan.

88-515-08-A. Review Criteria

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 Greater Downtown Area Plan, adopted by the City Council Resolution No. 100049 on March 11, 2010 and last amended on May 9, 2013 by Resolution No. 13032, recommends Downtown Mixed Use at this location. The proposed use is consistent with the future land use plan.

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

Surrounding properties are zoned M3-5 and UR. The proposed zoning and use is compatible with the existing zoning and uses.

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

The physical character of the area historic mixed uses, including residential, office, retail/ commercial, manufacturing, and entertainment and spectator sport.

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

The subject property is adequately served by public facilities. All existing public facilities will become private.

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 M3-5. The rezoning to UR district will allow for the redevelopment of the parcel into a mixed use development as recommended by the GDAP.

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

The property has always been a surface parking lot. It served the Golden Ox restaurant.

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

The proposed rezoning to UR (Urban Redevelopment) requires concurrent approval of a preliminary development plan which controls certain characteristics of the proposed development such as use, density, building height, etc. Approval of the rezoning request will not result in a detrimental effect to nearby properties.

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 request would not result in any gain to the public health, safety or welfare. This will allow for the redevelopment of the surface parking lot.

RECOMMENDATIONS:

The City Planning and Development Department staff recommends that **Case No. 14725-UR** be approved based on the application, plans, and documents reviewed by the Development Review Committee at the October 5, 2016 meeting and subject to the following conditions:

Conditions No. 1. - 4. per City Planning & Development, Development Management Division (Olofu Agbaji, Olofu.Agbaji@kcmo.org)

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 Plane coordinate system) of all submitted sheets, revised as noted, be submitted to Development Management staff (15th Floor, City Hall) prior to ordinance request showing:
 - a. Each plan sheet clearly labeled (site, grading, landscaping, etc.).
 - b. Provide designated ADA parking spaces within the parking structure (out of the 230).
 - c. Remove Sheet C7.1 & C7.2 from the plan set.
 - d. A revised landscaping plan that includes a column for the quantity of plants required by the Zoning and Development Code.
 - e. Clearly delineate the property lines and dimension setbacks from all property line.
 - f. Existing and proposed rights-of-way improvements (curb/gutter/sidewalk/driveways, etc.)
 - g. Identification of proposed or existing use or uses within each building, building entrances and exits, docks or other service entrances, outdoor storage and sales areas, and other paved areas.
 - h. A lighting plan that meets the requirements of Chapter 88-430 in its entirety be submitted.
 - i. A signage plan that meets the requirement of Chapter 88-445 in its entirety.
2. 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 prior to issuance of building permit.
3. Prior to issuance of a final certificate of occupancy, all landscaping as shown on the approved landscape plan, including trees, plant material and structural elements, must be in place and healthy, as certified by a

sealed letter submitted by a registered landscape architect licensed in the State of Missouri.

4. That the developer provide information regarding proposed incentive review/ status with the EDC for the requested UR District. This shall include the, EDC contact, type of incentive being sought, copy of proposed plan, date of decision by the EDC and City Council (if approved, EDC Resolution and/ or City Council Ordinance/ Resolution number).

Condition Nos. 5. – 9. per City Planning & Development, Land Development Division (Brett Cox, brett.cox@kcmo.org)

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 shall submit verification of vertical and horizontal sight distance for the drive connection to public right-of-way to the Land Development Division and make improvements to ensure local jurisdiction and/or minimum AASHTO adequate sight distance standards are met, prior to issuance of any certificate of occupancy.
7. 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.

8. 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.
9. The developer provide acceptable easement and secure permits to relocated sanitary sewers out from under proposed buildings and structures, etc., while continuing to ensure individual service is provided to all proposed lots as required by Land Development Division prior to recording the plat or issuance of a building permit, whichever occurs first.

Condition No. 10 per Water Services Department (Heather Massey, heather.massey@kcmo.org)

10. Relocate and or abandon the existing sanitary sewer if in conflict with the proposed building as required by the Water Services Department. Contact Karine Papikian at 816-513-0300.

Condition Nos. 11. & 12. per Parks and Recreation Department (Richard Allen, richard.allen@kcmo.org)

11. That the developer dedicate parkland or contribute \$30,360.30/ per acre (2016 fee) in lieu of parkland dedication for any new residential building in satisfaction of Chapter 88-408 of the Zoning and Development Code. The fees shall be paid before recording the plat. Money in lieu of parkland for 2016 shall be based on the following formula:
 $(236 \text{ multi-Family Units}) \times (2.0 \text{ persons per unit}) \times (0.006 \text{ acres per person}) \times (\$30,360.20 \text{ per acre}) = \$85,980.09 \text{ or } 2.83 \text{ acres.}$
12. If modifying the street tree plan the developer needs to submit street tree planting plan to City Forester for review and approval. Need to use approved species of tree located on the link below.
Street trees-Link to the planting spec. is:
<http://kcparks.org/services/natural-resources-management/>

Condition Nos. 13. - 20. per Fire Marshal's Office (John Hastings, john.hastings@kcmo.org)

13. Required fire department access roads are a minimum unobstructed width of twenty (20) feet and 13 ft. 6 in clearance height. (IFC-2012: §

503.2.1)

14. Fire department access roads which serve buildings greater than 30 feet tall shall provide an unobstructed width of twenty-six (26) feet for emergency aerial operations. (IFC-2012: § 503.2.2 & D105.2)
15. Fire department access roads shall be provided prior to construction/demolition projects begin. (IFC-2012: § 3310.1; NFPA 241-2009: § 7.5.5)
16. Shall meet the attached turning radius for fire department access roads. (IFC-2012: § 503.2.4)
17. The expectation is the project will meet the fire flow requirements as set forth in Appendix B of the International Fire Code 2012. (IFC-2012: § 507.1)
18. Fire hydrant(s) are required within 400 feet on a fire access road following an approved route established by the Authority Having Jurisdiction (AHJ) of any exterior portion of a building. The use of existing fire hydrant(s) may be used to satisfy this requirement otherwise a private fire hydrant(s) or hydrant system may be required. This distance may be increased to 600 feet for R-3 and U occupancy(s) or the building(s) is fully protected by an approved automatic fire sprinkler system(s). (IFC-2012: § 507.5.1)
19. Fire hydrants shall be installed and operable prior to the arrival of any combustible building materials onto the site. (IFC-2012: § 3312.1; NFPA 241-2010: § 8.7.2)
20. Buildings equipped with a fire standpipe system shall have an operable fire hydrant within 100 feet of the Fire Department Connection (FDC). (IFC2012: § 507.5.1.1)

Respectfully submitted,



Olofu O. Agbaji
Planner