



City Planning & Development Department

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Development Management Division

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STAFF REPORT

June 6, 2016

(12)

RE: **a. Case No. 611-S-8**
 b. Case No. 14669-P-1
 c. Case No. 14669-P-2

AGENT: Evan Fitts
 Polsinelli PC
 900 W 48th Place, Suite 900
 Kansas City, MO 64112

APPLICANT: Drew Hood
 Westwood Partners, LLC
 8301 Fish Rd
 Kansas City, MO 64139

OWNERS: Westwood Partners, LLC
 8301 Fish Rd
 Kansas City, MO 64139

St Luke's Hospital of Kansas City
901 E 104th St, Mailstop 5005
Kansas City, MO 64131

REQUESTS: **a.** A request to amend the Midtown Plaza Area Plan to change the recommended land use from high-density residential to urban-density residential on about 1.2 acres generally located on the block bound by 45th St, 45th Ter, Wornall Rd and Broadway excluding the northwest and southeast corners of the block.

b. A request to rezone about 1.2 acres from District R-1.5 (Residential 1.5) to R-0.75 (Residential 0.75) generally located on the block bound by 45th St, 45th Ter, Wornall Rd and Broadway excluding the northwest and southeast corners of the block.

c. A request to approve a development plan on about 1.2 acres in District R-0.75 (Residential 0.75) to allow a residential development on the block bound by 45th St, 45th Ter, Wornall Rd and Broadway excluding the northwest and southeast corners of the block.

AREA: About 1.2 acres.

SURROUNDING LAND USE:

North	W 45 th St beyond which is St Luke's Hospital zoned R-0.5 (Residential 0.5).
West	Broadway, beyond which are multi-unit residential uses zoned R-1.5.
South & East	W 45 th Ter to the south and Wornall Rd to the east beyond which are multi-unit residential uses zoned R-0.5.

LAND USE PLAN: The Midtown Plaza Area Plan is the area plan of record and recommends Residential-High land use designation for the subject property. This designation supports a density of up to 29 units per acre and residential uses consisting of detached dwelling, attached dwelling, multi-unit houses, multiplexes and multi-unit buildings.

MAJOR STREET PLAN: None of the adjacent streets are, in the vicinity of the subject property, classified as major streets.

ARTERIAL STREET IMPACT FEE: The subject property is located within Benefit District H and is subject to impact fees as required by Chapter 39.
(Informational only)

PREVIOUS CASES: **Case 14669-P** – Ordinance 160816 passed by the City Council on October 27, 2016 which approved a development plan for a multi-unit residential building in District R-1.5 (Residential 1.5) on about 1.2 acres generally located on the block bounded by W. 45th Street on the north, Wornall Road on the east, W. 45th Terrace on the south and Broadway Street on the west (except the northwest and southeast corners of the block). **This is the approved development plan for the subject property.**

Case 254-S-322 – Ordinance 170365 is pending before the City Council and proposes adopting a new residential zone referred to as R-0.75 (Residential 0.75). The proposed district would permit on residential unit per 750 square feet of lot area and fill a gap lying between existing R-1.5 and R-0.5 Districts which permit a maximum density of one unit per 1,500 square feet of lot area and one unit per 500 square feet of lot area. **The applicant is requesting rezoning to this district. Approval of this ordinance is necessary prior to Council consideration of this request.**

EXISTING CONDITIONS: The subject property is zoned R-1.5 and consists of the block bound by W 45th St, W 45th Ter, Wornall Rd and Broadway except two lots; one at the northwest corner and the second at the southeast corner of the block. It was developed with five two-story residential structures; three facing onto 45th Ter, one onto Wornall and the fifth onto 45th, however each of these has been demolished and work has begun on Phase I in the southwest portion of the site. Phase I was approved with Case 14669-P. There are existing multi-unit buildings to the northwest and southeast on the same block, both of which are outside the plan area.

BACKGROUND AND RELATIONSHIP TO CURRENT PROPOSAL: The applicant is proposing Phase II of Mirabelle, a two-phase multi-unit residential project with a total of 70 units. Phase I is currently under construction and was approved with Case 14669-P. If

utilized the entire plan area (1.21 acres) to obtain the needed density for the 31 units approved in Phase I. At that time, staff raised a concern that this would result in the remainder of the property being undeveloped unless rezoned to a higher density and that such rezoning may not conform to the area plan's recommendation for the property. The applicant is now seeking approval of Phase II and rezoning to District R-0.75, a new residential zone pending before the City Council (Ordinance 170365). The requested zoning cannot be considered by the City Council until the Council has approved the new district.

Area Plan Background

The new zoning fills a density gap between the existing R-1.5 and R-0.5 districts which allow a maximum density of 29 units per acre and 87 units per acre, respectively. The new district would permit a density of 58 units per acre. The Midtown Plaza Area Plan recommended that the City pursue creating the noted gap but did not identify locations appropriate for said zoning. The area plan recommends residential-high land uses for the subject property which corresponds to R-1.5. As a consequence, an area plan amendment is necessary for the proposed R-0.75 zoning.

REZONING & PLAN:

The site is a 1.2 acre parcel and the entire site is proposed to be rezoned to R-0.75, which, if approved would permit a total of 70 units on the site.

Phase I

This phase was previously approved for 31 units and is under construction. It is shown on the overall site plan for reference and to ensure proper calculation of permitted density, but otherwise the plan has no bearing on Phase I.

Phase II

The plans depict construction of a two-story, 39-unit building in the northeast portion of the site atop a garage structure (similar design to Phase I what will have a parking garage below the units). The building will be "u-shaped" with a courtyard and pool on the parking deck. Access to the garage will be from Wornall on the east side of the building. A total of 40 spaces are proposed.

Parkland Dedication, 88-408

Payment of money-in-lieu of dedication is required. The amount due is based on the following formula: (39 units X 2 persons per unit X 0.006 acres per person = amount of land area required; amount of land area required X 2017 acquisition rate = payment due), or (39 X 2 X 0.006 = 0.468 acres; 0.468 X \$37,662.28 = \$17,625.94). This amount is due at time of building permit or recording of final plat, whichever occurs first and is subject to change based upon the total number of units proposed.

Parking Standards, 88-420

The plans propose 40 spaces, all in a parking garage under the building. A total of 39 spaces are required; therefore the plan provides adequate vehicular parking. The plan does show a space dedicated to short-term bike parking on the north side of the building near a pedestrian entrance but no indication as to the design or number of spaces is shown. Long-term parking is not indicated, but is also required. The plans should be revised to demonstrate compliance with these requirements.

Landscape & Screening Standards, 88-425

Landscaping in the form of street trees and general landscaping is provided in conformance with the applicable requirements.

Lighting Standards, 88-430

A sign plan has not been provided. Staff is recommending one be provided prior to City Council consideration.

Sign Standards, 88-445

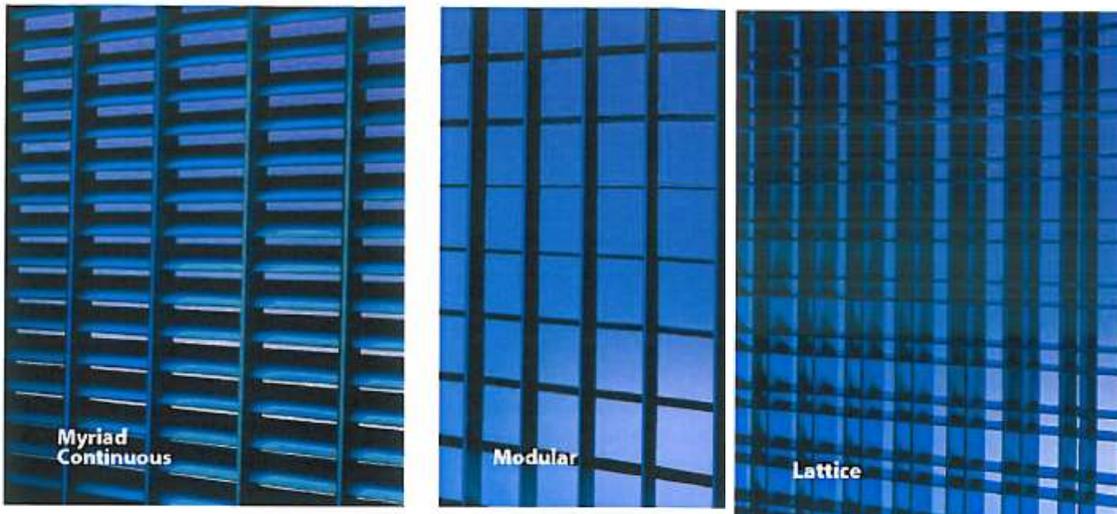
A sign plan has not been provided, however the elevations depict wall signs. Such signs are limited to 12 square feet in area and it appears the proposed signs exceed this. Plans should be revised to show signs which conform to this requirement.

Pedestrian Standards, 88-450

The plans show a pedestrian connection from the second level of the building in Phase I to the south end of the parking garage in Phase II which will serve to provide access from Phase II to the resident amenities which are located in Phase II. A sidewalk from 45th St to the entrance along 45th St is also provided. No access from Wornall Rd is shown, however the elevations show an entrance along this façade, so a sidewalk should be added.

Building Elevations

The elevations provided depict a two-story building atop a parking garage. The building exterior will consist largely of stucco with stone accent near the ground. The garage will be enclosed except for six small openings at the ground level which are shown to be screened, however the screening material is not noted. The appearance of the proposed building is architecturally similar to that under construction in Phase I. The screening of the garage was a matter of discussion during review of Phase I and ultimately a screen pattern similar to below was agreed upon. Staff recommends the elevations be revised to provide additional stone materials and note the screening of the garage to be similar to that used for Phase I.



Deviations

Section 88-517-09-C states that the City Council may approve a development plan which deviates from any of the lot and building standards of the zoning and development code when the proposed use is consistent with the zoning of the property. The proposed use is permitted. Please note that the requested deviations apply only to Phase II. Phase I received deviations at the time it was originally approved.

The proposed development, as shown, is not possible without approval of the following deviations:

1. **Front Yard Setback (building setback from Wornall Rd).** District R-0.75 requires a 20 foot building setback. Only 10 feet is proposed; therefore a deviation in the amount of 10 feet is requested.
2. **Street Side Yard Setback (building setback from 45th St).** District R-0.75 requires a 15 foot setback from the north property line. Only 8 feet is proposed; therefore a deviation in the amount of 7 feet is requested.
3. **Rear Yard Setback (building setback from west property line).** District R-0.75 requires a 25 foot setback. As its nearest point, the proposed building is 10 feet from this property line; therefore a deviation in the amount of 15 feet is requested.

The proposed setbacks are similar to nearby buildings including the building to the southeast which sets about 12 feet from the east property line (compared with 10 to 12 feet for the proposed building), and the building to the west which sets nearer (about 6 feet) from the north property line than the Phase II building (about 8 feet). For this reason, staff supports the requested deviations.

ANALYSIS:

Though the proposed development requires a rezoning and an area plan amendment, staff is supportive because both result in a building form and residential density comparable to surrounding developments on the same block and to the west (buildings to the east across Wornall are much higher density).

RECOMMENDATION:

Staff RECOMMENDS APPROVAL of all three requests as follows:

Case 611-S-8 without conditions.

Case 14669-P-1 without conditions.

Case 14669-P-2 with the following conditions 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 its May 10, 2017 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 number of short-term bicycle parking spaces required is illustrated and noted on the plan and that details demonstrating compliance with bicycle parking standards are also shown on the plan.
 - b. That the location and number of long-term bicycle parking spaces is shown and noted on the plan.
 - c. That a lighting plan with photometric study demonstrating compliance with 88-430 is provided.
 - d. That a sidewalk is provided between Wornall Rd and the entrances on the east and northeast sides of the building.
 - e. That the signs are revised to conform with 88-445 and that a note is added stating that all signage is subject to a sign permit and shall conform to 88-445.
 - f. That additional landscaping including flowering ornamental trees and evergreen trees (not to exceed a height of 20 feet at maturity) be provided adjacent to the ground level

- of the building along 45th St and Wornall Rd to soften and break-up the expanse of blank wall.
- g. That the openings of the parking garage are screened with the same or a similar material to that used in Phase I.
 2. The developer submit to and secure approval from the City Forester of a street tree planting plan prior to building permit or recording of final plat, whichever occurs first.
 3. That a deviation from 88-110-06-B relating to the minimum required front yard setback as measured from the east property line in the amount of 10 feet is hereby granted. This results in a minimum required setback of 10 feet from said property line.
 4. That a deviation from 88-110-06-B relating to the minimum required street side yard setback as measured from the north property line in the amount of 7 feet is hereby granted. This results in a minimum required setback of 8 feet from said property line.
 5. That a deviation from 88-110-06-B relating to the minimum rear yard setback as measured from the west property line nearest the proposed building in the amount of 15 feet is hereby granted. This results in a minimum required setback of 10 feet from said property line.

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.

6. 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, by making application under said code for a Minor Subdivision and submitting and recording a Lot Consolidation Plat or replatting the property in accordance therewith.
7. 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 prior to issuance of any building permits, and the developer secure permits to construct any improvements required by the Land Development Division prior to issuance of any certificate of occupancy.
8. 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.
9. 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.
10. 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.
11. 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 Parks and Recreation Department. Please contact Richard Allen at 816-513-7713 or richard.allen@kcmo.org.

12. That prior to certificate of occupancy, the developer is responsible for payment in lieu of parkland dedication using the formula established by Section 88-408-A-3 of the Zoning and Development Code and the 2017 acquisition rate.

Respectfully submitted,



Joseph C. Rexwinkle, AICP
Planner