



City Planning & Development Department

160489

Development Management Division

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Kansas City, Missouri 64106-2795

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STAFF REPORT

May 17, 2016

(18)

RE: Case 14676-P

APPLICANT: Melissa Ferchill
MCM Company, Inc.
2425 West 11th Street, Ste. 5
Cleveland, OH

OWNER: Same as Applicant

AGENT: Jerry Riffel
Lathrop & Gage LLP
Kansa City, MO 64108

LOCATION: Numerous addresses generally located between W 9th Street on the north, Liberty Street on the east, St. Louis Avenue on the south and Wyoming Street on the west.

REQUESTS: Case No. 14676-P – About 2 acres generally located between W 9th Street on the north, Liberty Street on the east, St. Louis Avenue on the south and Wyoming Street on the west, to consider rezoning the site from District M 3-5 Manufacturing 3 (dash 5) to District DX-7 (Downtown Mixed Use, (dash 7)).

AREA: About 2 acres

SURROUNDING LAND USE:	North	Zoned M 3-5, Industrial, City Parks and Recreation Maintenance facility, W 9 th Street.
	West	Zoned M 3-5, Two story brick Warehouse, on-surface parking and storage
	South	Zoned M 3-5, Large Warehouse, Industrial
	East	Zoned M 3-5, Industrial,

LAND USE PLAN: The Greater Downtown Area Plan (GDAP) approved with CS Resolution No. 100049 on March 11, 2010, recommends Downtown Mixed use at this location, which is consistent with the proposed DX-7 zoning. The GDAP also recommends a building height in this area of “75’ / FAR 5-10”.

MAJOR STREET PLAN:

West 9th Street is listed as a Thoroughfare on the MSP with a total of two lanes, one lane in each direction. W 9th Street is also listed as a bike lane.

**ARTERIAL STREET
IMPACT FEE:**

(Informational only)

The subject property is exempt from impact fees as required by Chapter 39.

PREVIOUS CASES:

Case No. 14298-UR - To consider rezoning the area located at the northeast corner of St. Louis Avenue and Wyoming Street, the southeast corner of 9th Street and Wyoming Street, and on the west side of Wyoming Street about 200 feet north of St. Louis Avenue from District M 3-5 Manufacturing 3 (dash 5) to District UR (Urban Redevelopment) and the approval of a preliminary development plan for multifamily residential, storage/parking and business uses in multiple buildings – was recommended for approval with conditions by the City Plan Commission on July 3, 2012. This case did not proceed to the City Council for approval.

EXISTING CONDITIONS:

The site is located in the west bottoms, is about two acres in size and contains several lots/parcels. The site is located between St Louis Avenue on the south, Wyoming Street on the west, W 9th Street on the north and Liberty Street on the east. In total, the site contains four tracts with several lots/parcels, numerous buildings and three alleyways.

The southern parcel is one of the primary tracts and is located at the immediate northeast corner of St. Louis Avenue and Wyoming Street. The tract contains 10 existing lots totaling about 23,000 square feet or about ½ acre and has addresses of 937 Wyoming Street and 1524 St. Louis Avenue. The tract has about 200 feet of frontage on St. Louis Avenue and 120 feet of frontage on Wyoming Street. The site has an unimproved 20-foot wide alleyway on the north side of the tract. The tract contains a six story brick and concrete building which fronts on both St. Louis Avenue and Wyoming Street. The six-story building measures 100 ft E/W and 106 ft N/S. Adjacent to the six-story building to the east is a one-story metal building used for storage. The metal building is placed to the north side of the tract near the alleyway and has numerous truck docks on the south that allow for trucks to back up from St. Louis Avenue into the site for loading and unloading.

Just north of the first tract, across the alleyway to the north along Wyoming Street is the second tract. The tract is generally pie-shaped and has 141 feet of frontage on Wyoming Street and 210 feet of frontage on the E/W alleyway on the south. This tract has an address of 925 Wyoming Street. This tract contains five previously platted lots and has 17,934 square feet or a little less than one-half acre. As in the first tract, this tract contains a six-story brick building. The brick building is constructed to the edges of the tract. The building has four truck docks which extend about 12 feet to the west and into the right of way of Wyoming Street. There is also a 20-foot wide gravel alleyway on the east side of the tract.

The third tract has an address of 1515 W 9th Street and has 26,900 square feet or a little over ½ acre. The site is bordered on the north by W 9th Street, on the south by the previously referred to alleyway and on the west by the previously referred to N/S alleyway. The site has a 5-story brick building with an additional 20-foot wide alleyway on the south side. South of this alleyway is a portion of another building.

The last tract also contains a brick building on the north and south sides of the 20-foot wide E/W alleyway. The last tract is 19,800 SF or about ½ acre and is generally south of W 9th Street and west of Liberty Street and has an address of 912 Liberty Street. The northern building is 4-story. The southern building also has multiple stories.

Liberty Street contains 30 feet of right of way and is unimproved. West 9th Street contains 70 feet of right of way and is on the Major Street Plan. Wyoming Street contains 60 feet of right of way and is generally unimproved. St. Louis Avenue has 60 feet of right of way, but it is difficult to discern where the street right of way ends on the south, given the truck parking and loading area for the manufacturing use to the south.

The applicant's representative provides the following proposed use.

SUMMARY OF WEST BOTTOMS FLATS

MCM Company, Inc. in connection with The Ferchill Group proposes to develop a square block area in Kansas City's West Bottoms into the West Bottoms Flats bounded generally by West 9th Street on the north, St. Louis Avenue on the south, Liberty Street on the east and Wyoming on the west. The proposed West Bottoms Flats will be located adjacent to the Riverfront Heritage Trail and less than one mile from the City's Central Business District. Properties owned by MCM are held in the name of West Bottoms, LLC. and include:

*1524 St. Louis Avenue
1529 West 9th Street
1515 West 9th Street*

*925 Wyoming
930 Wyoming
912 Liberty Street*

MCM Company's proposal is to convert five historic manufacturing buildings, totaling 341,000 S.F. on 2.003 acres into 280 market-rate apartments including 106 micro-units (approximately 400-500 s.f.). All buildings will be restored in accordance with the Secretary of Interiors Standards for Rehabilitation making the project eligible for Federal and State Historic Tax Credits.

While maintaining the historic features of the buildings, the renovation will provide energy efficient, cutting-edge design including structured parking. The micro-units will fill a new demand of the younger generation (20's and 30's) for smaller apartments. Interior amenities will offer indoor courtyards, on-site bike repair shop, a variety of fitness centers and community rooms. Outside areas will be made up of courtyards and alleys and include activity areas such as bocce ball courts, fire pits, grilling patios, an outdoor theater, permeable pavement and indigenous plants and trees. Currently retail is planned for 150 linear feet of storefront on West 9. The first floor of the Liberty Building with its porches and direct access to outdoor courtyards has been reserved for a 5,000 s.f. local concept

restaurant/entertainment venue.

The West Bottoms Flats will not only restore five historic buildings, but will also re-establish a residential neighborhood in the original location of work force housing. Additionally, a historic district will be created to include the proposed project as well as several other buildings in various stages of redevelopment. Through public/private partnership with the City, West 9th Street, Wyoming, St. Louis Avenue and Union Streets will receive new streetscape design and infrastructure, establishing a northern gateway into the West Bottoms.

The project is projected to create 500 construction jobs and at least 56 new permanent jobs. Construction is scheduled to begin in the fall of 2016 with the first units being completed in late summer 2017.

REZONING REVIEW:

The developer proposes to rezone the site to DX-7. The applicant states that they will seek tax abatement through the Planned Industrial Expansion Authority (PIEA). Normally, the City Planning and Development Department through agreements with representatives of the EDC and PIEA and through the approved incentive plans, require the applicants for tax incentives to rezone developed property to District UR (Urban Redevelopment District). In some cases however, if the property is certified as "Historic" and if the property development is being reviewed by a federal agency associated with the Secretary of Interior Standards, City Development Department staff has waived the rezoning to District UR requirement. In addition, in this case, no appreciable site work is being requested as the parking will be contained within the site's buildings. Also, the alleyways will be left intact and no vacation of the alleys is being requested. The applicant wants the ability to rehabilitate the site for residential use. According to Use Table 140-1, Household Living, whether in a single family home, a single-purpose residential building or in a mixed-use building is not allowed in the existing M 3-5 district.

The Greater Downtown Area Plan recommends Downtown Mixed-Use (DMX) for this location. According to the plan 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 the DC district. The DMX district promotes a mix of land uses both horizontally and vertically. This land use classification corresponds with the DX and DR zoning districts with the new zoning ordinance.

According to Table 130-1 of the Zoning and Development Code, Household Living, either in a single-purpose residential building or in a mixed use building, is allowed in the DX-7 district. Further, the DX lot and building standards for DX uses states that -7 will allow for a maximum floor area ratio of 7.0. Following is more specificity on the -7 category.

Lot and Building Standards (D Districts)							
	-1	-2	-3	-5	-7	-10	-15
Lot Size							
» Min. lot area (sq. ft.)	None	None	None	None	None	None	None
» Min. lot area per unit (sq. ft.)							
» in single purpose residential building	1,250	750	400	200	150	125	100
» above ground floor in mixed-use building	None	None	None	None	None	None	None
» Min. lot width (ft.)	None	None	None	None	None	None	None
Floor Area Ratio							
» Maximum	1.4	2.2	3.0	5.0	7.0	10.0	15.0
Min. Front Setback ¹							
» Abutting residential district	1	1	1	1	1	1	1
» Not abutting R district	None	None	None	None	None	None	None
Min. Rear Setback							
» Abutting residential district							
» % of lot depth	25	25	25	25	25	25	25
» Maximum required (ft.)	30	30	30	30	30	30	30
» Not abutting R district	None	None	None	None	None	None	None
Side Setback							
» Abutting residential district	2	2	2	2	2	2	2
» Not abutting R district	None	None	None	None	None	None	None
Maximum Height							
» Building with ground floor commercial space ³	40	50	60	None	None	None	None
» Building without ground floor commercial space	35	45	55	None	None	None	None

Notes to Table 130-2

¹ Front setback required only when D-zoned lot abuts R-zoned lot with frontage on the same street. In such cases, the D-zoned lot must match the actual front setback of the building that exists on the abutting R-zoned lot, or if no building exists on the abutting R-zoned lot, the D-zoned lot must provide at least 50% of the front setback that applies to the abutting R-zoned lot.

² Side setback required only when D-zoned lot abuts R-zoned lots. In such cases, the D-zoned lot must provide the same side setback as required for the abutting R-zoned lot.

³ Ground-floor commercial space must comply with [88-130-06](#).

ANALYSIS:

The buildings are zoned a heavy industrial zoning (M 3-5) which does not allow residential uses. The applicant requests the ability to rehabilitate the interiors of the buildings for residential and supporting uses. The council recently approved The Greater Downtown Area Plan which recommends Downtown Mixed-Use (DMX) for this location. The zoning classification associated with the DMX land use is District DX. The DX-7 zoning category most closely aligns with the approved land use. Zoning District DX-7 allows for residential land use. Following the rezoning of the site, the applicant will be required to submit building plans for any rehabilitation according to building code requirements. At the time of the building permit review, the improvements of the adjoining sidewalks, any on-site parking lots and landscaping will be evaluated and required at that time -- based upon the requirements of the Zoning and Development Code. The applicant should also be aware that money in lieu of parkland dedication will also be required at a multifamily rate and also at a rate of \$30,360.20 per acre.

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 recommends Downtown Mixed-Use (DMX) for this location

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

Surrounding properties are zoned M 3-5 and M1-5 (Manufacturing) and consist of industrial uses with some residential nearby. Within two blocks there are retail uses as well.

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

The physical character of the area is that the entire surrounding area is in industrial buildings of similar size and layout.

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

All public facilities are in place.

88-515-08-E. Suitability of the subject property for the uses to which it has been restricted under the existing zoning regulations;

The subject property and much of the surrounding property is zoned M3-5, a manufacturing zone. Most of the surrounding property to the south, east and west are in manufacturing uses. See 08-G below.

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

Unknown

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

In the past, there was concern from the industrial community in the west bottoms that residential uses would negatively affect 24-hour industrial activity in the area. Industrial owners feared that newly establishing residential users would complain about noise, light and other industrial impacts. Since that time, the two land use forces have resolved and the area plan for the west bottoms has allowed for and encouraged residential and mixed uses. Persons living in the area are aware and generally embrace the 24-hour industrial activity of the site.

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 would prohibit the requested residential development as envisioned by the area plan.

RECOMMENDATION:

City Planning and Development Staff RECOMMENDS APPROVAL of Case No. 14676-P with no conditions based on the application and documents provided for review prior to the hearing and as recommended by the Development Review Committee at the April 20, 2016 meeting.

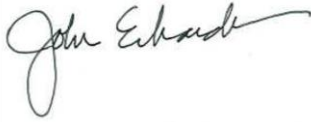
City Plan Commission Staff Report

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "John Eckardt", is written over a light gray rectangular background.

John Eckardt

Planner

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