

# COMMUNITY PROJECT/REZONING

## Ordinance Fact Sheet

**Case No.** CD-CPC-2019-00213

### Brief Title

Approving a UR Rezoning (Urban Development) and preliminary development plan from District B4-5 (Heavy Business/Commercial 4 – 5) to District UR (Urban Development) on an approximately 0.476 acre tract of land generally located on the north side of W 75th Street between Wyandotte Street to the east and Wornall Road to the west (addressed as 222, 226, and 232 W 75th Street) for the redevelopment of the for the redevelopment of the "Waldo Ice House" building.

### Details

**Location:** generally located on the north side of W 75th Street between Wyandotte Street to the east and Wornall Road to the west (addressed as 222, 226, and 232 W 75th Street)

**Reason for Legislation:** UR Rezoning and Preliminary Development Plan applications require City Council approval.

At its February 4, 2020 meeting, the City Plan Commission recommended approval with conditions for CD-CPC-2019-00213 and recommended CD-CPC-2019-00241 be dismissed.

### EXISTING CONDITIONS:

Currently the site consists of a vacant 11,500 sq ft building formerly used as an antiques store with a poorly maintained asphalt parking lot between the building and street frontage. There is an existing pole sign along W 75th St and no on-site or street frontage landscaping.

### PLAN REVIEW/ ANALYSIS:

#### KEY POINTS

- The proposed UR Rezoning and Preliminary Development Plan will clear the entire site of the existing building and parking areas.
- The development includes a 5-story building with ground floor commercial uses and 4 floors of multi-family residential units. There will be 11 units per floor, or 44 units in total.
- The proposed development complies with the recommended land use and development criteria of the Country Club Waldo Area Plan.

Requested Deviations

None

Boulevard and Parkway Standards (88-323)

The standards are not applicable because the project is not located within 150 feet of a Park, Boulevard, or

**Ordinance Number**

### Positions/Recommendations

<b>Sponsors</b>	Jeffrey Williams, AICP, Director Department of City Planning & Development
<b>Programs, Departments or Groups Affected</b>	6 <sup>th</sup> District (Bough, McManus)
<b>Applicants / Proponents</b>	<b>Applicant</b> Lamin Nyang Taliaferro & Browne, Inc.  <b>City Department</b> City Planning & Development <b>Other</b>
<b>Opponents</b>	<b>Groups or Individuals</b> Christina Ray - individual <b>Basis of Opposition</b> traffic
<b>Staff Recommendation</b>	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against <b>Reason Against</b>
<b>Board or Commission Recommendation</b>	City Plan Commission (5-0) 02-04-20 By Archie, Baker-Hughes, Crowl, Macy, May <input type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input checked="" type="checkbox"/> For, with revisions or conditions (see details column for conditions)
<b>Council Committee Actions</b>	<input type="checkbox"/> Do Pass <input type="checkbox"/> Do Pass (as amended)

Parkway.

#### Parkland Dedication (88-408)

Residential uses are proposed therefore parkland dedication or payment in-lieu of dedication is required. A total of 44 residential multi-family dwelling units are proposed. Pursuant to this section a total of 0.528 acres must be dedicated for parkland purposes. Given the dense urban development and surrounding built environment, the applicant has elected to pay the parkland dedication fee in-lieu of dedicating parkland or private open recreational space. The specific parkland dedication fee has been outlined in the condition of approval by the Parks and Recreation Department below.

The applicant's request conforms to the applicable requirements of this section.

#### Parking and Loading Standards (88-420)

The city's Zoning and Development Code stipulate that new developments provide 1 parking space per dwelling unit, 1 space per 1,000 sq ft of general office, 4 spaces per 1,000 sq ft of medical office, and 2.5 spaces for general retail uses. It is important to note that there is an existing KCATA park and ride facility approximately 175 feet due west of the project area along Wornall Road.

With 7,000 sq of an optometrist space on the ground floor (the entire ground floor commercial space) and 44 dwelling units a total of 72 parking spaces would be required. However, the project is located within 1,000 ft of a rapid transit stop and per Section 88-420-04-J:

1. Office and manufacturing uses are not required to provide off-street parking spaces for the first 10,000 square feet of gross floor area.
2. The following uses are not required to provide off-street parking for the first 4,000 square feet of gross floor area: artist work or sales space, food and beverage retail sales, personal improvement service, and retail sales. Uses may not exceed otherwise applicable minimum off-street parking requirements by more than 3 spaces or 33%, whichever is greater, unless such "extra" spaces are provided in a parking garage.

	<input type="checkbox"/> Committee Sub.
	<input type="checkbox"/> Without Recommendation
	<input type="checkbox"/> Hold
	<input type="checkbox"/> Do not pass
<b>Policy or Program Change</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Operational Impact Assessment</b>	n/a

#### Finances

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

<p>3. Restaurants are not required to provide off-street parking for the first 2,000 square feet of gross floor area per building.</p> <p>4. The above exemptions may be used in combination with any other exemption, reduction, or special area standards.</p> <p>Additionally, a 15% reduction in off-street parking may be accounted for per Section 88-420-16-K, "The city planning and development director may authorize up to a 15% reduction in the number of required off-street parking spaces for developments or uses that make special provisions to accommodate bicyclists. Examples of eligible accommodations include enclosed bicycle lockers, employee shower facilities, dressing areas for employees, and on-site public bicycle sharing stations. A reduction in required vehicle parking does not entitle the applicant to a reduction in required bicycle parking."</p> <p>Lastly, Section 88-420-16-P of the Zoning and Development Code allows for: The city planning and development director may authorize a portion of a development's required off-street parking to be met by providing car-share vehicle parking on the development site, as follows:</p> <ol style="list-style-type: none"><li>1. For any development, one parking space or up to 5% of the total number of required spaces, whichever is greater, may be reserved for use by car-share vehicles. The number of required parking spaces may be reduced by one space for every parking space that is leased by a car-share program for use by a car-share vehicle. Parking for car-share vehicles may be provided in any non-required parking space.</li><li>2. For any development that (a) is required to provide 20 or more spaces and (b) provides one or more spaces for car-share vehicles, the number of required parking spaces maybe reduced by 3 spaces for each reserved car-share vehicle parking space or by 15%of the total number of required spaces, whichever is less. An agreement between the property owner and a car-share program must be filed with the city planning and development director, in a form approved by the city planning and development director. The parking reduction will continue in effect only as long as the agreement, binding on all parties, remains in force. Agreements must guarantee long-term availability of the car-share vehicles. If the agreement lapses or is no longer valid, then the normally required parking spaces must be provided as otherwise required by this article.</li></ol> <p>Parking Calculations: 72 required spaces <u>- 38 spaces (bus rapid transit)</u></p>	<table><tr><th data-bbox="761 37 1040 2034">Appropriation Account Codes</th><th data-bbox="1040 37 1573 2034"></th></tr></table>	Appropriation Account Codes	
Appropriation Account Codes			

- = 44 required spaces
- 15% (bicycle parking facilities)
- = 37 required spaces
- 3 spaces (car share program)
- = 34 required parking spaces

34 parking spaces are proposed by the development. The proposed development provides approximately 0.77 parking spaces per dwelling unit (not including on-street parking). The applicant's request conforms to the applicable requirements of this section.

Landscape and Screening Standards (88-425)  
A landscape plan is required with any Development Plan application.

Perimeter vehicular use area landscaping is required because there is a small portion of the parking lot area that abuts onto W 75th St.

Internal vehicular use area landscaping is required with any new parking lots. While not perfectly met, the proposed UR district established the required landscaping requirements of the property. Additionally, the site currently is 100% impervious with no landscaping material of any kind. The proposed plan significantly brings the site much closer into conformance with the city's landscaping regulations.

Street trees are required because with the construction of any new principle building. The proposed plan does not show any proposed street trees but significant shrubbery. Staff recommends updating the landscaping plan to show the required street trees per Section 88-425-03.

Subject to the recommended conditions/plan corrections, the applicant's request conforms to the applicable provisions of this section.

Outdoor Lighting Standards (88-430)  
A lighting plan is required with any Development Plan. A lighting plan has been provided which shows the required photometric plans.

The applicant's request conforms to the applicable requirements of this section, with one minor correction to limit the maximum foot-candle measurement to 1.0 at the right-of-way line.

Sign Standards (88-445)  
A sign plan is not required because the project will follow the standard sign regulations. Any signs installed are subject to a sign permit and shall conform to the requirements of this section.

Subject to the recommended conditions/plan corrections, the applicant's request conforms to the applicable provisions of this section.

#### Pedestrian Standards (88-450)

The standards of this section apply because all new major Development Plans are required to meet this section.

The applicant's request conforms to the applicable requirements of this section.

#### REZONING ANALYSIS

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 proposed UR rezoning with preliminary development plan and the proposed uses are in conformance to the recommendations of the recommendations of Country Club Waldo Area Plan.

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

- The surrounding property is zoned commercial and manufacturing zones. The uses intended with this UR zoning district are compatible to those surrounding zoning districts and uses.

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

- The proposed building follows the design guidelines of the Country Club Waldo Area Plan. Additionally, it removes an existing out of character building, parking area, and pole sign.

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

- There are adequate facilities to the site. Any utility improvements that could be required will be constructed by the developer.

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

- The existing B4 zoning district allows uses that would largely be considered out of charter for a property fronting on to W 75th St in the Waldo district.

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

<div><ul style="list-style-type: none"><li>• The former antique store vacated the building a number of years ago.</li></ul><p>88-515-08-G. The extent to which approving the rezoning will detrimentally affect nearby properties; and</p><ul style="list-style-type: none"><li>• No foreseen negative impacts.</li></ul><p>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.</p><ul style="list-style-type: none"><li>• The UR rezoning is required to propose the development in its current form in coordination with the previously approved LCRA tax incentives (see case history above). The rezoning allows for the removal of a under maintained property.</li></ul><p>PLAN ANALYSIS</p><p>In order to be approved, the plan must comply with all of the following criteria:</p><p>88-516-05-A. The plan must comply with all standards of this zoning and development code and all other applicable city ordinances and policies.</p><ul style="list-style-type: none"><li>• The proposed plan follows the procedures of the UR zoning district. Further, the proposed plan sets the lot and building standards based on the submitted plans with allowances and deviations set forth in the Zoning and Development Code.</li></ul><p>88-516-05-B. The proposed use must be allowed in the district in which it is located.</p><ul style="list-style-type: none"><li>• The UR zoning district is intended for “The purpose of the UR, Urban Redevelopment district is to promote development and redevelopment of underdeveloped and blighted sections of the city and to accommodate flexibility in design to help ensure realization of the stated purposes of an approved plan for redevelopment. UR districts are further intended to promote the following objectives.”</li><li>• Further, the UR zoning district can set the allowable uses of the specific plan / project area. Presently the property is zoned B4 which allows for a wide variety of uses, some of which are not suitable for this area of Waldo. Additionally, the Country Club Waldo Area Plan recommends “Mixed Use Community” uses which typically align with the B2 zoning district.</li><li>• Working with the applicant, staff recommends</li></ul></div>		
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coordinating this UR plan with the uses allowed with the B3 zoning district with some additional restrictions to some of the allowed uses. Based on staff's recommendation the applicant has voluntarily agreed to this recommendation. Both staff and the applicant believe this will meet the intent and guidance of the Country Club Waldo Area Plan and still provide commercially viable opportunities for future tenants.

- Staff and the applicant recommend the uses permitted within this UR Zoning District shall be consistent with those uses associated with the B3 zoning district, and further prohibit the following uses within this UR Plan Area:
  - Drive-thru facilities
  - Entertainment and Spectator Sports – Indoor large venue (500+ capacity)
  - Entertainment and Spectator Sports – Outdoor
  - Pawn shop
  - Short-term Loan Establishment
  - Gasoline and Fuel Sales
  - Sports and Recreation – Participant (Outdoor)
  - Vehicle Sales and Service (including all sub-categories)
  - Agriculture – Animal
  - Agriculture – Crop

88-516-05-C. Vehicular ingress and egress to and from the site, and circulation within the site, must provide for safe, efficient and convenient movement of traffic not only within the site but on adjacent roadways.

- The proposed plan meets city requirements for both vehicular and non-vehicular movement and access to the site.

88-516-05-D. The plan must provide for safe, efficient, and convenient non-motorized travel opportunities, being pedestrian and bicycle movement, on the subject site.

- The proposed plan meets city requirements for both vehicular and non-vehicular movement and access to the site.

88-516-05-E. The plan must provide for adequate utilities based on City standards for the particular development proposed.

- There are adequate utility capacity and roadway improvements to serve the proposed project. The developer will make all necessary utility connections and upgrades as may be required through the permit review process.

88-516-05-F. The location, orientation, and architectural features, including design and material, of buildings and other structures on the site must be designed to be compatible with adjacent properties.

- The proposed plans removes an under-maintained building that is set back from the front property line and out of context with the surrounding development and design guidance set in the Country Club Waldo Area Plan. The new building will move the building up to the street frontage. Staff has requested a material sample sheet to further clarify the materials, but largely staff is supportive of the propped design and character.

88-516-05-G. Landscaping, berms, fences and/or walls must be provided to buffer the site from undesirable views, noises, lighting or other off-site negative influences and to buffer adjacent properties from negative influences that may be created by the plan.

- The surrounding properties are commercial or light manufacturing uses in nature, and therefore are not required to buffer the site from the proposed plan.

88-516-05-H. The design of streets, drives, and parking areas within the project should result in a minimum of area devoted to asphalt or other impervious surfaces consistent with the needs of the project and city code requirements.

- The parking and drive lanes are efficiently laid out to provide the required parking spaces and necessary drive lines. The site does not create unnecessary impervious coverage areas.

88-516-05-I. The plan must identify trees to be removed and trees to be preserved during the development of the subject property with the goal of saving trees that are not required to be removed for the development of the property.

- The site currently does not have any existing trees on site.

**RECOMMENDATION:**

The City Planning and Development Department staff recommends **approval with conditions** of Case No. CD-CPC-2019-00213 based on the application, plans, and documents.

**See City Plan Commission Staff report for more information and additional detailed analysis.**



Staff Planner

**Initial Application Filed:**

**Reviewed By:**

Joseph Rexwinkle, AICP

Division Manager

Development Management

**Date:** 02/24/2020

**City Plan Commission:** February 04, 2020

**Revised Plans Filed:** February 14, 2020

**Reference Numbers:**

Case No. CD-CPC-2019-00213