



CITY PLAN COMMISSION STAFF REPORT

City of Kansas City, Missouri

Department of City Planning and Development
Development Management Division

414 E 12th Street, 15th Floor
Kansas City, Missouri 64108
www.kcmo.org/planning

Project

Waldo Ice House Redevelopment

Hearing Date March 4, 2020

Item	Case	Request
#8.1	CD-CPC-2019-00213	Rezone to UR & Prelim. Dev. Plan
#8.2	CD-CPC-2019-00241	Development Plan

Item	Staff Recommendation(s)
#8.1	Approval with Conditions
#8.2	To be Dismissed – Application was dismissed by the CPC on 02/04/2020.

Applicant

Lamin Nyang
Taliaferro & Browne, Inc.

Owner

Diane Botwin
Ice House Development LLC

Location	222, 226, 232 W 75 th St
Area	On about 0.476 acres
Zoning	B4-5
Council District	6 th
County	Jackson
School District	KCMO

Surrounding Land Uses

North: Commercial uses zoned M1-5.

East: Commercial/office uses zoned B4-5.

South: Commercial/retail uses zoned B3-2.

West: Commercial uses zoned B4-5.

Land Use Plan

The Country Club / Waldo Area Plan recommends Mixed Use Community land use. The request conforms to this recommendation.

Major Street Plan

W 75th St is classified as a four-lane Established Arterial roadway with varying right-of-way established by existing development. No additional right-of-way dedication is required.

APPROVAL PROCESS



PUBLIC HEARING REQUIRED

Yes

NEIGHBORHOOD AND CIVIC ORGANIZATIONS NOTIFIED

Notice of the public hearing was sent to the Tower Homes Association.

REQUIRED PUBLIC ENGAGEMENT

Public engagement as required by 88-505-12 applies to this request. The applicant held a public meeting on January 18, 2020, a summary of which is attached.

SUMMARY OF REQUEST

8.1 – Case No. CD-CPC-2019-00213: Applicant is seeking approval of a UR (Urban Redevelopment rezoning with preliminary development plan) from District B4-5 to District UR for the construction of a mixed use building with ground floor commercial and 44 multi-family dwelling units.

8.2 – Case No. CD-CPC-2019-00241: Previously the applicant's LCRA tax incentive plan was denied by the City Council. Therefore the applicant submitted a replacement application since the UR zoning designation would not be possible. However, this request was reconsidered by the Council and this new application should be dismissed and revert back to the original application (see *controlling case* and *related relevant cases* sections below for more details).

PURPOSE

Applicant is proposing to rezone the property from B4-5 to UR in accordance with the previously approved LCRA application with a preliminary development plan for a mixed use building. The size of the project requires UR Rezoning with Preliminary development Plan approval, which requires approval of the above-referenced requests.

CONTROLLING CASE

Case No. CD-CPC-2019-00167 was approved by Ordinance No. 200038 on January 16, 2020 allowed for the approval of the LCRA Urban Renewal and Tax Incentive Plan for the

Waldo Ice House Redevelopment. The proposed request is substantially in conformance with the controlling plan.

RELATED RELEVANT CASES

Case No. CD-CPC-2019-00167 – On December 12, 2019, the City Council initially voted to deny the LCRA Urban Renewal and Tax Incentive Plan (Ordinance No. 191010). However, on January 16, 2020 the City Council voted to reconsider and approve the request (Ordinance No. 200038).

Case No. 12182-P-3 – On January 02, 2018, the City Plan Commission approved a Project Plan on about 0.48 acres in District B4-5 (Business 4) to allow for the construction of a 10,200 sq ft office/retail building addition to the existing building already on site. **(This project was never constructed.)**

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.



Existing Conditions W 75th St - (Google Street View)

NEARBY DEVELOPMENTS

North: Commercial and retail along the street frontage, and some light-warehouse uses to the rear of the property

East: Existing 1-story commercial building with office uses

South: Across W 75th Street, there is an established commercial strip center with small grocery store, pharmacy, restaurants and taverns, and automotive repair facility

West: Existing 2-story commercial building with commercial, retail, and office uses.

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.

by more than 3 spaces or 33%, whichever is greater, unless such "extra" spaces are provided in a parking garage.

3. Restaurants are not required to provide off-street parking for the first 2,000 square feet of gross floor area per building.
4. The above exemptions may be used in combination with any other exemption, reduction, or special area standards.

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."

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:

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.
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.**

Parking Calculations:

72 required spaces
- 38 spaces (bus rapid transit)
= 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 character 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;

The former antique store vacated the building a number of years ago.

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

No foreseen negative impacts.

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.

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.

PLAN ANALYSIS

In order to be approved, the plan must comply with all of the following criteria:

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.

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.

88-516-05-B. The proposed use must be allowed in the district in which it is located.

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."*

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.

Working with the applicant, staff recommends 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.

PROFESSIONAL STAFF RECOMMENDATION

City Planning and Development Staff **recommends dismissal** of Case No. CD-CPC-2019-00241.

(Case was dismissed by the City Plan Commission on February 2, 2020.)

City Planning and Development Staff **recommends approval without conditions** of Case No. CD-CPC-2019-00213 based on the application, plans, and documents provided for review prior to the hearing:

1. That plans, revised as noted below, are submitted and accepted by the following staff prior to proceeding to City Council – Neighborhood Planning and Development Committee:
The following are recommended by the Development Management Division of the City Planning and Development Department. For questions, contact Christopher Hughey at Christopher.hughey@kcmo.org.
 - a. Add a note or detail showing the trash enclosure screening per Section 88-425-08-A.
 - b. Slightly increasing the landscaping area just south of the most southern parking space further to the west to meet the intent of Section 88-425-05.

- c. Update Sheet L-100 with a table to show the calculations of the required and provide landscaping elements per Sections 88-425-06, 88-425-05, and 88-425-03.
- d. Update the site data to show the required parkland dedication requirements and the applicable 2019 fee in-lieu of calculation.
- e. Provide material spec sheets or photos of the proposed exterior building materials.
- f. Adjust the photometric plan so that a maximum of 1.0 foot-candle at the right-of-way/front property line (Section 88-430-05-C).
- g. Label the car sharing parking space on the site plan.
- h. Update the landscaping plan to show required street trees per Section 88-425-03.

The following are recommended by the Development Management Division of the City Planning and Development Department. For questions, contact Christopher Hughey at Christopher.hughey@kcmo.org.

- 2. The developer shall secure approval of a UR final development plan from Development Management Division staff prior to building permit.
- 3. 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: 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, and Agriculture – Crop.
- 4. Signage shall follow the standard sign regulations of the City's Zoning and Development Code unless otherwise approved by a future application for specialized signage requirements.
- 5. The existing pole sign on site shall be removed with this development.
- 6. All mechanical equipment shall be screened in accordance with Section 88-425-08 or submit a supplemental application for Administrative Approval for Alternate Compliance.
- 7. Prior to issuance of a final certificate of occupancy, the developer shall submit an affidavit, completed by a landscape architect licensed in the State of Missouri, verifying that all landscaping required of the approved plan has been installed in accordance with the plan and are healthy.
- 8. Prior to issuance of a final certificate of occupancy, a sealed letter by a licensed engineer shall be submitted, stating that photometrics on the site comply with the approved photometric plan.
- 9. 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.
- 10. Prior to issuance of a final certificate of occupancy, submit a copy of the agreement between the property owner and a car-share program must be filed with the city planning and development director (Section 88-420-16-P).

The following are recommended by the Land Development Division of the City Planning and Development Department. For questions, contact Lucas Kasper at lucas.kasper@kcmo.org.

- 11. 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.
- 12. The developer must submit a streetscape plan for approval and permitting by the Land Development Division prior to beginning construction of the streetscape improvements in the public right of way, and

construct ADA compliant ramps at all required locations where new private drives are being added, or where existing sidewalks are modified or repaired. The developer shall coordinate with the Public Works Division to implement those improvements in the public right of way to be built by the City as part of City Project #89008516 and obtain written confirmation from Public Works that the improvements will be constructed by Public Works. If Project #89008516 does not proceed forward, the developer shall complete the required streetscape plan as required by code prior to the issuance of any certificate of occupancy. **(amended by CPC)**

13. Per Standard Drawing D 3 the width of commercial drive approaches must be between 24 30 feet. Revise drawing accordingly.
14. The developer shall submit plans to Land Development Division and obtain permits to construct sidewalks along the platted frontage, and construct associated ADA ramps at the proposed entrance drives as necessary for the type of drive approach. The developer shall coordinate with the Public Works Division to implement those improvements in the public right of way to be built by the City as part of City Project #89008516 and obtain written confirmation from Public Works that the improvements will be constructed by Public Works. If Project #89008516 does not proceed forward, the developer shall complete the required ADA improvements as required by code prior to the issuance of any certificate of occupancy. **(amended by CPC)**
15. 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.
16. The developer shall 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, that identifies sidewalks, curbs, and gutters in disrepair as defined by Public Works Department's "OUT OF REPAIR CRITERIA FOR SIDEWALK, DRIVEWAY AND CURB revised 11/5/2013" and based 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. The developer, shall coordinate with the Public Works Division to implement those improvements in the public right of way to be built by the City as part of City Project #89008516 and obtain written confirmation from Public Works that the improvements will be constructed by Public Works. If Project #89008516 does not proceed forward, the developer shall complete the required improvements as required by code prior to the issuance of any certificate of occupancy. **(amended by CPC)**

The following are recommended by the Water Services Department. For questions, contact Nimesha Senanayake at Nimesha.senanayake@kcmo.org.

17. The Domestic water and fire service lines must be brought in compliance with current KCMO Rules and Regulations for Water service lines.

The following are recommended by the Water Services Department. For questions, contact Robert Davis at Robert.davis@kcmo.org.

18. Prior to issuance of any construction permits within a "Combined Sewer Overflow" (CSO) district, the developer shall submit, for review and acceptance, a storm drainage study, sealed by a Missouri licensed civil engineer, showing detention of the 1.5 inch rainfall depth over the entire disturbed area and release of said volume over a 40 to 72 hour period (unless infiltrated, evaporated, or used in some other manner) in addition to management of the rate and volume of stormwater runoff from the 10% and 1% storms per the latest adopted version of APWA 5600 standards in effect at the time of submission. The developer shall construct improvements necessary to reduce small storm discharges to the combined sewer system by simulating natural runoff conditions through metered release of the 1.5

inch detention volume and mitigate impacts from rate and volume of 10% and 1% storm runoff from the site.

19. Stormwater management facilities, including but not limited to detention basins and BMPs, shall be privately maintained and covered by maintenance covenant(s) or easement(s) that include provisions for private maintenance.

The following are recommended by the Fire Department. For questions, contact John Hastings at john.hasting@kcmo.org.

20. All construction shall be in compliance of the applicable building codes which are in effect at the time of construction and shall be built under valid building permits issued by City Planning and Development. (IFC 2018 § 102.4)
21. Buildings equipped with a fire standpipe system shall have an operable fire hydrant within 100 feet of the Fire Department Connection (FDC). (IFC2018: § 507.5.1.1)

The following are recommended by the Parks and Recreation Department. For questions, contact Daniel Webber at Daniel.webber@kcmo.org.

22. The developer must submit a street tree planting plan for approval by the Parks and Recreation Department's Forestry Division prior to beginning work in the public right of way. Street Tree Planting plan applies to W 75th Street. The developer, shall coordinate with the Public Works Division to implement those improvements in the public right of way to be built by the City as part of City Project #89008516 and obtain written confirmation from Public Works that the improvements will be constructed by Public Works. If Project #89008516 does not proceed forward, the developer shall complete the required streetscape plan as required by code prior to the issuance of a final certificate of occupancy. **(amended by CPC)**
23. The developer shall dedicate applicable land area per the Parkland Dedication requirements of Section 88-408 of the Zoning Development Code. If the developer elects to pay money in lieu of dedication of land, the parkland fee shall be set at the 2019 rate of \$39,617.49 per acre. For 44 dwelling units x 0.006 x 2.0 (multi-family) x \$39,617.49 = parkland dedication fee of \$20,918.03.

Respectfully Submitted,



Christopher Hughey, AICP
Lead Planner

ATTACHMENTS:

1. Exhibit A – Docket Map
2. Development Plans (9 sheets)
3. Exterior Material specification sheets (14 pages)
4. Public Engagement Documentation (6 pages)
 - Notice of Application
 - Public Meeting Notice
 - Public Meeting Notice – Rescheduled due to inclement weather
 - Public Meeting Summary Form
 - Public Meeting Sign-in Sheets
5. Letter of Opposition – Christina Ray (1 page)