



## City Planning & Development Department

Development Management Division

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Kansas City, Missouri 64106-2795

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### **CPC STAFF REPORT**

**October 2, 2018**

**(12, 13 & 14)**

**RE:**                   a) **Case No. CD-CPC-2018-00156**  
                          b) **Case No. CD-CPC-2018-00157**  
                          c) **Case No. CD-CPC-2018-00160**

**APPLICANT:**                   Jason Swords  
  Uptown Development, LLC  
  1520 Grand Avenue, 2<sup>nd</sup> Floor  
  Kansas City, MO 64108

**OWNER:**                        UGA, LLC  
  3700 Broadway  
  Kansas City, MO 64111

**AGENT:**                        Roxsen Koch  
  Polsinelli PC  
  6201 College Blvd., Suite 500  
  Overland Park, KS 66211

**LOCATION:**                   a) Generally bordered by Knickerbocker Place on the north, W. 39<sup>th</sup> Street on the south, Central Street just south of W. 37<sup>th</sup> Street on the east and Pennsylvania Avenue (up to Valentine Road) Wyoming Street partially on the west.

  b & c) Generally located at the northwest corner of Broadway Boulevard and Valentine Road.

**AREA:**                         Approximately 6 acres.

**REQUESTS:**                   a) **Case No. CD-CPC-2018-00156** – To consider amending a previously approved UR Development plan in District UR (Urban Redevelopment), to allow for deletion of a 5 acre tract from the plan.

  b) **Case No. CD-CPC-2018-00157** –To consider rezoning the 6 acre parcel from District UR (Urban Redevelopment) to District UR (Urban Redevelopment) and approval of a development plan that allows for a for mixed use development in two phases (223 apartments, 92 room hotel & about 55,00 square foot of retail/ commercial).

- c) **Case No. CD-CPC-2018-00160**—To consider approval of the 36th & Broadway PIEA General Development Plan, and declare the area blighted and insanitary and in need of redevelopment and rehabilitation pursuant to the Missouri Planned Industrial Expansion Authority (PIEA) Law 100.300-100.620.

**SURROUNDING**

**LAND USE:**

**North:** zoned R-1.5/ UR, The Knickerbocker & the Ambassador.  
**South:** zoned R-2.5/ UR, multifamily residences & Uptown Theater.  
**East:** zoned UR, mixed commercial.  
**West:** zoned R-6, single family residences.

**LAND USE PLAN:**

The Midtown/ Plaza Area Plan adopted on October 22, 2015, by Resolution No. 150899 recommends Mixed Use Community, which corresponds with B-2 zoning category for this property. The hotel proposed for phase 2 is not consistent with the future land use plan which will necessitates an area plan amendment.

**MAJOR STREET PLAN:**

The City's Major Street Plan classifies Broadway Boulevard as a "4-lane through Street" with two through lanes in each direction under the jurisdiction of the Parks and Recreation Department. Valentine Road is also classified as a boulevard. Pennsylvania Avenue is not identified on the City's Major Street Plan.

**ARTERIAL STREET**

**IMPACT FEE:**

*(Informational only)*

Benefit District: Within and exempt district.

**PRIOR CASES:**

**Case No. 11525-URD-3** - Ordinance No. 070320 passed by City Council on April 5, 2007, rezoned a 0.62 acre tract of land generally located on the south side of W. 37th Street, between Broadway Avenue and Central Street from Districts URD (Urban Redevelopment District) and R4 (Low apartments) to District URD and approved a preliminary development plan so as to permit a mixed use development with residential condominiums (potential live-work units) and potential retail on the Broadway frontage within an existing structure and an addition thereto.

**Case No. 11525-URD-2** – Ordinance No. 070315 passed by City Council on April 5, 2007, amended a previously approved development plan on approximately 15.6 acres generally bounded by Knickerbocker Place and 36th Street on the north; Central Street, the alley west of Central Street and Broadway on the east; 39th Street on the south; and

Washington and Pennsylvania on the west so as to delete approximately 0.46 acre generally located on the south side of 37<sup>th</sup> Street, between Broadway Avenue and Central Street. ***This is the current approved preliminary development plan.***

**Case No. 11525-URD-1** – City Council Ordinance 971401 passed October 23, 1997, rezoned 15.6 acres generally located on the east and west side of Broadway, generally bound by Knickerbocker Place and 36<sup>th</sup> Street on the north; Central Street, the alley next west of Central Street, and Broadway on the east; 39<sup>th</sup> Street on the south (at the extreme southern line of the plan); and Washington and Pennsylvania on the west from Districts C2 (local retail business); C3a2 (intermediate business, high buildings), R4 (low apartments), and URD (urban redevelopment district) to District URD and approved a redevelopment plan to allow construction of approximately 700,000 sq. ft. of residential, retail/commercial, office, hotel, and theater space, with 1,413 parking spaces.

Case **No. 11525-URD** – City Council Ordinance CS941078 passed October 13, 1994, rezoned 9.1 acres generally bound by Knickerbocker Place on the north, Broadway on the west, 38<sup>th</sup> Street on the south, and Washington Street and Pennsylvania Avenue on the west from Districts R3 (low apartments, low density), R4 (low apartments), and C3a2 (intermediate business, high buildings) to District URD.

#### **EXISTING CONDITIONS:**

The subject site is the Uptown Theater Urban Redevelopment District generally bordered by Knickerbocker Place on the north, W. 39<sup>th</sup> Street on the south, Central Street just south of W. 37<sup>th</sup> Street on the east and Pennsylvania Avenue (up to Valentine Road) Wyoming Street partially on the west. The entire Urban Redevelopment District was established in conjunction with the Uptown Theater Tax Increment Financing Plan. It contains the Uptown Theater, which has been renovated and expanded, at the southwest corner of Valentine Street and Broadway. Other prominent places include the Ambassador apartments, the Valentine Shopping Center, the Valentine Hotel, the Salvation Army property, and various retail and commercial uses with associated parking lots. Land uses surrounding the Uptown Theater URD include the Kansas City Life Insurance offices and multi-family to the north, the Valentine neighborhood to the west and south, retail and office to the south, and the Old Hyde Park and Broadway-Gillham neighborhoods to the east. The former Chatham Hotel is located on the southeast corner of W. 37<sup>th</sup> Street and Broadway.

The current plan approved by Ordinance No. 070315 passed by City Council on April 5, 2007, allows for approximately 700,000 sq. ft. of residential, retail/commercial, office, hotel, and theater space, with 1,413 parking spaces within the UR district.

**SUMMARY OF REQUEST:**

**Three applications have been filed and are summarized below:**

**UR Plan Amendment (Case No. CD-CPC-2018-00156):**

This is a request to amend the existing Uptown Theater UR development plan to delete a 5 acre tract from the plan. The 5-acre parcel to be deleted is the Uptown (Valentine) Shopping Center. This developer is seeking approval of a separate PIEA plan for the redevelopment of the center. Eventually, the Uptown (Valentine) Shopping Center property will be removed from the Uptown Theater TIF.

This plan amendment is necessary to portray removal of the Valentine Shopping Center property from the Uptown Theater URD plan. The remainder of the Uptown Theater URD plan remains as originally approved.

**URD Plan Review (Case No. CD-CPC-2018-00157):**

This is a request to rezone the 5 acre parcel from District UR (Urban Redevelopment) to District UR (Urban Redevelopment) and approval of a development plan that allows for a for mixed use development. The plan proposes 223 apartments, a 92 room hotel and about 55,000 square foot of retail/ commercial in two phases, with phase two being the hotel. The plan proposes to retain the existing garage structure and to build additional parking deck above it.

**PIEA General Development Plan (CD-CPC-2018-00160):**

This is a request for approval of the 36th & Broadway PIEA General Development Plan on about 5 acres located on the north side of Valentine Road, the east side of Broadway Boulevard, and Pennsylvania Avenue on the west, and declare the area blighted and insanitary and in need of redevelopment and rehabilitation pursuant to the Missouri Planned Industrial Expansion Authority (PIEA) Law 100.300-100.620.

**ANALYSIS:**

**URD Plan Review (CD-CPC-2018-00157):**

This is a request to rezone the 5 acre parcel from District UR (Urban Redevelopment) to District UR (Urban Redevelopment) and approval of a development plan that allows for a for mixed use development. The plan proposes 223 apartments, a 92 room hotel and about 55,000 square foot of retail/ commercial in two phases, with phase two being the hotel. The plan proposes to retain the existing garage structure and to build additional parking deck above it. The plan shows about 55,000 square foot of ground floor retail commercial uses. On top of this will be 4 levels of apartments. New construction on this site will be the demolition of the existing bank at the northeast corner of the site and replacing it with a new bank on the ground level and 6 levels of residential above. The other new construction will be the hotel in phase two.

The overall development will have a lower level of parking, ground level of retail and parking, two additional levels of parking and 4 levels of residential apartments for a total gross floor area of 559,000 square foot. The plan provides for 786 parking spaces of which 245 will be reserved for the retail and hotel uses. An additional 192 spaces will be reserved for the apartments with 23 spaces designated as flexible. Staff recommends that the plan be revised to provide the required 210 spaces required for the apartment per the zoning and development code. With about 460 spaces reserved, the plan has an excess of 326 parking spaces for the public. This will be utilized by the Uptown Theater.

The buildings are proposed to be constructed of smooth veneer stone and Hardie panels. The plan shows aluminum windows, storefront systems, butt-glazed curtain walls and overhead garage doors. The upper level garages will be screened with perforated metal screening. There is no submitted architectural elevation for the proposed hotel at this time. Staff has requested some revisions to the proposed architecture of the buildings and will continue to work with the developer prior to City Council action. Phase 1 final UR plan will be approved by the Director of City Planning and Development prior to issuance of building permit.

The submitted plan did not include any signage or lighting plan. Staff recommends that the signage plan that meets the requirement of Chapter 88-445 and a lighting plan that meets the requirement of 88-430 be submitted as part of the final plan approval.

The developer is required to submit a final plan to the City Plan Commission for phase 2 for approval including building elevations showing material for construction, plans for landscaping, grading, screening, berming, fencing for private open space tracts containing detention areas, pedestrian pathways, pool/ clubhouse, fencing, playground equipment, etc.; and building elevation and materials for the pool/ clubhouse. Phase 1 final UR plan will be approved by the Director of City Planning and Development prior to issuance of building permit.

**Parkland Dedication:**

According to Chapter 88-408 of the Zoning and Development Code, the developer can 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:

$$223 \text{ multi-family lots} \times 2 \times 0.006 = 2.68 \text{ acres}$$
$$2.68 \text{ acres} \times \$39,617.49 = \$106,016.40$$

That the developer can either dedicate 2.68 acres of parkland or contribute \$106,016.40 in lieu of parkland dedication for the 223 multifamily units in satisfaction of Chapter 88-408 of the Zoning and Development Code.

The Water Service Department recommends that the developer consider replacing the existing 115 year old 6" CIP water main.

**PIEA PLAN (CD-CPC-2018-00160):**

The site is comprised of one within the PIEA area and contains a total of 5 acres not including public rights of way. The site is the Uptown (Valentine) Shopping Center and is the subject of the two prior cases. As a result of the receiving the PIEA incentive, the plan must be deleted from the Uptown TIF District prior to City Council action on this plan.

**AREA PLAN:**

The site is within the Midtown/ Plaza plan area. The Midtown/ Plaza Area Plan adopted on October 22, 2015, by Resolution No. 150899, recommends Mixed Use Community, which corresponds with B-2 zoning category for this property. The hotel proposed for phase 2 is not consistent with the future land use plan which will necessitates an area plan amendment. Staff recommends that a statement be added that an area plan amendment will be required for phase 2 prior to approval of a UR final plan by the City Plan Commission.

**INCENTIVE REQUEST:**

The property owners may seek a tax abatement which provides for abatement for a period of up to 25 years. During the first 10 years of this 25 year period such properties are only subject to property tax on the land, exclusive of improvements, during the calendar year preceding the calendar year during which the title is acquired. During the next 15 years, such properties may be assessed up to 50% of their true value. The City may impose Payments in lieu of taxes, or "PILOTS" to be paid on an annual basis to replace all or part of the taxes abated. The applicant is not proposing any PILOTS at this time. Redevelopment projects must conform to the corresponding general development plan approved by the City.

The actual incentive granted will be determined by the PIEA following conclusion of financial analysis and negotiation with taxing jurisdictions, both of which typically occur after City Council approval of these requests. Per the Blight Study, the area is not within a continuously distressed census tract.

The PIEA has statutory right to exercise the power of eminent domain and the plan notes this may be necessary to assemble property.

**BLIGHT ANALYSIS:**

City Staff does not comment on whether the site is blighted or not, however a blight analysis prepared by Development Initiatives determines that the plan area is blighted.

**RECOMMENDATIONS:**

a) City Planning and Development Department staff recommends approval of **Case No. CD-CPC-2018-00156** based on the application, plat and documents provided for review prior to the hearing and subject to the following conditions:

1. Conditions contained in Ordinance No. 070315 passed by City Council on April 5, 2007, remains effective for this UR development.

b) City Planning and Development Department staff recommends approval of **Case No. CD-CPC-2018-00157** based on the application, plat and documents provided for review prior to the hearing and subject to the following conditions:

**Condition Nos. 1. - 5. per City Planning & Development, Development Management Division (Olofu Agbaji, [Olofu.Agbaji@kcmo.org](mailto:Olofu.Agbaji@kcmo.org))**

1. That one (1) 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 (15<sup>th</sup> Floor, City Hall) prior to ordinance request showing:
  - a. An existing condition sheet.
  - b. A phasing plan.
  - c. Review Valentine Road entrance with staff to confirm efficient configuration for intended use.
  - d. Demonstrate that plans meet the boulevard and parkway standards along Broadway Blvd and Valentine Rd. Call out all where the plan fails to meet this standards as variances will have to be obtained from the Board of Zoning Adjustments prior to issuance of Building Permit. This should be shown on the revised elevation.
  - e. Provide pictorial inventor of all proposed building materials.
  - f. Revise the proposed mixed use building to extend the vertical treatments to the ground level retail.
  - g. Update the garage elevation ground level treatment along Valentine Road to meet Boulevard and Parkway standards or call and receive any necessary variance.
  - h. A note stating that proposed hotel will be consistent with applicable Midtown Plaza Area Plan Guidelines Revise Plans.
  - i. Revise plans to be consistent with Midtown Plaza Area Plan Guidelines for building materials and ground floor transparency, Parking Structures and Blank Walls.

**Water Service Department Corrections:**

- j. Show existing water mains and the proposed water and fire service lines on the

- plan.
- k. Provide two water connections for the development.
  - l. Follow the KCMO Rules and Regulations for Water service lines.
2. That the developer consult with KCMO Historic Preservation Commission prior to City Plan Commission approval of the hotel (phase 2).
  3. That the developer continue to work with City Planning and Development staff as it relates to the architecture of the mixed use building prior to ordinance request.
  4. That the developer submit a Final UR Plan to the City Plan Commission for approval for phase 2 (hotel), indicating plans for landscaping, grading, detailed internal circulation, signage, lighting and a photometric study showing zero foot candles at the property lines prior to issuance of building permit. Final UR plan for phase one will be approved by the Director of City Planning and Development following additional discussion of the building architecture.
  5. The developer shall secure approval of a streetscape plan from Development Management Division staff prior to building permit. The plan shall include all vertical and horizontal obstructions within and adjacent to the right of way along the project frontage including but not limited to signage, sidewalks, driveways, landscaping, etc. and shall demonstrate compliance with applicable policies and regulations.
  6. The developer shall secure approval of a street tree planting plan from the City Forester and plant according to said plan prior to recording the final plat.

**Condition No. 7. per City Planning & Development, Long Range Planning and Preservation Division (Gerald Williams, [gerald.williams@kcmo.org](mailto:gerald.williams@kcmo.org))**

7. That the proposed hotel design will incorporate applicable Midtown Plaza Area Plan development guidelines for Nodes and Neighborhoods as well as general guidelines for building orientation, setbacks, materials, architectural character, and access.

**Condition Nos. 8. - 18. per City Planning & Development, Land Development Division (Lucas Kasper, [lucas.kasper@kcmo.org](mailto:lucas.kasper@kcmo.org))**

8. 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.
9. The developer shall submit a storm drainage analysis from a Missouri-licensed civil engineer to the Land Development Division, in accordance with adopted

standards, including a BMP level of service analysis prior to approval and issuance of any building permits, and that the developer secure permits to construct any improvements as required by the Land Development Division prior to issuance of any certificate of occupancy.

10. The developer shall submit construction plans in compliance with adopted standards for all improvements required by the traffic study approved by the Public Works Department when applicable, and shall secure permits for those improvements as required by the Land Development Division, prior to recording the plat.
11. 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.
12. The developer must integrate into the existing street light system any relocated existing street lights within the street right-of-way impacted by the new drive or approach entrances as required by the Land Development Division, and the relocated lights must comply with all adopted lighting standards.
13. 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.
14. The developer must grant a city approved pedestrian right-of-way easement, for the portions of the public sidewalks approved to be outside of the street right-of-way, to the City as required by the Land Development Division, prior to recording the plat.
15. The developer must obtain the executed and recorded city approved grading, temporary construction, drainage/sewer, or any other necessary easements from the abutting property owner(s) that may be required prior to submitting any public improvements crossing properties not controlled by the developer and include said document(s) within the public improvement applications submitted for permitting.

16. 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.
17. The developer must secure permits to extend public sanitary and storm water conveyance systems to serve all proposed lots within the development and determine adequacy of receiving systems as required by the Land Development Division, prior to recording the plat or issuance of a building permit whichever occurs first.
18. The developer must grant any BMP and/or Surface Drainage Easements to the City as required by the Land Development Division, prior to recording the plat or issuance of any building permits.

**Condition Nos. 19. - 22. per KCMO Fire Department (John Hastings, [John.Hastings@kcmo.org](mailto:John.Hastings@kcmo.org))**

19. 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)
20. Depending on height, the structure require to meet the high rise requirements to include a water supply source from at least two (2) water mains located on different streets (IFC 2012: § 914.3.1.2)
21. Shall provide at least a 26 foot wide aerial fire apparatus access road which is at least 15 feet away from the building but no more than 30 feet from the building along the north and west sides of the complex. (IFC2012: § D105)
22. An operable fire hydrant shall be within 100 feet of the buildings' Fire Department Connection (FDC). (IFC2012: § 507.5.1.1)

**Condition Nos. 23. – 25. per Water Services Department (Mark Griffin, [mark.griffin@kcmo.org](mailto:mark.griffin@kcmo.org))**

23. That the developer Verify fire flow capacity and submit calculations for review prior to Building Permit.
24. That the developer maintain max 300' Fire Hydrant spacing as required by the Water services Department.
25. Private Fire Line / Fire Hydrant extension is anticipated.

c) Should the City Plan Commission make a finding of blight, City Planning and Development staff RECOMMENDS APPROVAL of **Case No. CD-CPC-2018-00160, 36<sup>th</sup> & Broadway PIEA General Development Plan**, based on the application, plans, and documents provided for review prior to the hearing and subject to the following condition:

1. That one copy and a pdf of a revised plan document be submitted to Development Management staff prior to the preparation of an ordinance request, revised as follows:
  - a. An area plan amendment to the Midtown/ Plaza Area Plan will be required for the proposed hotel in phase 2 prior to City Plan Commission approval of the Final UR plan. This will be to change the recommended future land use from Mixed Use Community to Commercial.
2. That the developer/ applicant file application for and cause an area plan amendment for the proposed hotel in phase 2 prior to City Plan Commission approval of the Final UR plan. To change the Midtown/ Plaza Area Plan recommended future land use designation from Mixed Use Community to Commercial.

**BLIGHT ANALYSIS:**

City Staff does not comment on whether the site is blighted or not, however a blight analysis prepared by Development Initiatives determines that the plan area is blighted.

Respectfully submitted,



Olofu O. Agbaji  
Planner