

# COMMUNITY PROJECT/ZONING

## Ordinance Fact Sheet

Case Nos. 702-S-1 & 14554-MPD

**150543**

Ordinance Number

Brief Title

Approval Deadline

Reason

To consider a) an amendment to the Swope Area Plan by changing the recommended land use from Residential Low to Residential High and a revision to the area plan definitions to include this category, and b) rezoning the site from District R-2.5 (Residential 2.5) and District UR (Urban Redevelopment District) to District MPD (Master Planned Development) and the approval of a Development Plan for residential uses.

**Details**

**Positions / Recommendations**

<p>Specific Address About 2.24 acres generally located north of E 52<sup>nd</sup> Street between Mersington Avenue and Myrtle Avenue</p>	<p><b>Sponsor</b></p>	<p>Jeffrey Williams, AIA, Director, City Planning and Development Department</p>
<p><b>Reason for Project</b> To allow for the construction of residential uses.</p>	<p><b>Programs, Departments, or Groups Affected</b></p>	<p><b>Council District(s):</b> 5<sup>th</sup> (Circo, Hill) <b>Other districts:</b> Kansas City School District</p>
<p><b>REPORT:</b> Counting some right of way, the existing site is just over two acres north of E 52<sup>nd</sup> Street and east of Mersington Avenue. The site is vacant and has about a 15 foot drop in elevation from the south side of the lot to the north. The site has some tree cover on the east and northeast sides of the lot. To the west of the lot are the Mount Cleveland duplexes. The Mount Cleveland housing project is a series of 41 duplex units for a total of 82 units and was approved in 1997. These duplexes are immediately west of the site across Mersington and south of the site across E 52<sup>nd</sup> Street. During the construction of the townhomes, it was determined that there was a need for a storm water detention facility for the water runoff. To the immediate north of the site, on about 1.8 acres is a platted, Tract A, storm water detention basin constructed with the Mt. Cleveland townhome project. Immediately north of the subject site, south of the detention tract and north of the subject site is an existing 50 foot wide right of way for E 51<sup>st</sup> Terrace. There is no roadway built within this right of way, the slope is severe from south to north and there is no dedicated right of way on the western 60 feet, adjacent to Mersington Avenue. To the immediate east of the site is unbuilt 25 foot wide right of way for future Myrtle Avenue. To the east of unbuilt Myrtle Avenue are vacant single family lots owned by the Kansas City Homesteading Authority, the owner of the subject site. Further east, on Norton Avenue are single family residential uses.</p>	<p><b>Applicants/Proponents</b></p>	<p>Brinshore Development LLC Todd Lieberman rep. by: Taliaferro &amp; Brown, Inc. Attn: Lamin Nyang 1020 E 8<sup>th</sup> Street Kansas City, MO 64106</p>
	<p><b>Opponents</b></p>	<p><b>Groups or individuals</b> None known</p>
	<p><b>Staff Recommendation</b></p>	<p><input checked="" type="checkbox"/> For, with conditions <input type="checkbox"/> Against Reason Against:</p>
	<p><b>Board or Commission Recommendation</b></p>	<p>By: City Plan Commission, 05/05/15, Voting Aye: Archie, Baker-Hughes, Burnette, Crowl, Gutierrez, Martin, May and Macy. Nay: None, 8-0 <input type="checkbox"/> Approval <input checked="" type="checkbox"/> Approval, with conditions <input type="checkbox"/> Denial</p>
<p><b>Council Committee Actions</b></p>	<p><input type="checkbox"/> Do pass <input type="checkbox"/> Do pass (as amended) <input type="checkbox"/> Committee Sub. <input type="checkbox"/> Without Recommendation <input type="checkbox"/> Hold <input type="checkbox"/> Do not pass</p>	

**Discussion****Policy / Program Impact**

<p>The site is also just south of the Swope Parkway Health Center. The complex is comprised of the Health Center, Imani House and the Thomas/Rogue Child and Family Development Center.</p> <p><b>Proposed Plan:</b></p> <p>Nearly two years ago, the Kansas City Homesteading Authority (KCHA) sent out a Request for Qualifications and Proposals for the development of not only the subject site, but portions of the blocks to the south and east of the subject—extending to E 53<sup>rd</sup> Street. The KCHA is made up of various City of Kansas City officials whose task is to own and redevelopment generally foreclosed property. The Brinshore Development Company from Chicago responded to the request and was selected the developer for phase one of the project. Brinshore selected the subject location for its initial development and based upon market studies, proposed a senior living complex. The site has been chosen by the city as a high priority project in receiving Low Income Housing Tax Credits which assist the developer in providing up-front monies to develop. According to staff in Neighborhood and Community Services, the project has been awarded \$340,000 in HOME/LIHTC funds. In addition, the site is receiving over \$300,000 in Public Improvement Advisory Committee (PIAC) funds for the future construction of E 52<sup>nd</sup> Street. East 52<sup>nd</sup> Street is the street on the south side of the development which will serve as access to the proposed development.</p>	<p><b>Policy or Program Change</b>      <input type="checkbox"/> No      <input type="checkbox"/> Yes</p>
	<p><b>Operational Impact Assessment</b></p>
	<p><b>Finances</b></p>
	<p><b>Cost &amp; Revenue Projections – Including Indirect Costs</b></p>
	<p><b>Financial Impact</b></p>
	<p><b>Fund Source and Appropriation Account Costs</b></p>

**Project Start Date**

Plan filed: March 20, 2015  
 CPC date: May 5, 2015  
 Plan resubmitted: June 5, 2015

**Project Completion or Occupancy Date****Fact Sheet Prepared by:****Date:** June 26, 2015

John Eckardt  
 Planner

**Reviewed by:****Date:** June 26, 2015

Diane Binckley, Manager  
 Development Management Division

**Reference or Case Numbers:** Case Nos. 702-S-1 & 14554-MPD

The Brinshore Development project proposes to construct a 54 unit elderly housing project, construct East 52<sup>nd</sup> Street and vacate E 51<sup>st</sup> Terrace. The complex will be divided between a connected north wing and south wing. The north wing is oriented east and west along the north side of the tract. The south wing is oriented north and south along the west side of the tract. The project is one story. Sheet A200 shows the building materials to be face brick veneer, fiber cement panels, fiber cement lap siding, glazing and metal canopies. The buildings will have flat roofs. Access to the site will be from proposed E 52<sup>nd</sup> Street, with the drive access being about 260 feet east of Mersington Avenue. Parking for the site will be immediately north of the drive entrance on the east side of the tract. The parking lot will be along un-built Future Myrtle Avenue. The applicant does not need Myrtle to be constructed to have access, even though city codes require the improvement of adjacent roads during platting and development.

Since this is an elderly project, the parking required for the project is one parking space for every three units. The project has 54 units and therefore requires 18 parking spaces. The project will provide 43 parking spaces with most of the spaces being along unbuilt Myrtle Avenue.

The applicant proposes to rezone the site from District R-2.5 (Residential 2.5) and District UR (Urban Redevelopment District) to District MPD (Master Planned Development) and the approval of a Development Plan for residential uses. A very small portion of the site was evidently rezoned to District UR in the late 1990's during the construction of Mr. Cleveland road shift for Mersington Avenue.

Also proposed for this site is the vacation of the E 51<sup>st</sup> Terrace right of way. See Case No. 1706V. The future south side of the right of way is of course owned by the Homesteading Authority. The north side of the right of way is controlled by the entity which developed the Mt. Cleveland duplexes. Therefore, the applicant will need to receive the approval of the owner to the north in order for the vacation to proceed forward. The applicant is aware of this.

#### **Area Plan:**

The first case of these two companion cases is an amendment to the area plan and is case number 701-S-1. The project is located in the Swope Area Plan (adopted 7.7.2014) with a projected future land use of residential low at generally 7.2 units per acre. The application indicates 54 units on 1.85 acres or roughly 29.2 units per acre, which would be just above the highest density land use category suggested in the plan of residential high generally up to 29 units per acre. The Mount Cleveland Neighborhood plan directed the Swope Area Plan to discourage encroachment into single family areas with higher intensity uses and to encourage development which gradually transitions into areas identified for less intense uses. In this case however, since funding of over \$600,000 has been approved by the City Council for its construction, since the site is a natural transition between the health center services to the north and single family units to the south, the use is expected to make a low impact on the neighborhood and the use is

controlled by a plan which can only be revised by the city council, city staff support the change in proposed land use for this location.

### **Parkland Dedication:**

Parkland dedication is a requirement of platting for residential development. According to Section 88-405-17 the developer has three options for this dedication whenever residential development is proposed. Applicants can dedicate land to the City, provide private open space for park purposes or pay money in lieu of parkland dedication. The plan is requesting the approval of 54 residential units. The applicant is providing an area in the front along E 52<sup>nd</sup> Street that qualifies for private open space for park purposes. The applicant will use this for a walking garden with terraces. According to the applicant's representative, the area measures about 80 ft x 120 ft. The area is calculated as 0.20 acres. The estimated amount of payment is therefore as follows:

- 54 MF units x 2 persons/unit x 0.006 acres/person = 0.648 acres
- 0.648 acres – 0.20 acres (of garden area) = 0.448 acres x \$16,907.93 = \$7,574.75 or \$140.27 per unit.

These monies are expected to be used within Swope Park. Swope Park located at Swope Parkway and Meyer Boulevard, consists of 1,805 acres and was acquired in 1896.

### **88-520-03-F. MPD Review Criteria**

In reviewing and making decisions on proposed MPD rezonings and preliminary development plans, review and decision-making bodies must consider at least the following factors:

- the preliminary development plan's consistency with any adopted land use plans for the area;
  - *The area plan is being revised with Case No. 702-S-1. See discussion.*
- the preliminary development plan's consistency with the MPD district provisions of 88-280; and
  - *The applicant is expected to submit an MPD statement.*
- the sufficiency of the terms and conditions proposed to protect the interest of the public and the residents of the MPD in the case of a plan that proposes development over a long period of time.
  - *This plan is proposed to be developed in one phase with construction scheduled to begin in 2015, with an anticipated completion date of October 2026.*

### **88-280-06 Approval Criterion**

MPD zoning may be approved only when the city council, after receiving the recommendation of the city plan commission, determines that the proposed development cannot be reasonably accommodated by other available regulations of this zoning and

development code, and that a MPD would result in a greater benefit to the city as a whole than would development under conventional zoning district regulations. Such greater benefit may include implementation of adopted planning policies, natural resource preservation, urban design, neighborhood/community amenities, or a general level of development quality.

**Analysis:**

The proposed development requires an amendment to the Swope Area Plan which was recently adopted. The proposal requests a somewhat drastic land use change from an existing residential land use recommended now of under 7.2 units per acre to a use of 29 units per acre. Since there has been prior funding commitments from the city for this project, the site is a natural transition between the health center services to the north and single family units to the south, the use is expected to make a low impact on the neighborhood and the use is controlled by a plan which can only be revised by the city council, city staff supports the change in proposed land use for this location.

Myrtle Avenue currently only has 25 feet of right of way width on the east side of the project. Typically, developers must dedicate and improve adjacent right of way to their projects or receive a waiver recommendation from the City Plan Commission and waiver from the City Council. The project does not need the improvement of Myrtle Avenue to access their project. Also, in this case, the Homesteading Authority has designated the east adjacent area as an incentive and selected area to receive future government funding and further owns some of the lots in this area. Given this relationship, city staff is comfortable with the future construction of Myrtle Avenue. However, City Development Department believes that there should be landscaping in the form of trees and shrubs installed now, between the proposed parking lot and the Myrtle right of way. The applicant agrees with this position.

**RECOMMENDATION:**

At its regularly scheduled meeting on May 5, 2015, the City Plan Commission recommended approval of two above listed cases with the following conditions:

- a) Case No. 702-S-1: Approval with no conditions.
- b) Case No. 14554-MPD: Approval with the following conditions:
  - 1. That three (3) collated, stapled and folded copies (and a CD containing a pdf file,) of (a revised drawing /all listed sheets), revised as noted, be submitted to Development Management staff (15<sup>th</sup> Floor, City Hall), prior to ordinance request showing:
    - a. Revise the turn-around at the east end of E 52nd St to align with future extension of Myrtle Ave, south of 52nd St.

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- b. Revise the storm sewer in E 52nd St to allow for the future extension of Myrtle Ave, south of 52nd St.
- c. Verify the proposed grading along Myrtle Ave will allow for construction of the road without affecting the site.
- d. Revise the Typical Section for E 52nd St to show CG-2 curb and gutter.
- e. Revise grading to remove the proposed 3:1 slope in Mersington Ave and 52nd St R/W. Slope from back of curb is to be 2%.
- f. Remove the 20' Storm Drainage Easement on Tract A of Mount Cleveland.
- g. Revise 52nd St storm sewer connection to the existing storm sewer in Mersington to be outside of the pavement area. Connect to existing storm MH located to the north.
- h. Show a 15 ft radius of the R/W at the NE corner of Mersington and 52nd St.
- i. Show construction of ADA ramps at the intersection of Mersington Ave and 52nd St.
- j. Include the required and proposed amount of short and long term bicycle parking on Sheet C001.
- k. All sheets, State that 51<sup>st</sup> Street Terrace is E 51<sup>st</sup> Terrace and that 52<sup>nd</sup> Street is E 52<sup>nd</sup> Street.
- l. Sheet L100, That the landscaping plan be stamped by a Landscape Architect.
- m. Sheet L100, Include street trees/buffer trees and parking lot buffer shrubs as required by Section 88-425 along the east side of the parking lot along the entire frontage of Myrtle Avenue.
- n. Sheet L100, Show the dimensioning of the Garden area, remove the word potential, state that the area is 0.20 acres and is open space for parkland purposes and state that the uses will be for a fountain, pergola, landscape garden, seating, etc.

*Conditions 2. - 16. per City Planning & Development, Land Development Division (Brett Cox, [brett.cox@kcmo.org](mailto:brett.cox@kcmo.org))*

2. 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.
3. 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, and the developer

secure permits to construct any improvements required by the Land Development Division prior to recording the plat.

4. The developer must subordinate to the City all private interest in the area of any right-of-way dedication, in accordance with Chapter 88 and as required by the Land Development Division, and that the owner/developer shall be responsible for all costs associated with subordination activities now and in the future.
5. After the City Plan Commission enters its disposition for the development plan, the developer shall not enter into any agreement that would encumber or otherwise have any impact on the proposed right-of-way dedications for the planned project without the prior written consent of the Land Development Division.
6. The developer must petition for the vacation of E 51st Terrace as shown on the development plan and relocate sewers as required by the Departments of Water Services, the Land Development Division, and Development Services prior to recording of the final plat.
7. That East 52nd Street shall be improved to local residential standards along the plat frontage as required by Chapter 88, to current standards, including curbs and gutters, sidewalks, street lights, relocating any utilities as may be necessary and adjusting vertical grades for the road, etc., and obtaining required permit from Land Development Division for said improvement prior to recording the plat or prior to issuance of a Temporary or Final Certificate of Occupancy, whichever occurs first.
8. The developer must dedicate additional right of way for Myrtle Ave as required by Chapter 88 so as to provide a minimum of 25 feet of right of way as measured from the centerline, along those areas being platted, and Myrtle Avenue shall be improved to local residential standards along the plat frontage as required by Chapter 88, to current standards, including curbs and gutters, sidewalks, street lights, relocating any utilities as may be necessary and adjusting vertical grades for the road, etc., and obtaining required permit from Land Development Division for said improvement or enter into an Unsecured Deferral Agreement for the right-of-way dedication and improvements prior to recording the plat or prior to issuance of a Temporary or Final Certificate of Occupancy, whichever occurs first.
9. The developer must construct temporary turn-around and grant a city approved temporary cul-de-sac easement, for that portion outside of the dedicated street right-of-way, to the City as required by the Land Development Division, prior to recording the plat.

10. The developer shall verify vertical and horizontal sight distance for the drive connection to E 52nd Street and make improvements to ensure local jurisdiction and/or minimum AASHTO adequate sight distance standards are met.
11. The developer submit plans to Land Development Division and obtain permits to construct sidewalks along the platted frontage, for Mersington Ave., and construct associated ADA ramps as necessary.
12. 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.
13. 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.
14. The developer shall submit an analysis to verify adequate capacity of the existing sanitary 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.
15. The developer must secure permits to extend 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.
16. The developer must enter into a covenant agreement for the maintenance of any stormwater detention area tracts as required by the Land Development Division, prior to recording the plat.

*Condition 17. per Fire Marshal's Office, John Hastings, (John.Hastings@kcmo.org)*

17. That the developer provide for fire protection as required by the Fire Department.

*Condition 18. per Heather Massey, Water Services Department, (Heather.Massey@kcmo.org)*

18. That the developer extend water mains as required by the Water Services Department.

*Conditions 19 - 22. per John Eckardt, City Development Department, (John.Eckardt@kcmo.org)*



19. That within 30 days of approval of a preliminary development plan by the city council, the landowner must file with the appropriate recorder of deeds office a statement that such a plan: (1) has been filed with the city plan commission; (2) has been approved; (3) that the MPD preliminary development plan is applicable to certain specified legally-described land; and (4) that copies of the plan are on file in the city planning and development department. The statement recorded with the recorder of deeds must also specify the nature of the plan, the proposed density or intensity of land use and other pertinent information sufficient to notify any prospective purchasers or users of the land of the existence of such a plan and further include all information as required by Section 88-520-03-H.
20. That the developer contribute \$ 7,574.75 or a rate of \$140.27 per unit, in lieu of parkland dedication for 54 multifamily units in satisfaction of Section 88-405-17 of the Zoning and Development Code, calculated as follows:
  - 54 MF units x 2 persons/unit x 0.006 acres/person = 0.648 acres
  - 0.648 acres – 0.20 acres (of garden area) = 0.448 acres x \$16,907.93 = \$7,574.75 or \$140.27 per unit.
21. That the developer submit Final development plan with the city planning and development department after approval of and before the lapse of a preliminary development plan. The site plan shall include information regarding: property uses, setback distances, lighting (photometrics plan showing zero footcandles at the property line), landscaping and architectural characteristics, berms, trees and plantings around and within the parking lots; show proposed pedestrian circulation; and include elevation drawings of buildings and signage.
22. That the developer submit a street tree planting plan to the Parks and Recreation Department for approval prior to the approval of a final plat.