

# COMMUNITY PROJECT/REZONING

Ordinance Number **210251**

## Ordinance Fact Sheet

**Case No.** CD-CPC-2021-00023; CD-CPC-2021-00024

### Rezoning

A request to approve a rezoning to UR (Urban Redevelopment) and an area plan amendment to change the use from institutional to mixed-use with remodeling work and expansion in District UR (Urban Redevelopment) on about 3.327 acres, generally located at the southeast corner of E. 18th Street and Woodland Avenue. (CD-CPC-2021-00023; CD-CPC-2021-00024)

### Details

**Location:** generally located at the southeast corner of E. 18th Street and Woodland Avenue.

**Reason for Legislation:** Rezoning and UR major amendment applications require City Council approval.

**The Commission recommended that this application be approved with the following conditions:**

- Condition(s) by City Planning and Development Department. Contact Brad Wolf at 816-513-2901 / Bradley.Wolf@kcmo.org with questions.
- The developer received approval for the project in Case No. CH-DR-2020-0129. (3/01/2021)
  - The plan approved by the Historic Preservation Commission called for a black picket fence. The modified design will need to be approved by the Historic Preservation Commission. (3/01/2021)
- Condition(s) by City Planning and Development Department. Contact Kambiz Zoraghchi at (816) 513-1582 / Kambiz.Zoraghchi@kcmo.org with questions.
- Applicant shall address requirements for a fire alarm system per section 907 of International Building code. (2/17/2021)
  - Applicant shall address requirements for a fire sprinkler system per section 903 of International Building code. (2/17/2021)
- Condition(s) by City Planning and Development Department. Contact Stacey Lowe at 816-513-2552 / stacey.lowe@kcmo.org with questions.
- 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. (2/09/2021)
  - The developer must grant a BMP and/or Surface Drainage Easement to the City as required by the Land Development Division, prior to recording

### Positions/Recommendations

<b>Sponsors</b>	Jeffrey Williams, AICP, Director Department of City Planning & Development
<b>Programs, Departments or Groups Affected</b>	3 <sup>rd</sup> District (Ellington, Robinson)
<b>Applicants / Proponents</b>	<p><b>Applicant</b> Joe Keal BNIM Architects 2460 Pershing St, Ste 100 KCMO</p> <p><b>City Department</b> City Planning &amp; Development</p> <p><b>Other</b></p>
<b>Opponents</b>	<b>Groups or Individuals</b>
	<b>Basis of Opposition</b>
<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 (7-0) 3-16-2021 By Allender, Beasley, Crowl, Enders, Hill, Rojas, Sadowski
	<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)
	<input type="checkbox"/> Committee Sub.
	<input type="checkbox"/> Without Recommendation
	<input type="checkbox"/> Hold
	<input type="checkbox"/> Do not pass

the plat or issuance of any building permits.  
(2/09/2021)

7. The developer provide acceptable easement and secure permits to relocated sanitary sewers out from under proposed buildings and structures, etc., while continuing to ensure individual service is provided to all proposed lots as required by Land Development Division prior to recording the plat or issuance of a building permit, whichever occurs first. (2/09/2021)
8. 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. (2/09/2021)
9. 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. (2/09/2021)
10. 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, by making application under said code for a Minor Subdivision and submitting and recording a Lot Consolidation Plat or replatting the property in accordance therewith. (2/09/2021)
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. (2/09/2021)
12. 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. (2/09/2021)

Condition(s) by City Planning and Development Department. Contact Stacey Lowe at 816-513-2552 / stacey.lowe@kcmo.org with questions.

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. (2/09/2021)

14. 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 (2/09/2021)

15. 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. (2/09/2021)

16. 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, and shall secure permits for those improvements as required by the Land Development Division, prior to recording the plat. (2/17/2021)

Condition(s) by City Planning and Development

Department. Contact Xue Wood at 816-513-8823 / Xue.Wood@kcmo.org with questions.

17. The developer shall submit an affidavit, completed by a landscape architect licensed in the State of Missouri, verifying that street trees have been installed in accordance with the approved street tree planting plan and are healthy prior to Certificate of Occupancy. (2/10/2021)
18. The applicant shall provide details for the roof-top event space including operational characteristics and an engineering report to indicating the allowable capacity prior to issuance of certificate of occupancy. (2/10/2021)
19. All proposed signage shall comply with 88-445. (2/10/2021)
20. The applicant shall provide screening to the roof-top mechanical use complying with 88-425. (2/16/2021)
21. The applicant shall provide capacity and open hours for all outdoor event spaces. (3/01/2021)
22. The applicant shall continue to work with staff on fencing height, locations and materials. (3/01/2021)

Condition(s) by Fire Department. Contact Michael Schroeder at 816-513-4611 / michael.schroeder@kcmo.org with questions.

23. The expectation is the project will meet the fire flow requirements as set forth in Appendix B of the International Fire Code 2018. (IFC-2018 § 507.1) (2/17/2021)
24. 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) (2/17/2021)
25. Fire hydrant distribution shall follow IFC-2018 Table C102.1 (2/17/2021)
26. If an approved security gate spans across a fire access road, an approved means for emergency operation shall be provided (IFC-2018 § 503.6) (2/17/2021)

Condition(s) by Parks & Recreation. Contact Justin Peterson at 816-513-7599 / Justin.Peterson@kcmo.org with questions.

27. If new residential units are proposed, the developer is responsible for dedication of parkland, private open space in lieu of parkland, or payment of cash-in-lieu of either form of dedication, or any combination thereof in accordance with 88-408. Should the developer choose to pay cash-in-lieu of dedicating all or a portion of the required area, the amount due

shall be based upon the (2021) acquisition rate of (\$48,801.37) per acre. This requirement shall be satisfied prior to certificate of occupancy. (2/17/2021)

Condition(s) by Parks & Recreation. Contact Justin Peterson at 816-513-7599 / Justin.Peterson@kcmo.org with questions.

28. The developer shall provide street trees along Woodland and E. 19th Street and submit a streetscape plan with street tree planting plan per 88-425-03 for approval and permitting by the Parks & Recreation Department's Forestry Division prior to beginning work in the public right-of-way. (2/17/2021)

Condition(s) by Water Services Department. Contact Heather Massey at (816) 513-2111 / heather.massey@kcmo.org with questions.

29. The developer shall ensure that water and fire service lines should meet current Water Services Department Rules and Regulations.

The proposed fence shall not disallow access to maintain the water main along the east property line. by crossing the easement at the north or south end without making alternative access or valving arrangements with KC Water.

<https://www.kcwater.us/wp-content/uploads/2019/04/2018-Rules-and-Regulations-for-Water-Service-Lines.pdf>  
(2/17/2021)

Condition(s) by Water Services Department. Contact Jerald Windsor at 816-513-2904 / Jerald.Windsor@kcmo.org with questions.

30. Follow the KCMO Rules and Regulations for domestic water and fire service lines. (2/17/2021)

31. The developer shall submit an analysis by a registered Professional Engineer in Missouri to verify adequate capacity of the existing water mains and verify fire flow capacity prior to the issuance of new water service permits. Depending on adequacy of the existing water mains systems, making other improvements may be required. (Please put size of water line & fire line, if 6" or larger line is required then Water & fire lines must be connected to 19th Street main). (2/17/2021)

32. The developer must submit water main extension drawings for an additional Fire Hydrant required for current codes [within 100' for Fire protection system(s)] prepared by a registered professional Engineer in Missouri to the main extension desk for review, acceptance

and contracts per the KC Water Rules and Regulations for Water main extensions and Relocations. (<https://www.kcwater.us/wp-content/uploads/2019/04/2018-Rules-and-Regulations-for-Water-Main-Extensions.pdf>) (2/17/2021)

33. Please show the location of Water meter & Backflow preventer (2/17/2021)

**See Staff Report for more information.**

March 16, 2021            Docket # 4.1, 4.2

CASE NO: CD-CPC-2021-00023; CD-CPC-2021-00024

**PUBLIC HEARING REQUIRED**

Yes

**EXISTING CONDITIONS**

The subject property is located at the southeast corner of E. 18th Street and Woodland Avenue. It was the old Attucks School. The property is currently vacant with an approved tax incentive plan allows this property to be zoned UR.

**NEARBY DEVELOPMENTS**

North: Across E. 18th St is apartments (zoned R-1.5)

East: light industrial use (zoned B4-5)

West: apartments, commercial, religious gathering (zoned UR)

South: light industrial use (zoned UR)

**SUMMARY OF REQUEST**

The applicant is proposing rezoning to UR (Urban Redevelopment) and an area plan amendment to change the use from institutional to mixed-use with remodeling work and expansion in District UR (Urban Redevelopment) on about 3.327 acres, generally located at the southeast corner of E. 18th Street and Woodland Avenue.

**KEY POINTS**

- Rezoning from UR to UR in order to amend a previously approved plan
- Zhou B Art Center
- Mixed-use

**PROFESSIONAL STAFF RECOMMENDATION**

Docket #            Recommendation

4.1    Approval

4.2    Approval with conditions

**CONTROLLING CASE**

Case 1134-URD-3 – Ordinance 990128 was passed by the

City Council on March 25, 1999 approving an amendment to a previously approved development plan in District URD (Urban Redevelopment District) on approximately a 30 acre tract of land generally bounded by Paseo Boulevard on the west, a line about 300 feet north of 17th Terrace on the north, a line about 405 feet east of Woodland Avenue on the east and 19th Street on the south.

**RELATED RELEVANT CASES**

13505-P: The Crossroads East/Jazz District study area is roughly bounded by Truman Road on the north, Brooklyn Avenue on the east, the Kansas City Terminal Railway tracks on the south, and Grand Boulevard on the west.

**HISTORY**

The subject property is located at the southeast corner of E. 18th Street and Woodland Avenue. It was the old Attucks School. The property is currently vacant with an approved tax incentive plan allows this property to be zoned UR.

**PLAN REVIEW**

Use-Specific (88-300) and Development Standards (88-400)

Standards	Applicability	Meets	More Information
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Boulevard and Parkway Standards (88-323)

No	N/A
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Parkland Dedication (88-408)

No	N/A
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Parking and Loading Standards (88-420)

Yes	Yes	Due to its landmark status, no automobile and 19 bicycle parking spots are required, 189 automobile and 19 bicycle parking spaces are provided.
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Landscape and Screening Standards (88-425)

Yes	Subject to Conditions	The applicant shall continue working with staff on fencing.
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Outdoor Lighting Standards (88-430)

Yes	Yes
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Sign Standards (88-445)

N/A	N/A	A sign package was not submitted, but the signs are expected to comply with 88-445 and be permitted separately.
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Pedestrian Standards (88-450) Yes Yes

**ANALYSIS**

The plan, as proposed, is in general conformance with the applicable plans. The proposed use including cultural exhibit, artistic workspace, indoor/outdoor event space, retail, etc. Due to the past use and the future land use recommendation to institutional use, an area plan amendment is required.

The applicant proposes three gated vehicular accesses- one from E. 18th Street; one from Woodland Avenue; and one from E. 19th Street. All three accesses are existing at the site. The applicant also proposes pedestrian entrance from all façades of the building.

The current building is a 4-story historic school and the applicant proposes to convert it into a 5-story mixed-use building with approval from Historic Preservation Committee. The change will not increase the building height overall. The interior remodeling with accommodate retail, lounge, and studios in the west wing, and event spaces and studios in the east wing. Beyond interior remodeling, the applicant also proposes to add a 1,700-square-foot entrance to the north of the building. The new entrance will mainly be constructed with glass and metal. The design has been approved by Historic Preservation Committee.

Additionally, the applicant proposes a sculpture garden for outdoor event space located on the west side of the building. Such use will be screened for security and privacy purposes. The applicant shall continue work with staff on the fencing materials and required landscaping prior to request for ordinance.

88-515-08-A. conformance with adopted plans and planning policies;

The plan, as proposed, doesn't comply with the applicable plans and policies including the approved development plan and the Heart of the City Area Plan. The plan recommends institutional use and the applicant is proposing a mixed-use including retail, lounge, even space and artistic studios; therefore, an amendment to the area plan is required and the application was reviewed along this the rezoning request.

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

Adjacent properties including west properties zoned UR and is a part of the overall development; north properties zoned R-1.5 with apartments on site and east and south properties zoned B4-5 for light industrial use.

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

The subject site is located in the Jazz District, which is an artistic oriented district. The use surrounding land use is mixed with medium/high-density residential, light industrial and commercial. Therefore, the proposed use is appropriate at this location.

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

Infrastructure and services are expected to be adequate for the development with conditions list in the condition



and correction report.

88-515-08-E. suitability of the subject property for the uses to which it has been restricted under the existing zoning regulations;  
The subject property is most suitable for mixed uses as proposed in the UR plan.

88-515-08-F. length of time the subject property has remained vacant as zoned;  
The Attucks School has been vacant for a long time, but staff doesn't have specific length of its vacancy.

88-515-08-G. the extent to which approving the rezoning will detrimentally affect nearby properties  
The plan is not expected to have a detrimental effect on nearby properties,

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.

**PROFESSIONAL STAFF RECOMMENDATION**

Staff recommends APPROVAL to the area plan amendment application and APPROVAL WITH CONDITIONS to the rezoning to UR plan application.

Respectfully submitted,

Xue Wood, AICP  
Planner

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<b>Policy or Program Change</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No
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<b>Operational Impact Assessment</b>	
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**Finances**

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

Continued from Page 2

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Xue Wood  
Planner

**Reviewed By:**  
Joe Rexwinkle, AICP  
Division Manager  
Development Management

**Date:** 3/18/2021

**Initial Application Filed:** 1/29/2021

**City Plan Commission:** 3/16/2021

**Revised Plans Filed:** 3/1/2021

**Reference Numbers:**

Case No. CD-CPC-2021-00023; CD-CPC-2021-00024