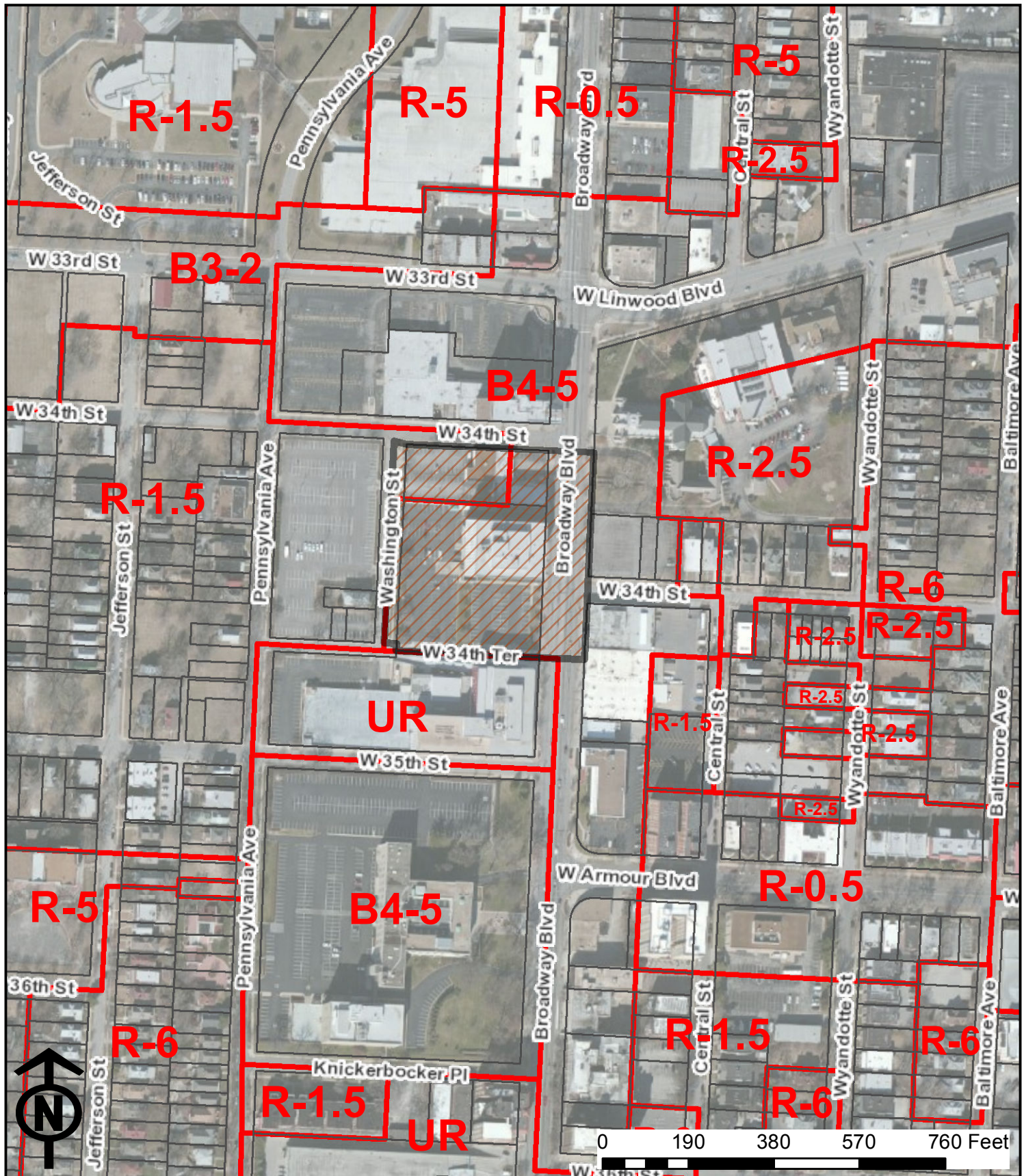
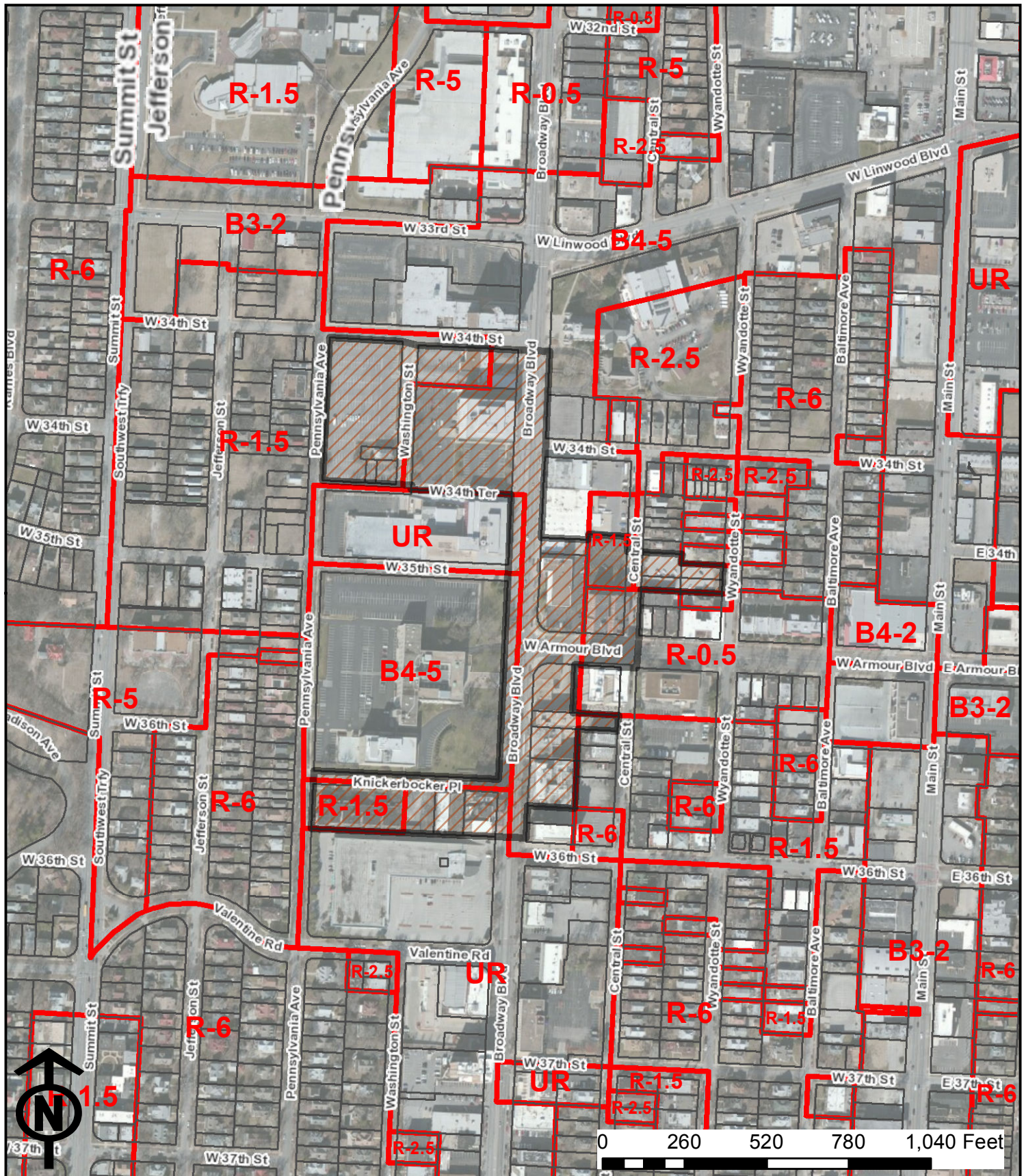


Case No. 132-S-42 - To consider a request to amend the Westport Planning Area Plan, on about 3.35 acre tract of land, generally bounded by W. 34th Street on the north, W. 34th Terrace on the south, Broadway Boulevard on the east and Washington Street on the west by changing the recommended land use from Office to Mixed Use.



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Case No. 594-S-2 - About 12 acres generally bounded by W. 34th Street on the north, W. 36th Street on the south, Wyandotte Street on the east and Pennsylvania Avenue on the west, to consider approval of the Second Amended and Restated Ellison/Knickerbocker 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.





City Planning & Development Department

Development Management Division

15th Floor, City Hall
414 East 12th Street
Kansas City, Missouri 64106-2795

816 513-8801
Fax 816 513-2838

STAFF REPORT

May 19, 2015

(18 & 19)

RE: **a) Case No. 132-S-42**
 b) Case No. 594-S-2

APPLICANT/ AGENT: Al Figuly
 Planned Industrial Expansion Authority
 20 E 5th Street, Suite 200
 Kansas City, Missouri 64106

LOCATION: Generally bounded by W. 34th Street on the north, W.
 36th Street on the south, Wyandotte Street on the east
 and Pennsylvania Avenue on the west.

AREA: About 12 acres.

ZONING: Districts R-1.5 (Residential 1.5), R0.5 (Residential 0.5), UR
 (Urban Redevelopment), and B4-5 (Heavy
 Business/Commercial)

REQUESTS: **a) Case No. 132-S-42** – To consider a request to amend
 the Westport Planning Area Plan, on about 3.35 acre
 tract of land, generally bounded by W. 34th Street on
 the north, W. 34th Terrace on the south, Broadway
 Boulevard on the east and Washington Street on the
 west by changing the recommended land use from
 Office to Mixed Use.

b) Case No. 594-S-2 – About 12 acres generally bounded
 by W. 34th Street on the north, W. 36th Street on the
 south, Wyandotte Street on the east and Pennsylvania
 Avenue on the west, to consider approval of the
 Second Amended and Restated Ellison/Knickerbocker
 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.

- PURPOSE:** The revised plan adds the MGE building located at W. 34th and Broadway to the Ellison/Knickerbocker PIEA General Development Plan.
- LAND USE PLAN:** The Westport Planning Area Plan adopted by Resolution No. 41438 on August 11, 1972 recommends Office land use at this location. The proposed PIEA plan amendment is not consistent with the future land use plan, which 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.
- ARTERIAL STREET**
- IMPACT FEE:** Benefit District – Exempt
(Informational only) The proposed development is within an exempt district.

RELATED PRIOR CASE:

Case No. 594-S-1 – Ordinance No. 140119 passed by City Council on February 27, 2014, approved the Ellison/Knickerbocker Redevelopment Expansion Area General Development Plan and declared the area a blighted and insanitary area in need of redevelopment and rehabilitation pursuant to the Missouri Planned Industrial Expansion Authority (PIEA) Law 100.300-100.620, RSMo.

Planned Industrial Expansion Authority Recommendation:

The Board of Commissioners of the Planned Industrial Expansion Authority (PIEA) of Kansas City, Missouri on March 14, 2003 adopted Resolution No. 740 approving the Blight Study and General Development Plan for the Ellison-Knickerbocker PIEA Redevelopment Area. Further, the Board recommended to the City Council that the Ellison-Knickerbocker Project Area be designated by ordinance as blighted, insanitary or an undeveloped industrial area, as defined by RSMo sections 100.310(2), 100.310(11) and 100.310(18), and that the General Development Plan for the Ellison-Knickerbocker PIEA Project Area be approved.

On November 19, 2013, the Board of Commissioners approved the First Amended General Development Plan and Blight Study.

The Board of Commissioners passed PIEA resolution No. 1705, approving the Second Amended General Development Plan and Blight Study. The revised plan adds the MGE building and associated parking on the 3400 block between Broadway Boulevard and Pennsylvania Avenue.

Area Plan Recommendations:

The applicant requests approval of a PIEA General Development Plan to obtain tax incentives for future development in the area. Land uses for properties within the plan area must conform to recommendations of the City's adopted land use plans. Portions of the area proposed be added to the PIEA plan is not consistent with the Westport Planning Area Plan future land use plan, which necessitates an area plan amendment.

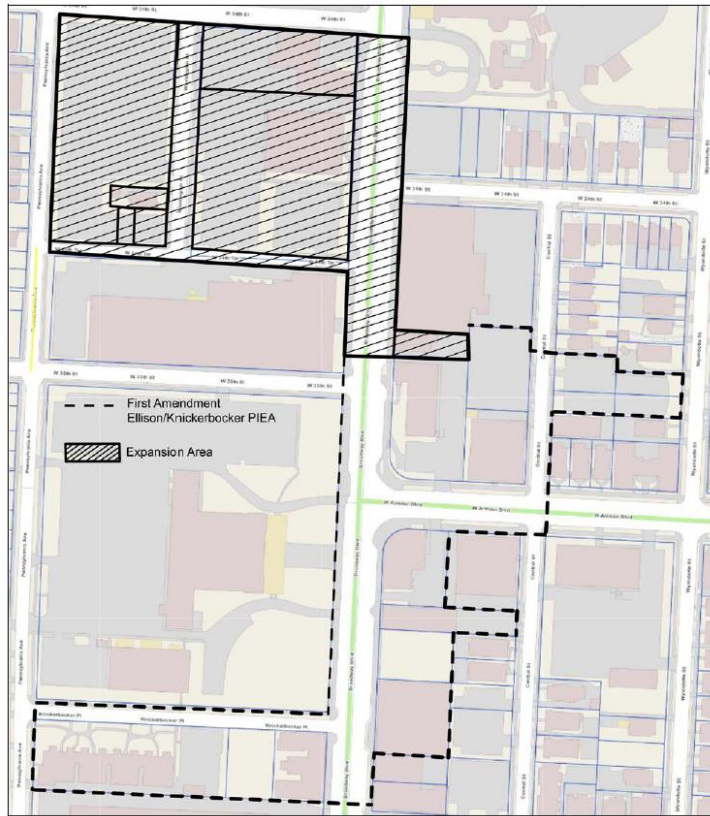
The **Westport Planning Area Plan**, as approved by City Council Resolution 41438 on August 11, 1972, and amended most recently by Resolution 120222 (Case No. 132-S-38) designates areas along Armour Boulevard for office uses, areas along Broadway for retail and office uses, and land on the south side of Knickerbocker Place for medium-density residential uses. Previously, in response to the Ellison-Knickerbocker PIEA plan, City Council Resolution 030569 adopted May 29, 2003, approved an amendment to the Westport Planning Area Plan by amending the Land Use Plan and Map for an approximately 0.34 acre tract of land generally located 250 feet south of Armour Boulevard on the east side of Broadway (3521 Broadway) from Retail to Office and an approximately 0.42 acre tract of land generally located at the northwest corner of Armour Boulevard and Central Street from Office to Multi-family Residential, Medium Density.

Case No. 132-S-42 is a request to consider amending the Westport Planning Area Plan, on about 6 acre tract of land, generally bounded by W. 34th Street on the north, W. 34th Terrace on the south, Broadway Boulevard on the east and Washington Street on the west by changing the recommended land use from Office to Mixed Use. Staff supports this change in land use.

EXISTING CONDITIONS:

The existing First Amended Ellison/Knickerbocker PIEA Planning Area is generally located within the boundaries of 34th Street south to 36th Street and from Wyandotte Street west to Pennsylvania Avenue. The Second Amended Ellison/Knickerbocker PIEA Planning Area (the "Amended Planning Area")

expands the existing Planning Area to the north with the addition of seven properties.



The property to be added (the "Expansion Area") is generally bounded by 34th Street on the north, Broadway Boulevard on the east, W. 34th Terrace on the south, and Pennsylvania Avenue on the west. The Expansion Area includes; the Missouri Gas Energy Headquarters; a small one-story medical office building; a two-story residential duplex; and a one-story retail parcel. The MGE building is an eight-story concrete structure built in 1984 and consists of almost 117,000 square feet of office space. Missouri Gas Energy occupies 95% of the building currently, but will be vacating the building at the end of 2015.

REZONING TO UR:

In compliance with City policy, the plan states that "Rezoning to District UR (Urban Redevelopment) will be required for all redevelopment seeking PIEA abatement unless the developer follows the Department of the Interior Standards or rezoning is waived by the City Planning Department Director. Rezoning to UR or granting of a waiver must be complete prior to the commencement of any PIEA incentives under this plan."

EMINENT DOMAIN:

The plan states that PIEA does not anticipate exercising the power of eminent domain within the expansion area, except perhaps to clear title, and will limit the use of eminent domain to five years from the approval of the amended plan. Should eminent domain be necessary to acquire real property in the future, the Amended Plan shall be amended and require approval of the PIEA and the City Council. Any use of eminent domain shall satisfy the requirements of Chapter 523, RSMo.

BLIGHT STUDY:

City staff does not participate in the determination of blight. The presentation on blight will be given by the PIEA consultant or Economic Development Corporation staff. The following information has been provided.

The plan states that the following existing conditions leading to the finding of blight, and further, that these factors have led to economic liability and underutilization of 3535 Broadway Boulevard.

- Deteriorating Site Improvements. Due to the age and deferred maintenance of improvements within the 2nd Amended Redevelopment Area, significant site improvement deterioration has occurred. The most common examples of structural deterioration found in the 2nd Amended Redevelopment Area involved deterioration of roofs, masonry walls, and windows, failure of finishes, and deterioration of driveways and surface parking.
- Insanitary or Unsafe Conditions. Due to the presence of broken/cracked sidewalks, trash/debris, overgrown vegetation, outdated building systems, and noncompliance with building codes and the Americans with Disabilities Act, insanitary and unsafe conditions exist throughout the Expansion Area.

The blighting factors stated above have led to the following:

Economic Liability/Underutilization. Due to the age of the facilities, deterioration of improvements, the presence of insanitary and unsafe conditions throughout the 2nd Amended Redevelopment Area, and the declining assessed values and vacancies, the 2nd Amended Ellison/Knickerbocker PIEA Redevelopment Area represents an economic liability or an economic underutilization to itself and the surrounding areas.

The Blight Study, dated February 13, 2015, accompanies the General Development Plan and was completed by STERRETT URBAN LLC. The study concludes that the area is blighted as defined by RSMo 100.310.

SIGNAGE:

Within the Expansion Area, in exchange for tax abatement, or any other assistance from PIEA, on any tracts owned by the owner or leaseholder of a legally established freestanding outdoor advertising sign, the developer agrees to remove the freestanding outdoor advertising sign upon the expiration of any lease which existed at the time this Amended Plan was approved, and no new freestanding outdoor advertising signs will be allowed.

RECOMMENDATIONS:

- a) City Planning and Development Staff recommends approval of **Case No. 132-S-42** without conditions.
- b) Regarding **Case No. 594-S-2**, should the City Plan Commission wish to approve a finding of blight within the plan area, staff offers the following motion:
 - 1. That a finding of "Blight" and "Insanitary" conditions as described in the Plan be approved.
 - 2. That **Case No. 594-S-2** be approved subject to the following condition:
 - 1. That two (2) copies of a revised plan document and a CD containing a pdf file be submitted to Development Management staff prior to the preparation of an ordinance request, revised as follows:
 - a. Correction all references to the Westport Planning Area plan to reflect the proposed accompanying Land Use Plan amendment.
 - 2. That prior to receipt of tax abatement, the applicant files application for and cause rezoning to District UR, if determined necessary.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Olofu O. Agbaji', written in a cursive, flowing style.

Olofu O. Agbaji
Planner