

COMMUNITY PROJECT/REZONING

Ordinance Number

Ordinance Fact Sheet

Case No. CD-CPC-2021-00113

Title

A request to approve a development plan, which also acts as a preliminary plat in District M1-1 (Manufacturing 1 dash 1) to allow the use of warehousing, wholesaling, and storage on about 9 acres, generally located at the southeast corner of Highway 150 and Prospect Avenue. (CD-CPC-2021-00113)

Details

Location: generally located at the southeast corner of Highway 150 and Prospect Avenue.

Reason for Legislation: Development Plans requires City Council approval.

The Commission recommended that this application be approved with conditions.

Plan Review Criteria (88-516-05)

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, (Note: this provision is not intended to prohibit an applicant from seeking a variance or other form of relief authorized under this zoning and development code or other applicable ordinances, when authorized.)

The development plan complies, subject to conditions and approval of the requested area plan amendment, with applicable zoning code, city ordinances, and policies.

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

Rezoning from R-80 to M1-1 designation will establish use of the property as a data center. The proposed use is in consistency with the approved use.

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.

Ingress and egress to and from the site is located at the proposed drive on Prospect Ave. The site has ample room for trucks to maneuver around the bins and enter and exit 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.

Staff does not feel it is necessary to require sidewalks on the perimeter of the property, as there is no pedestrian connection to the surrounding areas. The majority of traffic coming and going from the site will be vehicular. There is appropriate pedestrian connection from the parking area to the proposed office building.

Positions/Recommendations

Sponsors	Jeffrey Williams, AICP, Director Department of City Planning & Development
Programs, Departments or Groups Affected	6 th District (Bough, McManus)
Applicants / Proponents	Applicant Judd Claussen Phelps Engineering 1270 N Winchester St, Olathe, KS 66061 City Department City Planning & Development Other
Opponents	Groups or Individuals Basis of Opposition
Staff Recommendation	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against Reason Against
Board or Commission Recommendation	City Plan Commission (7-0) 10-19-2021 By Allender, Beasley, Crawl, 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)
Council Committee Actions	<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

88-516-05-E. The plan must provide for adequate utilities based on City standards for the particular development proposed.

The requirement will be satisfied with requirements listed in the Conditions Report. The septic system for the proposed office building must be verified to accommodate the building's use otherwise the developer shall provide sewer service by other means, which may require an extension of public sanitary sewer.

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.

As the surrounding area is mostly agricultural, thus the proposed pole barns and material bins conform to other similar structures in the area.

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 plan proposes to maintain the existing tree lines and vegetation on the site to provide screening from the road. Additionally, the plans show a 6 foot tall wood privacy fence around the entire site. Because the use for this site is outdoor storage, and it abuts residential zoning, the currently proposed wood fence materials are not in compliance with 88-425-09-B. The condition reports dictates the material must be revised to vinyl coated chain-link, wrought iron, or other decorative metal fencing, prior to ordinance request.

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 entire proposed impervious area is approximately one-quarter of the entire project site. The designated bioretention will accommodate the additional runoff from the increase in impervious surface.

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.

As stated, the plan proposes to maintain the existing tree lines and vegetation around the site to act as screening.

CONDITIONS:

1. Applicant shall provide engineer design & calculations for material holding areas due to loading and surcharge.
2. Provide details of the proposed future building on the site plan prior to request for ordinance, including:
 - a. Specify the location, the measurements, and the

use of the building.

b. Specify the accessibility to the building and if public would have access to the building.

c. Specify if the building would be a modular building or constructed on site.

d. Specify if any utility connection is proposed for this building on Sheet C3.

3. The proposed building without direct connection to utilities required per code shall only be granted as a temporary structure for no longer than one year from the date the Special Use Permit is granted. A future permanent building when proposed shall comply with the building code and are subject to the city's permitting process.

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, prior to issuance of any construction permits within said right-of-way, and that the owner/developer shall be responsible for all costs associated with subordination activities now and in the future.

5. The developer must secure permits to extend public 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.

6. The developer must dedicate additional right of way for Prospect Avenue as required by the adopted Major Street Plan so as to provide a minimum of 40 feet of right of way as measured from the centerline, along those areas being platted, or seek approval recommendations from the Transportation and Development Committee for any variances requested to the Major Street Plan prior to City Plan Commission approval.

7. 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.

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.

9. 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.

10. The developer shall submit documentation verifying the compliance of the proposed septic system with current City building codes as part of the building plan review. If the proposed septic system cannot meet either the building code or Missouri Department of Natural Resources (MDNR) requirements, the developer shall be responsible for providing sewer service by other means which may require the extension of a public sanitary sewer main.

11. 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

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 must pay impact fees as required by Chapter 39 of the City's Code of ordinances as required by the Land Development Division.

14. The developer must grant a BMP and/or Surface Drainage Easement to the City as required by the Land Development Division, prior to recording the plat or issuance of any building permits.

15. The developer must submit a Macro storm drainage study with the first Plat or Phase, from a Missouri-licensed civil engineer to the Land Development Division showing compliance with current adopted standards in effect at the time of submission, including Water Quality BMP's, to the Land Development Division for review and acceptance for the entire development area, and submit Micro storm drainage study with each subsequent Plat or Phase showing compliance with the approved Macro and adopted standards. The developer shall secure permits to construct any improvements as necessary to mitigate impacts from rate, volume, and quality of runoff from each proposed phase, prior to recording the plat or prior to issuance of a Building Permit, whichever occurs first as required by the Land Development Division.

16. The developer shall submit verification of vertical

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and horizontal sight distance for the drive connection to public right-of-way to the Land Development Division and make improvements to ensure local jurisdiction and/or minimum AASHTO adequate sight distance standards are met, prior to issuance of any certificate of occupancy.

17. 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.

18. All proposed signage shall comply with 88-445 and are subject to permits.

19. Revise the fence materials used for areas abutting the public streets to either vinyl coated chain-link or wrought iron or other similar decorative metal fencing as required by 88-425-09-B prior to issuance of permits.

20. For any construction work in MoDOT Right of Way, pull all necessary permits from MoDOT.

21. 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 is healthy prior to Certificate of Occupancy.

22. Show screening of outdoor display areas, storage areas and/or work areas in compliance with 88-425-09. The storage bins shall be at least 6-foot tall and screened by berming and landscape.

23. 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.

24. 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.

~~25. In the event the companion approval of the Special Use Permit (Case No. CD SUP 2021-00066) is revoked or expired or in the event the landowner fails to commence development shown on the development plan within 2 years after the development plan approval has been granted, then the development plan approval will lapse and be of no further effect. In the event of lapse of approval, the approved development plan have no further effect and the regulations of the R-80 zoning district will govern the subject for which plans have lapsed.~~ (CPC RECOMMENDS, BUT IS REMOVED BY STAFF

FROM THE ORDINANCE REQUEST BECAUSE IT CANNOT BE ENFORCED PER INSTRUCTION FROM THE LAW DEPARTMENT.)

26. That the developer shall submit an affidavit, prepared by an engineer licensed in the State of Missouri, verifying that all outdoor lighting has been installed in accordance with approved plans and that lighting levels do not exceed that shown on the approved lighting plan at the property lines prior to Certificate of Occupancy.

27. 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)

28. Fire hydrant distribution shall follow IFC-2018 Table C102.1
Fire hydrants shall be installed and operable prior to the arrival of any combustible building materials onto the site. (IFC-2018 § 501.4 and 3312.1; NFPA 241-2013 § 8.7.2)

29. If an approved security gate spans across a fire access road, an approved means for emergency operation shall be provided (IFC-2018 § 503.6)

30. That the developer ensures the cross-road culvert under Prospect Ave, near the southwest corner of the subject site, which receives stormwater runoff from the subject site and conveys it downstream, meets adopted APWA 5600 design criteria, in that it provides appropriate level of service for Prospect Ave and has adequate energy dissipation at its outlet, prior to issuance of any construction permits for the site.

31. A full flow fire meter will be required and existing service and meter must be killed.

32. The developer shall ensure that water and fire service lines should meet current Water Services Department Rules and Regulations.
<https://www.kcwater.us/wp-content/uploads/2019/04/2018-Rules-and-Regulations-for-Water-Service-Lines.pdf>

33. The developer shall have a water flow test done to ensure there is adequate water pressure to serve the development. South of River contact –Sean Allen -816-513-0318
North of River contact Dan Richardson – 816-513-4883

34. The developer must submit Fire Hydrant installation plans prepared by a registered professional Engineer in Missouri to the water 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>) {Every 300 feet for commercial developments}

35. If a pre manufactured building is considered for the future building, Applicant will provide a Missouri Public Commission approved package

See Staff Report for more information.

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

Finances

Cost & Revenue Projections – Including Indirect Costs	
Financial Impact	
Funding Source(s) and	

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Appropriation Account Codes	

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Fact Sheet Prepared By: **Date:** 10/25/2021

Xue Wood
Staff Planner

Reviewed By: **Date:** 10/25/2021

Joe Rexwinkle, AICP
Division Manager
Development Management

Initial Application Filed: 6/21/2021

City Plan Commission: 10/19/2021

Revised Plans Filed: 10/20/2021

Reference Numbers:

Case No. CD-CPC-2021-00112; CD-CPC-2021-00113; CD-CPC-2021-00114; CD-SUP-2021-00066; CLD-FnPlat-2021-00026