



Development Management Division

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

816 513-2846
Fax 816 513-2838

STAFF REPORT

March 20, 2018

(4a & b)

RE: **4a) Case No. SD1473A – Kinsley Forest Commercial First Plat**
4b) Case No. 12970-P-28

APPLICANT: Allen Peacock
Taurus Investment Holdings, LLC
610 N Wymore Road, #200
Maitland, FL 32751

AGENT: Paul J. Osborne
Olsson Associates
1301 Burlington Road, #100
North Kansas City, MO 64116

LOCATION: Generally located at SW corner of NW Englewood Rd & 169 Hwy

REQUESTS: **4a)** to approve a final plat on approximately 9.9 acres generally located at southwest corner of NW Englewood Road and Highway 169 to allow creation of six (6) commercial lots and one (1) tract in District B3-2 (Community Business dash 2).
4b) to allow for the amendment of the overall site layout and to change the uses as allowed by the existing development plan.

AREA: About 29.53 acres.

SURROUNDING LAND USE: **North:** Residential uses zoned R-2.5 and undeveloped land zoned B3-2
South: Undeveloped land zoned R-2.5
East: Undeveloped land zoned R-2.5 and B3-2 beyond which is Highway 169
West: Residential uses zoned R-2.5 and R-7.5

LAND USE PLAN: The Line Creek Valley Area Plan recommends residential high-density for the east area of the site and mixed use community for the west end of the site.

MAJOR STREET PLAN: NW Englewood Rd is classified as a Boulevard on the City Major Street Plan

ARTERIAL STREET IMPACT FEE: Impact Fee Zone E

PREVIOUS CASES:

Case No. 12970-CUP-17 – A request for approval of an amended preliminary community unit project plan and preliminary plat in District R-1a (one-family dwellings, medium density) and R-2b (two-family dwellings) on about 166 acres, generally located at the southwest corner of NW

Englewood Rd and Highway 159. (Ordinance 081270 passed February 5, 2009) Current approved preliminary plan.

Case No. 12970-P-25 - A request for approval of a Chapter 80 Final Plan for 312 residential units in 13 buildings in District R-2.5 (Residential 2.5).

Case No. 12970-A-26 – On March 22, 2016, the Board of Zoning Adjustment **GRANTED** a variance to the maximum allowable height in the amount of 9 feet to allow for the construction of six (6) apartment buildings at a height of 49 feet. This approval was granted subject to the condition that the applicant obtain project plan approval from the City Plan Commission due to the changes in building mass and site layout.

EXISTING CONDITIONS:

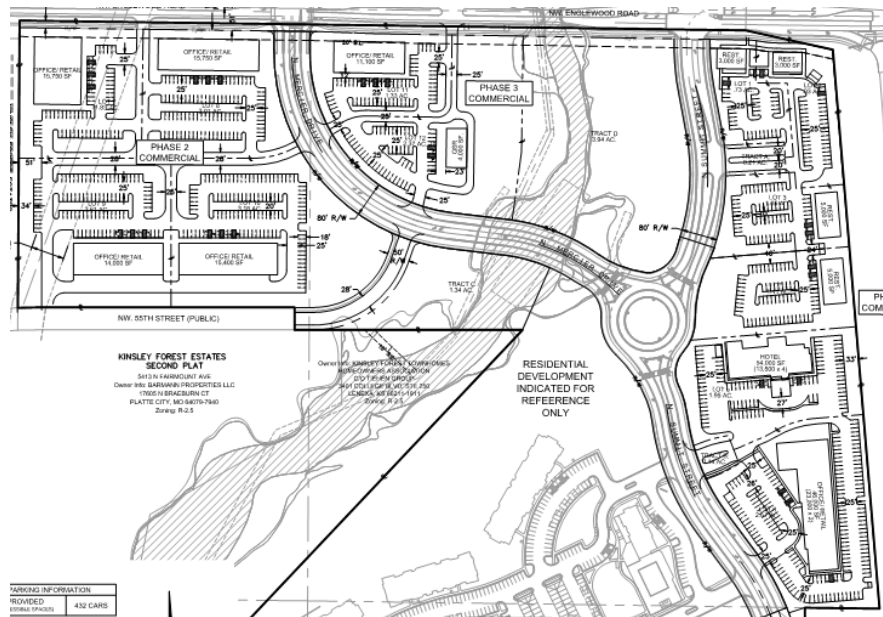
The subject property is a 29 acre undeveloped tract of land located south of NW Englewood Rd and west of Highway 169 within a larger development known as Kinsley Forest. Much of the subject property is forested with steep terrain. Access to the site is proposed off NW Englewood Rd. The applicant is proposing to modify the approved plan on the property expanding the allowed uses from retail and residential to all uses as permitted in district B3. Modifications also include designing the site to comply with the parkway and boulevard standards.

PLAN REVIEW:

A number of changes have happened within the Kinsley Forest development since the last plan amendment from 2009. The proposed amendment captures those changes, proposes changing the allowed uses from retail/restaurant/office to those allowed in B3, and amending the layout to comply with the parkway and boulevard standards. The plan proposes adding 34,000 square feet of commercial space.



Currently approved Development Plan



Proposed Development Plan

	Approved Plan				Proposed Plan			
	Acres	Square Feet	Required Parking	Proposed Parking	Acres	Square Feet	Required Parking	Proposed Parking
Phase One Commercial	16.39	74,920	375	498	9.99	116,000	290	426
Phase Two Commercial	10.24	62,580	313	314	11.56	60,900	62	317
Phase Three Commercial	7.43	20,500	103	109	7.98	15,100	40	48
TOTAL	34.06	158,00	918	921	29.53	192,000	404	846

The plan adds the use of hotel to the site. If the developer wishes to have flexibility beyond office, retail, restaurants and hotels a note needs to be added to the site stating the following:

“All uses as allowed by District B3 are permitted. All uses requiring a Special Use Permit in B3 shall require the approval of a Special Use Permit.”

The proposed development is overparked by 442 parking spaces – the previously approved plan was overparked by three spaces. More space should be preserved for landscaping and pedestrian connections and at least 300 spaces should be removed. The intent of parking provisions within the zoning code are as follows: “to help avoid the negative impacts associated with spillover parking into adjacent neighborhoods, while at the same time avoiding the negative environmental and urban design impacts that can result from parking facilities and other vehicular use areas.” The proposed overparking by 442 spaces is clearly not in conformance with the intent of the zoning code.

The overall layout of the plan has been amended to show the constructed round-about, the proposed hotel, and the buildings along Englewood reoriented toward the road. The proposal did not change the layout of the buildings along Summit. These buildings are pushed to the east closer to the highway than the City street. Although the previous plan showed this configuration, staff believes there is the opportunity to improve the urban design of the site and push the structures closer to the street versus the highway. The plan also shows the hotel to the southeast of the round-about. Staff would prefer the hotel be closer to Englewood.

Since the developer has no interest in relocating the hotel closer to the intersection of 169 and Englewood staff asked the hotel be oriented so the parking lot is more visible to the highway in order to provide visibility for police patrolling the area. Preferably the hotel would be oriented toward the street versus the parking lot.

The plan does not show an overall pedestrian connectivity plan. The overall development shows a series of pad sites connected through parking lots. A plan showing effective pedestrian connectivity needs to be provided to ensure that when completed the overall development promotes walking as a viable transportation option within the Kinsley Forest development. This connectivity shall include sidewalks within public right-of-way connected to on-site sidewalks and crosswalks provided through parking lots. Relocating the pad sites closer to city streets would reduce the amount of overall pedestrian connectivity needed as the developments would better line up.

Staff has asked for design guidelines for the Kinsley Forest development to ensure that all construction is cohesive and of high quality. Generally this would include permitted materials and some building elements. Use of stucco and metal panels should be extremely limited in order to promote high quality materials and unique building character. When stucco is used applications such as scoring shall be utilized to add definition. These designs should complement the completed Kinsley Forest Apartments to the west.

Examples of desired architecture and materials for Kinsley Forest Development:



Section 88-516-05 provides that, in order to be approved, project plans must comply with 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.

The plan is overparked by 442 parking spaces. The plan should be amended to better meet the intent of the zoning and development code. Pedestrian connections should be shown to show compliance with 88-450.

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

The use, density, and building type are allowed within District B3-2.

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.

Vehicular access within the site is adequate.

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.

Interior pedestrian access to the site is poor. The large mass of parking is not conducive to a pedestrian friendly environment. The applicant shall provide walkways of a different material throughout the parking lot to better connect the site for pedestrians. These walkways shall be provided to connect sidewalks through the parking lot. Bicycle parking is being provided to serve the site.

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

The site will be adequately served by new utility connections.

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.

The site layout is vehicular heavy and orients buildings toward the highway versus city streets. No details have been provided to give an idea of what the architecture will look like.

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.

No conceptual landscape plan has been provided so staff cannot comment on whether these undesirable views, noises, lighting or other negative influences will be buffered.

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 site is overparked by 442 parking spaces. The amount of impervious surface is excessive.

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.

This site was once heavily treed. Original plans aimed to preserve as many trees as possible. Unfortunately, this has not happened. When possible, remaining trees on site shall be preserved.

PLAT REVIEW:

The proposed plat will plat the area to the south of Englewood and east of Summit. The plat proposes creating 6 lots and 2 tracts. The areas of the lots and tracts are as follows:

- **Lot 1:** 0.724 acres
- **Lot 2:** 0.930 acres

- **Lot 3:** 1.046 acres
- **Lot 4:** 1.410 acres
- **Lot 5:** 1.941 acres
- **Lot 6:** 2.654 acres
- **Tract A:** 0.208 acres, to be used for access
- **Tract B:** 0.142 acres, to be used for access

The plat is in compliance with the standards of the zoning and development code.

RECOMMENDATION:

Case No. SD1473A – Kinsley Forest Commercial First Plat: City Planning and Development Staff recommends approval of Case No. SD1473A.

Case No. 12970-P-28: City Planning and Development Staff recommends approval of Case 12970-P-28, subject to the following conditions:

1. That the plans be revised as follows:
 - a. Show conceptual stormwater management facilities. (LDD correction, amy.bunnell@kcmo.org)
 - b. Provide a Preliminary Stream Buffer Plan, or show the required information outlined in Section 88-415 on the preliminary plat. (LDD correction, amy.bunnell@kcmo.org)
 - c. Show and label limits of 100-year floodplain. (LDD correction, amy.bunnell@kcmo.org)
 - d. Show all trees to be removed for utilities, grading, and/or street improvements by denoting the area with a label of "TREES TO BE REMOVED." Tree removal may be shown as individual trees for linear construction or by the acre for large areas of site disturbance. (parks correction, Richard.allen@kcmo.org)
 - e. Show all individual or areas of trees to be preserved within the limits of the plan area by denoting the area with a label of "TREES TO REMAIN." (parks correction, Richard.allen@kcmo.org)
 - f. Provide note on plans listing parkland fee. (parks correction, Richard.allen@kcmo.org)
 - g. Add a note to the plan stating "All development within 150 of Englewood Road shall comply with the Parkway and Boulevard Standards."
 - h. Add a note to the plan stating "All uses as allowed by District B3 are permitted. All uses requiring a Special Use Permit in B3 shall require the approval of a Special Use Permit"
 - i. Show pedestrian connections throughout development between uses, to major roads and through parking lots. Refer to 88-450 for requirements.
 - j. Buildings shall be oriented toward City Streets versus highway. Move buildings away from highway to front N Summit Street. Parking shall be located between buildings and highway.
 - k. Provide a document detailing the proposed building materials and overall design for all future buildings within development. Refer to the Line Creek Area Plan design guidelines for direction. All project plans shall comply with the regulations of this document.
 - l. Remove a minimum of 300 parking spaces.
 - m. Label all streets.
 - n. Provide a street tree planting plan approved by the City Forester.
 - o. A Project Plan shall be required for all buildings within the development.
 - p. A detailed landscape plan shall be reviewed with each Project Plan. At this time, provide a general landscape plan showing:
 - i. Street Trees
 - ii. Required screening along perimeter of parking lots
 - iii. Required screening to adjacent residential uses
 - iv. Required interior landscaping of parking lots

Conditions per Development Management Division (Ashley Winchell, ashley.winchell@kcmo.org)

2. No building permits shall be issued until a Project Plan or Special Use Permit is approved. Failure to do so will delay issuance of the building permit.
3. All uses as allowed by District B3 are permitted. All uses requiring a Special Use Permit in B3 shall require the approval of a Special Use Permit.

Conditions per Long-Range Planning (John DeBauche, john.debauche@kcmo.org)

4. Refer to the Line Creek Area Plan guidelines when considering design of the site as the guidelines cover building placement, building materials, connectivity, landscaping, transitions, pedestrian/bicycle circulation.

Conditions per Land Development Division (Amy Bunnell, amy.bunnell@kcmo.org)

5. 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.
6. 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.
7. The developer must dedicate additional right of way for NW Englewood Rd as required by the adopted Major Street Plan so as to provide a minimum of 50 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.
8. 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.
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 must design and construct all interior public streets to City Standards, as required by Chapter 88 and the Land Development Division, including curb and gutter, storm sewers, street lights, and sidewalks.
11. The developer shall submit verification of vertical 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.
12. 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.
13. The developer 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, to identifying 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 submit plans to Land Development Division and obtain permits to construct sidewalks along the platted frontage of all tracts.
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 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.
18. 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.
19. The developer must grant a BMP Easement to the City as required by the Land Development Division, prior to recording the plat or issuance of any building permits.
20. The developer shall submit a Preliminary Stream Buffer plan prior to approval of the Development plan in accordance with the Section 88-415 requirements.
21. The developer shall submit a final stream buffer plan to the Land Development Division for approval prior to issuance of any building permits and obtain permits for the Stream Buffer prior to removal of any mature riparian species within the buffer zones due to building activities on the site, in accordance with the Section 88-415 requirements.
22. The developer must grant on City approved forms, a STREAM BUFFER Easement to the City or show and label the final stream buffer zones on the subdivision plat within a private open space tract, as required by Chapter 88 and Land Development Division, prior to issuance of any stream buffer permits.
23. The developer must obtain a floodplain certificate from Development Services prior to beginning any construction activities within the floodplain.
24. The developer must show the limits of the 100-year floodplain on the final plat and show the Minimum Low Opening Elevation (MLOE) of any structure on each lot that abuts a 100-year flood prone area on any plat and plan, as required by the Land Development Division.
25. The developer must submit covenants, conditions and restrictions to the Land Development Division for review by the Law Department for approval and enter into covenant agreements for the maintenance of any private open space tracts with stream buffer zones or stormwater detention area tracts, prior to recording the plat.

Conditions per Water Services Department (Nimesha Senanayake, Nimesha.Senanayake@kcmo.org)

26. Water service lines shall meet current standards.

Conditions per Parks and Recreation Department (Richard Allen, Richard.allen@kcmo.org)

27. The developer must submit a streetscape plan with street tree planting plan for approval and permitting by the Parks and Recreation Department prior to beginning work in the public right of way.
28. The developer must follow the Boulevard and Parkway Standards established by Ordinance 150544 and described in Sections 88-323, 88-405-D, 88-450, 88-810-192, 88-810-512, 88-810-1108 and 88-810-2165 for work along Englewood Boulevard.
 - a. Setbacks
 - b. Allow land uses
 - c. Parking
 - d. Transparency
 - e. Drive entrances
 - f. Orientation
29. The developer must submit a letter to the Parks and Recreation Department from a Licensed Civil Engineer, Licensed Architect, or Licensed Landscape Architect, who is registered in the State of Missouri, stating the condition of the sidewalks, curbs, and gutters. The letter must identify state of repair as defined in Chapters 56 and 64 of the Code of Ordinances for the sidewalks, curbs, and gutters. It shall identify the quantity and location of sidewalks, curbs, gutters that need to be constructed, repaired, or reconstructed. 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 Parks and Recreation Department, prior to recording the plat. This is for along Englewood Blvd.

Respectfully submitted,



Ashley Winchell, AICP
Lead Planner