

# COMMUNITY PROJECT/ZONING

## Ordinance Fact Sheet

Case Nos. 221-S-7 & 14313-MPD

**120874**

Ordinance Number

**Brief Title** \_\_\_\_\_ **Approval Deadline** \_\_\_\_\_ **Reason** \_\_\_\_\_

\* 221-S-7, Approving an amendment to the Blue Valley Industrial Area Plan to change an area to a Heavy Industrial use.

\* 14313-MPD, To consider rezoning about 37 acres from Districts R-2.5 (Residential 2.5) and M 3-5 Manufacturing 3 (dash 5) to District MPD, Master Planned Development District and the approval of a preliminary development plan for a Teamsters Apprenticeship Training area, which also serves as a preliminary plat.

Details	Positions / Recommendations	
<p><b>Specific Address</b> About 37 acres, generally located south of Atchison, Topeka &amp; Santa Fe Railroad, west of the Gulf Mobile Ohio Railroad, north of Wilson Avenue and Morrell Avenue and east of Marsh Avenue</p>	<b>Sponsor</b>	Bob Langenkamp, AICP, Assistant City Manager, Director City Development Department
<p><b>Reason for Project</b></p> <p>To allow for a Teamsters Apprenticeship Training area for heavy equipment</p>	<b>Programs, Departments, or Groups Affected</b>	<b>Council District(s):</b> 4 <sup>th</sup> (Glover, Marcason) <b>Other districts:</b>
<p><b>REPORT:</b></p> <p><i>Note: On August 7, 2012, at the request of some neighbors in the area, the City Plan Commission removed about four acres of the southern portion of the original submittal located just east of Marsh, generally between Morrell and Wilson.</i></p> <p><b>Existing Conditions:</b></p> <p>The 40 acre site is generally located north of Wilson Avenue and east of Interstate 435. The form of the ownership is generally non-compact and folds around various properties from west to east, following the recently purchased ownership pattern instead of a contiguous and compact form. Proposed Tract B, is south of Wilson Avenue along the east side of Marsh Avenue and is 800 feet south of the main usable portion of the proposed teamsters training facility. The assembly of land tracts loosely form an inverted U with the eastern portion of the U serving as the main, unimproved entrance. The site measures about 2,000 feet east to west. The west side has about 1,200 feet of frontage along the right of way of both I-435 and Marsh Avenue. The eastern portion is bordered by a mobile home court, which is both in Kansas City on the north and Independence, Missouri on the south. In addition, the eastern 150 feet of the entrance north of Wilson Avenue is within the City of Independence.</p>	<b>Applicants/ Proponents</b>	Jim Kidwell Construction Corp.  Doug Stone c/o Amy Grant Polsinelli Shughart PC 6201 College Blvd, Ste 500 Overland Park, KS 66211
	<b>Opponents</b>	<b>Groups or individuals</b> Some neighbors at first CPC mtg. due to dust and other aspects. No opposition at second hearing.
	<b>Staff Recommendation</b>	<input checked="" type="checkbox"/> For, with conditions <input type="checkbox"/> Against Reason Against:
	<b>Board or Commission Recommendation</b>	By: City Plan Commission, 8/7/12, 7-0, Voting Aye: Archie, Baker Hughes, Gutierrez, Krum, Martin, May and Van Zandt <input type="checkbox"/> Approval <input checked="" type="checkbox"/> Approval, with conditions <input type="checkbox"/> Denial
	<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

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

<p>To the east of the entrance are two full blocks of aged single family detached homes. These homes are developed on smaller lots compared to current standards and are served by E St John Avenue, E Morrell Avenue, McElroy Avenue and Aber Avenue, all in Independence. The homes are on scattered sites, not from the platting, but likely due to intermittent home demolition. The homes appear to have been built in the 1940's or 1950's, typically lack attached garages and are located on roadways which lack modern public infrastructure such as sidewalks, curbs and gutters. To the west of the main entrance, located within Kansas City, are about two blocks of similar aged single family homes. In some areas, the access to the more remote homes is difficult to distinguish whether the modestly paved road is public or private. To the south of the subject site is a recently closed charter school and residential. To the north of the site are active railways which travel in an east/west pattern connecting downtown Kansas City to points east.</p> <p>The Tract has a high point near the center, about 900 feet north of Wilson Avenue. From this point, the elevation of the tract drops significantly from south to north towards the lower, floodplain elevations of the Missouri River, located about 0.5 miles to the north. The subject site appears to have been used at one time for fill or earthwork as there are remnant rock scatterings, no native plant establishments and unnatural dirt movements.</p>	<b>Policy or Program Change</b> <input type="checkbox"/> No <input type="checkbox"/> Yes	
	<b>Operational Impact Assessment</b>	
	<b>Finances</b>	
	<b>Cost &amp; Revenue Projections – Including Indirect Costs</b>	
	<b>Financial Impact</b>	
	<b>Fund Source and Appropriation Account Costs</b>	

**Project Start Date**

Plan filed: June 1, 2012  
CPC date: August 7, 2012  
Plan Re-submitted: September 4, 2012

**Project Completion or Occupancy Date****Fact Sheet Prepared by:****Date:** September 19, 2012

John Eckardt  
Planner

**Reviewed by:****Date:** September 19, 2012

Diane Binckley, Manager  
Development Management Division

**Reference or Case Numbers:** Case Nos. 221-S-7 and 14313-MPD

Even though some of the tract has been platted along the western side, the tract shows no evidence of prior development, such as clear roadways, street lights, foundations from structures, etc. There are generally dense volunteer tree massings surrounding the center of the tract and serving as a buffer from the single family homes in both Kansas City and Independence.

The main traveled way into the site is at the southeast portion of the tract and along the east side of the inverted U. The entrance is from Wilson Avenue and is in Independence. The existing drive is similar from a developed state as is the rest of the tract, in that it is difficult to tell the difference from the entrance drive from the rest of the area. The drive has been developed with limestone rock deposits scattered thinly at what appears to be various times. The drive extends from south to north through the site about 800 feet and turns east, then curving to the north and back west, to the entrance of an underground mine. The entrance to the mine has a sealed garage door and is also fenced to prevent entry. The site has electrical service.

No roads in the area are improved to current subdivision standards. The primary road serving the area is Wilson Avenue. Wilson Avenue is an E/W road and is about one half mile north of E Winner Road. Wilson is constructed of asphalt, is about 20 feet back of curb to back and has no sidewalks. The roadways in the residential areas in Kansas City--Booth and Marsh Avenues are also not developed to current standards and at times, it is difficult to tell where either the roadways or rights of way are. Marsh Avenue, located along the west side of the development has a narrow asphalt pad, and has been barricaded about 200 feet north of Wilson rendering the roadway to the subject area generally unusable.

**Proposal:**

**Section 88-280-03 Developer's Statement of Intent states the following:**

"Each MPD application must include a written explanation from the applicant describing the community benefits of the proposed development and how the proposed development provides greater benefits to the city than would a development carried out in accordance with otherwise applicable zoning and development code standards."

The applicant has submitted a written explanation. This statement is included as Attachment 1.

**According to the applicant's representative the site will be used in the following manner:**

*The site is to be used as a training facility to provide instruction in small class sizes to truck drivers, training them on the use of specialty trucks such as dump trucks, bulldozers, boom trucks and the like. Trucks used for training at the site will be stored at the site (likely in an underground area that already exists there). Trainees will travel to and from the site in their personal vehicles. Therefore, except for very infrequent occasions, the use will not create any truck traffic to or from the site. Different equipment may be brought in from time to time to be used for the training, but that will be rare.*

*We expect that almost all trainees will already possess a commercial driver's license and will just be trained at the site on how to use a specifically equipped truck. Once in a blue moon, there may be a trainee that does not have his/her commercial driver's license yet. In that case, it is*

*possible that the trainee will be permitted to take one of the on-site training trucks to take his/her commercial driving test, accompanied by a trainer.*

*We anticipate no more than one class a day, and do not expect there will be classes every day. We expect that at the start, there might be 1-2 classes a week, but that could increase based on market demand for training on these vehicles. Classes may be held Mondays through Saturdays generally, and occasionally on Sundays, as needed to meet the work schedules of trainees. We expect classes would be between 8 am and 5 pm, but not necessarily all day within that window of time. Class sizes are unlikely to exceed 7 or 8 people. We will only have one instructor, so class size is limited in a practical sense.*

*Regarding the development of the site for this proposed use, the applicant's site plan does show a small building to be constructed for an office and classroom. This improvement was placed on the site plan as a placeholder only. There is no intention to construct this improvement in the short term, but it could be constructed in the future. If it is constructed, it will be constructed entirely within the limits of Kansas City, Missouri.*

*Doug Stone*

The proposed plan and preliminary plat is for a proposed Lot (Lot 1) and two tracts (A&B). The proposed plan shows the existing gravel drive within Independence, remaining as the main entrance for the training facility. The plan also shows a potential future building pad for classroom work along the entrance about 500 feet north of Wilson Avenue. To the south of the building pad is a potential future parking field. Both the building and parking lot are split between Kansas City and Independence. A secondary entrance is shown on the west side of the tract, adjacent to, and east of Marsh Avenue. The entrance begins on the south at Wilson Avenue, and extends to the north, over Morrell Avenue to a point about 700 feet north of Wilson Avenue. The all-gravel drive then extends through the site to the north and east, back to the primary entrance drive. The on-site gravel roads are about 15 feet wide and extend around large areas where the training will take place.

#### **ANALYSIS:**

Area Plan: Case No. 221-S-7 requests a change to the Blue Valley Industrial Area Plan by changing the proposed land use from Low Density Residential (1-8 Units Per Acre) to Heavy Industrial. This amendment is required because the proposed use falls within the industrial land use category of Warehousing, Wholesaling, Freight Movement. This industrial use is first allowed within the M-4 zoning district. The area is being zoned to District MPD but the proposed zoning must be in compliance with the area plan. Staff from the City's City Wide Planning Division supports the land use change because: the site has an underground mine and is unlikely to ever redevelop into residential uses, the current roadway system is able to handle the expected traffic from the proposed use, the existing natural tree buffer currently surrounding the proposed training facility provides a significant buffer from the scattered residential uses nearby, the land use activity is limited in scope and hours of operation so as not to impact the adjacent residential uses, but somewhat distant owners, the land is unlikely to redevelop into another use other than the proposed and similar uses have already been taking place on the site.

In addition, it is city staff's recommendation that except for the entrance area, that both the land use plan industrial designation and rezoning to District MPD only occur on those portions of the ownership located

north of the line located on the north side of the following:

- \* Lots 1-10 Morwood
- \* Lots 45 and 46 Morwood

This will remove Tracts A and B from the proposed action and will also remove those areas north of Morrell Avenue which will remain in a long term residential land use. The few outlying properties south of Morrell that are owned by the developer have no direct relationship with the proposed training facility and the area south of Morrell seems to be an area platted for residential use and extending a heavy industrial land use recommendation is not advisable. That is also the case for Lots 1-10 Morwood.

Chapter 52. The site is proposing numerous gravel drives within the site. Chapter 52 controls drives and parking stations within the city. Section 52-35(b)(3) states the following:

**Sec. 52-35. - Ground surface.**

- (a) *All parking stations and residential parking spaces, inclusive of all access drives and all turning or maneuvering areas, established either after September 10, 1951 or after annexation by the city, shall be surfaced with an all-weather, dustless material such as asphaltic or Portland cement concrete.*
- (b) *Exceptions to subsection (a) of this section are as follows:*
  - (1) *Interim parking stations may be surfaced with a bituminous seal coat over crushed rock in lieu of asphaltic or Portland cement concrete.*
  - (2) ***Interior limited-access drives within lots located in industrial zones.***

Since note 2 allows for the exception of the required hard surface drives within industrial areas, the site is allowed gravel drives. Even though Chapter 52 allows for a gravel use within the site, city staff has heard some neighborhood concerns regarding the potential for gravel dust in the air caused by heavy equipment on the gravel roads. Staff agrees that there is the potential for air born dust and recommends that the user be required to control the dust. City staff requested from the applicant information on how the dust would be controlled and has received no response. City staff reminds the applicant that Chapter 8 of the Municipal Code deals with the quality of air. The general premise is that dust cannot leave the premises. If there are questions, the contacts are Chris Smith at 513-6169 and Katherine Reid at 513-6177. After consulting with city engineers, city staff arrived at the conclusion that asphalt was not an appropriate material for the drives due to the cost and likelihood of breakage with the heavy equipment. Engineers also recommended that if gravel were to be used, it should be made to be dust-free. It is recommended that calcium chloride be applied twice a year or more if needed.

The applicant is proposing a secondary access gravel drive along the east side of Marsh Avenue and extends from Wilson Avenue on the south to a point about 700 feet north. The applicant has also stated that this secondary access may be eliminated, if not deemed necessary by the operation. Since city staff is now recommending that Tracts A, B and Lots 1-10 Morwood, staff also recommends that the second access be eliminated from the plan. *(Note: this second entrance was removed from the plan).*

The plan shows future parking at the main entrance. City staff recommends that this be shown to be

asphalt or other hard surface. In addition, there is no count on the number of required or proposed vehicle parking spaces. These calculations must be shown on the plan. In addition, both long and short term bicycle spaces must be shown on the plan.

An earlier statement of site use identified the existing cave as the location where the heavy equipment will be stored. In viewing the status of the entry of the cave, it is unclear how this cave will be used for storage due to the small entry size. The plan should clearly state where the equipment is to be stored on site. If not, it could be that the large equipment needed for the use will be brought in on a regular basis. This plan is recommended for approval because the dated and limited roadway system will not be used extensively for large equipment use. In addition, the plan makes no mention that there is a cave within the site. One of the reasons for a recommendation of approval is that the site cannot in the future be used for other land uses because of the underground cave. At the Development Review Committee meeting, the applicant's representative stated that the applicant recently purchased the property and did not know the extent of the existing mine. Efforts should be made to determine the extent of the mine. If this cannot be done, a note should be placed on the plan that an underground mine exists.

**RECOMMENDATION:**

At its regularly scheduled meeting on August 7, 2012, the City Plan Commission recommended in the following manner: Please note additions in **bold** and deletions in ~~striketrough~~.

a. Case No. 221-S-7 – Approval with one condition:

1. Revise the recommended legal description for the amendment to a land use plan of industrial so that the southern boundary of the proposed industrial use located west of the entrance is the north like of Lots 1-10 Morwood. Therefore Tracts A, B and Lots 1-10 Morwood and Lots 45 and 46 Beaumont will be removed from the request.

b. Case No. 14313-MPD -- Approval with the following conditions:

1. That five collated, stapled and folded copies (and a CD containing a pdf file, a georeferenced monochromatic TIF file, and CAD/GIS compatible layer of the site plan boundary referenced to the Missouri state plan coordinate system) 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 the ordinance request showing:
  - a. Show modified connection to Wilson Avenue or relocate the power and light pole and drive conflict that currently exist, **if located within Kansas City.**
  - b. Remove Tracts A, B and Lots 1-10 Morwood and Lots 45 and 46 Beaumont from the plan.
  - c. Show existing sewer services and/or any proposed sewer extensions.
  - d. Add note to plan that indicates the planimetrics and property information have not been field verified and may not correspond to actual conditions.

- e. Show full extents of the plat and adjacent infrastructure important to this development (200 feet minimum), particularly sewers (storm and sanitary) and existing easements or existing services to be utilized or constructed.
- f. Depending on limits of site surface modification, depict more of the concept for storm water management mitigation for the minor site plan proposed site improvements/disturbance/redevelopment-expansion area including proposed detention, BMP's, volume controls, pervious pavement, or treatment areas, etc., as appropriate to conceptualize ultimate stormwater management compliance with city standards. Show any off-site conveyance systems (enclosed, gutters, natural, or proposed whatever they are that are being utilized) for purposes of conveying conceptually how systems will be connected to or will convey of the 100-year post development flows from the site. Identify the private and public portions of the storm water management system and conveyance system. Show conceptually required private permanent BMP's or surface drainage easements that are needed to address redevelopment disturbances and storm water mitigation/conveyance and their corresponding easements/covenant boundaries. BMP's and surface drainage easements require stand alone maintenance obligation conveyance documents (Easement or Covenant), but are not required for site maintenance activities or voluntary BMP enhancements that are not regulatory obligations.
- g. Show conceptually required private permanent BMP's or surface drainage easements that are needed to address redevelopment disturbances and storm water mitigation/conveyance and their corresponding easements/covenant boundaries. BMP's and surface drainage easements require stand alone maintenance obligation conveyance documents (Easement or Covenant), but are not required for site maintenance activities or voluntary BMP enhancements that are not regulatory obligations.
- h. Show the scale and north arrow of the drawing.
- i. Clearly show the limits of the proposed vacation of all public streets and alleyways with a stipple or shade pattern.
- j. Show on the plan in a dashed line or other method, the extent of the underground mine that exists within the site. At a minimum state on the plan that the site has an underground mine and further state what the extent is if known.
- k. Clearly state on the plan that the hours of operation will not be earlier than 7 AM and not be later than 6 PM, Sunday through Saturday.
- l. Clearly state on the plan that there will be no lighting for the work/training areas and no outdoor speakers.
- m. Show all existing and proposed vegetation.
- n. State that buffer plantings will be installed along the north side of Lots 45-52 and 81-83 of Beaumont subdivision to be included in the overall landscape plan with the final plan as required by City Development Department staff.





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8. The owner/developer shall 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.
9. The developer must grant a Surface Drainage Easement to the City as required by the Land Development Division, prior to recording the plat or issuance of any building permits.
10. The developer must grant on City approved forms, BMP Easements to the City, as required by Chapter 88 and Land Development Division, prior to issuance of any building permits or bmp permits, whichever occurs first.
11. That the developer provide for fire protection as required by the Fire Department.
12. That the developer provide additional water main easements and extend water mains as required by the Water Services Department.
13. That the developer within 30 days of approval of the preliminary development plan by the city council, 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.
14. ~~That calcium chloride will be applied on all graveled areas at a minimum of two times per year, preferably in late spring and late summer, or more times as required by the Health Department, per a rate as recommended by Section 2154.1 of A.P.W.A.~~ **That the developer agree to abide by Section 8-5 Emission of Particulate Matter Code of General Ordinances by controlling the release of dust from the site and including the Attachment AA: Best Management Practices (BMP's) – Construction Industry Fugitive Emissions For Haul Roads, as presented at the City Plan Commission, to the rezoning plan, or as otherwise authorized by the Health Department.**
15. That the developer submit a final development plan to the City Development Department for approval by the Development Review Committee prior to the issuance of a building permit.