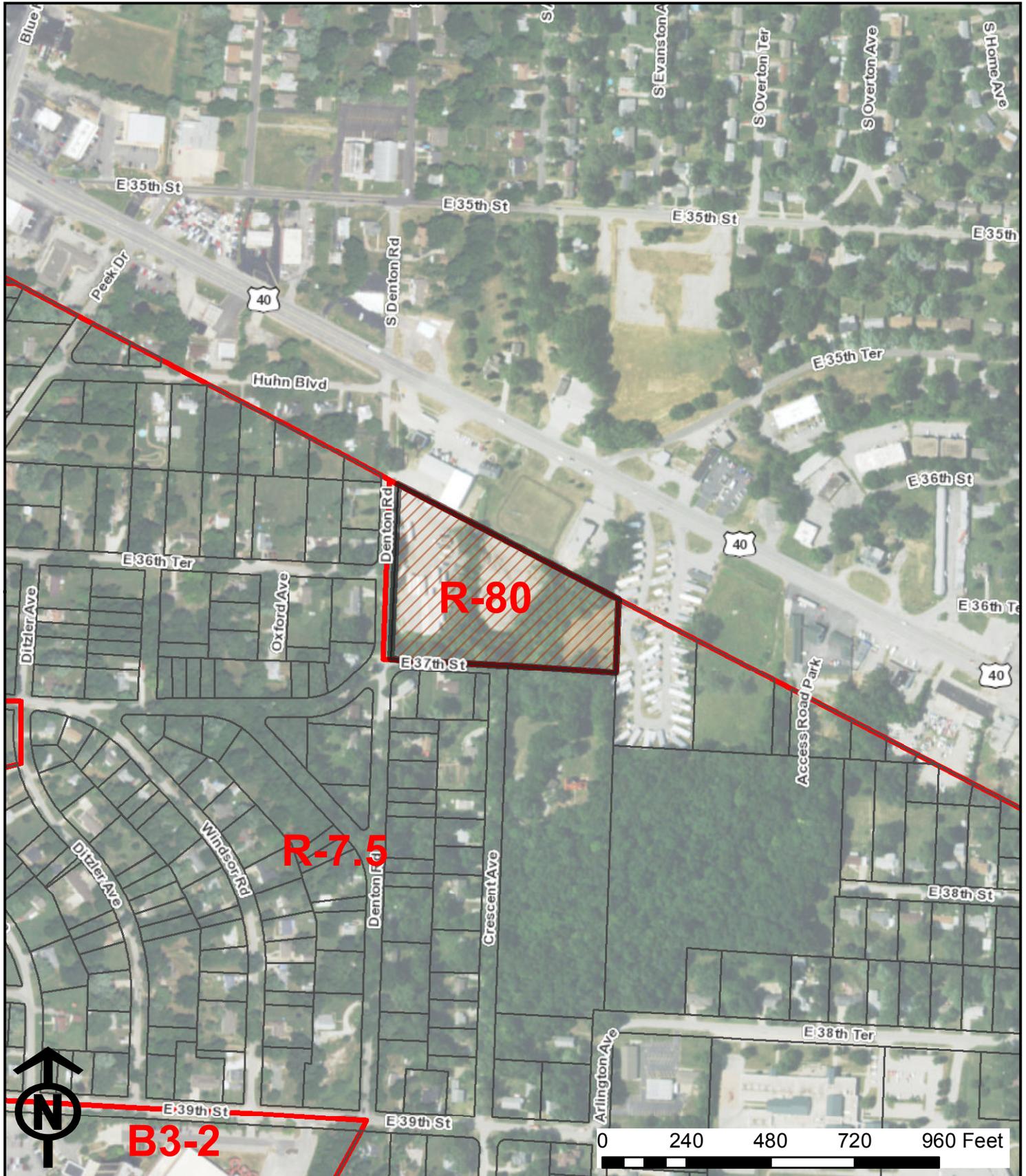
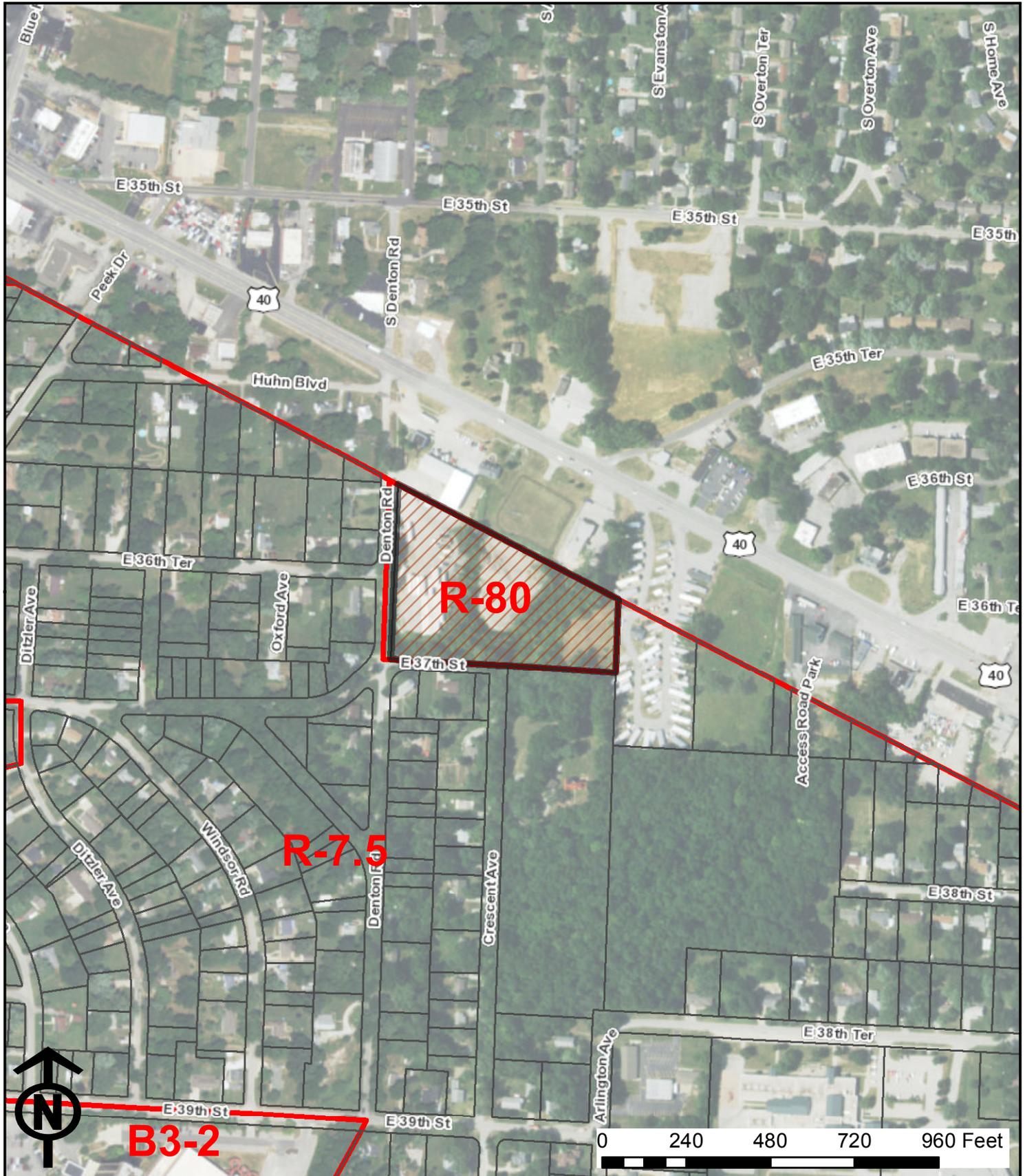


Case No. 751-S – About 5.23 acres, generally located at 3601 Denton Road, to consider approval of an amendment to the Blue Ridge Area Plan from the recommended land use of Residential to Light Industrial.

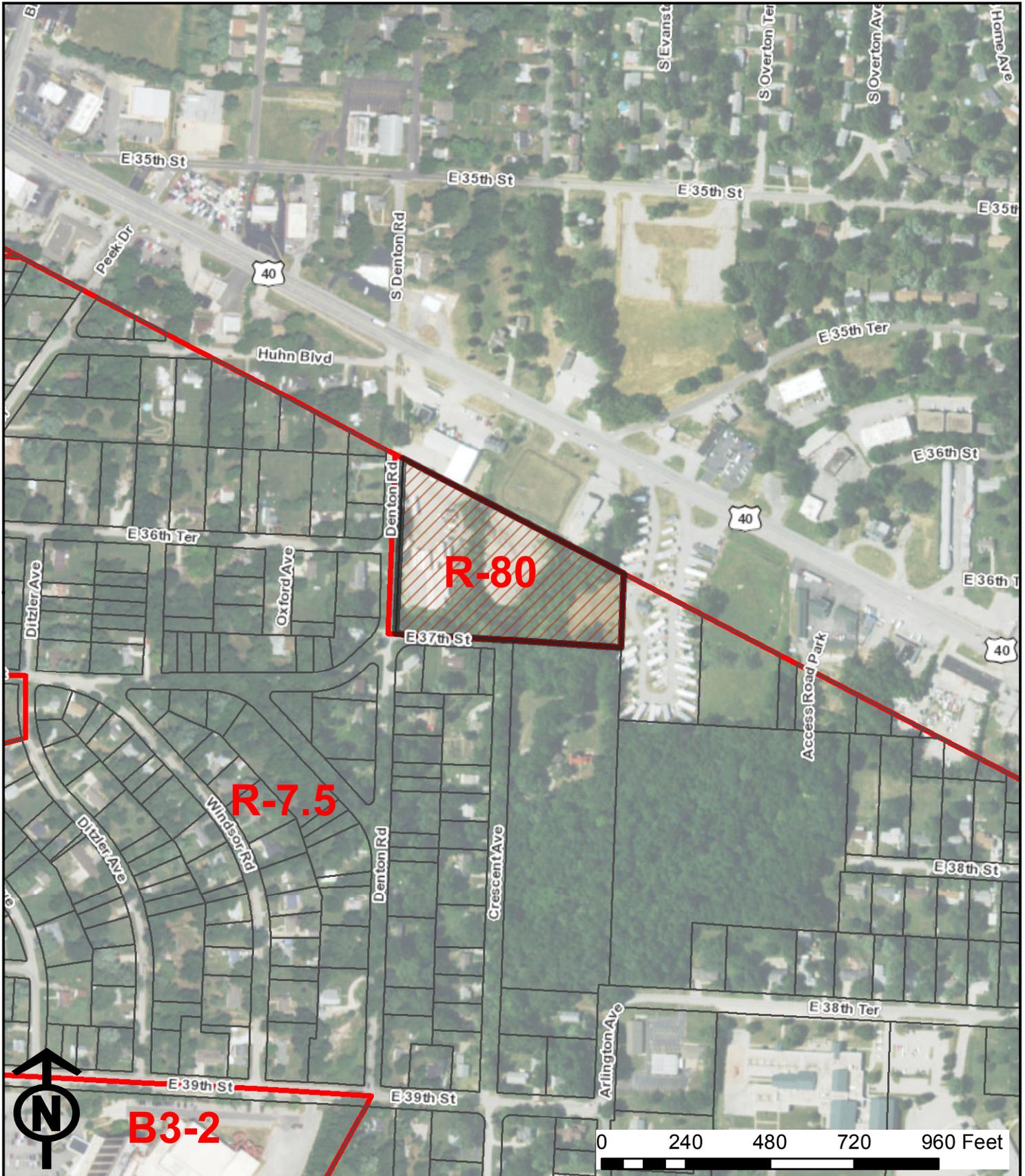


Case No. 11801-P-3 - About 5.23 acres, generally located at 3601 Denton Road, to consider approval of development plan in District M1-1 (Manufacturing 1-1) to allow the site to be used for Freight Movement uses.



# 11801-P-2

Case No. 11801-P-2 - About 5.23 acres, generally located at 3601 Denton Road, to consider approval of rezoning the site from District R-80 (residential 80) to District M1-1 (Manufacturing 1-1) to allow the site to be used for Freight Movement uses.





**City Planning & Development Department**

Development Management Division

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

816 513-2846

**STAFF REPORT**

**November 21, 2017**

**(7a-c)**

**RE:** **Case No. 751-S – Area Plan Amendment**  
**Case No. 11801-P-2 – Rezoning**  
**Case No. 11801-P-3 – Development Plan**

**APPLICANT:** Paul Lewis  
Lathrop Gage  
2345 Grand Boulevard  
Kansas City, MO 64108

**PROPERTY OWNER:** Scott Higgs, Hiffo Investments  
9403 E Highway 40  
Independence, MO 64055

**LOCATION:** generally located at 3601 Denton

**AREA:** 5.23 acres

**REQUESTS:** **Case No. 751-S** – About 1.5 acres, generally located at 3601 Denton Road, to consider approval of an amendment to the Blue Ridge Area Plan from the recommended land use of Residential to Light Industrial.

**Case No. 11801-P-2** – About 1.5 acres, generally located at 3601 Denton Road, to consider approval of rezoning the site from District R-80 (residential 80) to District M1-1 (Manufacturing 1-1) to allow the site to be used for Freight Movement uses.

**Case No. 11801-P-3** – About 1.5 acres, generally located at 3601 Denton Road, to consider approval of development plan in District M1-1 (Manufacturing 1-1) to allow the site to be used for Freight Movement uses.

**COUNCIL DISTRICT:** 3<sup>rd</sup> (Lucas, Reed)

**SURROUNDING LAND USE:** **North:** Commercial, industrial, residential (City of Independence)  
**South:** Zoned R-7.5, single family residential  
**East:** Zoned R-7.5, mobile home development, commercial (City of Independence)  
**West:** Zoned R-7.5, single family residential, commercial (City of Independence)

**LAND USE PLAN:** The current area plan for this property is the Blue Ridge Area Plan. The plan was adopted June 15, 2017 by Resolution No. 170434. The future land use recommended in the area plan is Residential Low Density. This type of land use corresponds with R5, R6 or R7.5 residential zoning. The applicants request to asphalt a parking lot to store semi-trucks does not comply with the area plan land use recommendation.

The lot is R-80 residential zoning which allows some commercial land uses but does not allow for non-accessory parking lot.

**MAJOR STREET PLAN:** No Major Streets adjacent to the site.

**ARTERIAL STREET IMPACT FEE:** The project is located within Impact Fee Zone F.

**PREVIOUS CASES:**

**Case No. 11801-P –** Ordinance No. 960716 approved rezoning the site from District R-1a (one family dwelling) to District RA (agricultural) to allow for a golf driving range.

**Case No. 11801-A-1 –** On August 13, 1996 the Board of Zoning Adjustments granted a conditional use permit to allow for a golf driving range for a period of five years.

**EXISTING CONDITIONS:**

The site is located in eastern Kansas City and is directly south of the Kansas City/Independence City Limits. US 40 Highway is to the north. The site is zoned R-80 and surrounded by R-7.5 zoning to the south. The property directly to the north, which is within Independence, Mo, owns the subject site. The site within Independence is used for the repair and maintenance of commercial vehicles/heavy equipment and is zoned C-3 (Service Commercial). The property on the Independence side was rezoned in 2014 to allow for this use.

The subject site is 5.24 acres – 1.5 acres are proposed to be rezoned by this application. Aerials of the site show it was treed and undeveloped in 2005. Based on aerials, it appears between 2010 and 2012 the site was cleared and graded. Records show permits were applied for in 2011, however, no permits were ever issued to allow for this work. The edges of the site and a majority of the east side of the site is treed. Recent aerials show semi-trucks and detached trailers parked on the site, which is not allowed by the current R-80 zoning. The site is paved with gravel – gravel is not a permitted paving material in the current zoning district.

Denton Road is an unimproved two lane road with ditches on either side. There are no sidewalks and it is not constructed to current public works standards. One curb cut on the north side of the site provides access to the trailer storage area.

**PLAN REVIEW AND ANALYSIS:**

There are three application requests, the first, a) 751-S, is to amend the Blue Ridge Area Plan from Residential Low Density to Light Industrial. The second, b) 11801-P-2, is to rezone the site from R-80 to M1-1, and the third, c) 11801-P-2, is to approve a development plan in lieu of a special use permit allowing for Storage and Freight Movement Uses – outdoor in District M1-1.

The property owner originally met with City staff to discuss deannexing this property to Independence. Staff did not believe this proposal was in the best interest for Kansas City, specifically the property owners immediately adjacent to this property.

The request is not in compliance with the area plan. The entire property within the City Limits of Kansas City is 5.34 acres and the applicant proposes rezoning 1.5 acres to continue to park and store semi-trucks and trailers associated with the business in Independence, Mo. The development plan shows 36, 350 square feet of the site paved for storage and parking purposes on the northwest side of the site. To the south of the parking lot is a stormwater management pond. The development plan shows the site surrounded by a 6 foot tall vinyl coated black chain link fence.

The existing conditions grading plan and the contours provided on the City's GIS system are drastically different. Staff believes the site has been filled significantly resulting in drastic drops in grade at the southern side of the site. This was also noted by the site surveyor. Prior to any construction a geotechnical report shall be submitted to the City to determine if the fill on the site can physically support the proposed development without concern of future settlement.

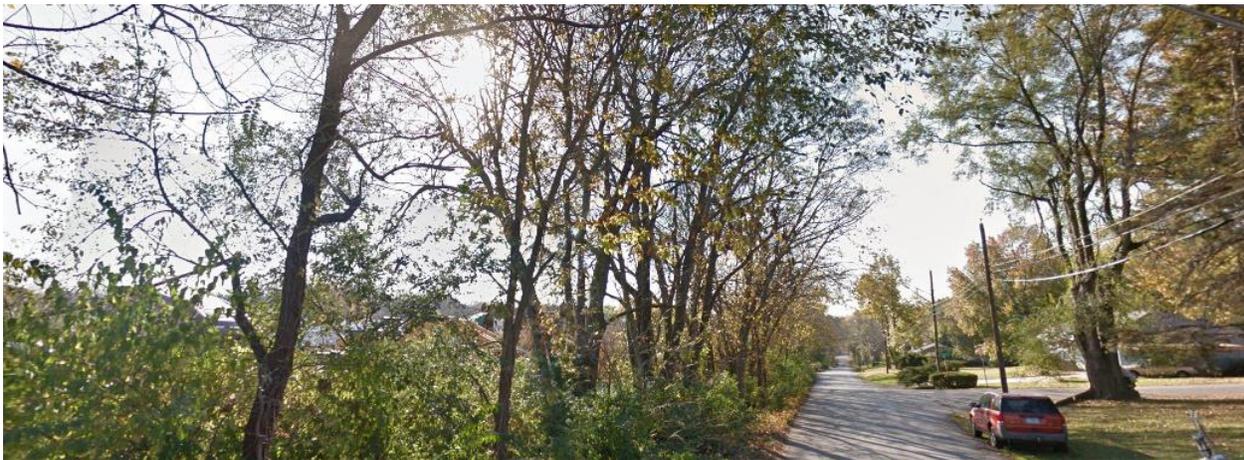
The property in Independence is clean and well kept – any improvements or changes made on the Kansas City side should be an extension of the quality on US Highway 40. Google street view shows overgrown volunteer trees along the fence line, tires on the ground, and a gravel lot on the Kansas City side. While this is the “back-end” of the site – seven single family houses within Kansas City look out onto this property. Development on this site should be respectful of the surrounding single-family development.



**Property in Independence on US Highway 40 – 2016 street view.**



**Property in Kansas City– 2016 street view.**



**Looking south on Denton– 2016 street view.**

Roadway improvements are required on Denton for the entire extent of the improvements shown on the plan – extending approximately 405 feet to the south beginning at the City Limits. This includes widening the roadway, constructing curb and gutter, and adding sidewalks. The site plan appears to show the sidewalk beginning at the edge of the existing roadway.

The landscape plan shows the addition of Sea Green Junipers and Dense Yews along the east edge of the parking lot to provide screening. Both are low shrubs and will not properly screen the semi-trucks or trailers on the site. The site plan does not show street trees as required by 88-425-03 Street Trees. Staff proposes removing the existing overgrown vegetation along the fence line. Section 88-425-09 Screening of Outdoor Uses prescribes that views from public streets must be obscured with a continuous row of evergreen shrubs or trees forming a continuous screen and that such screening shall be on the outside of the fence. Due to the nature of the items being stored, landscaping materials should be taller than the required height of 3 feet. Shrubs and evergreen trees such as Arbor Vitae or Green Giants will better screen the proposed uses on the site. The plan shows the proposed shrubs planted eight (8) feet on center in a straight line. Eight feet on center will not result in solid screening. Plants planted closer and offset will better screen the site. Berms could also help effectively screen the site.



**Adequate screening options for proposed use.**

There is no barrier between the proposed property zoned M1-1 and the remaining R-80 property. Staff believes if the property is rezoned and the site is used for truck storage that a fence should be constructed around the M1-1 property to prevent the property owner from using the remainder of the site for storage. A fence will also better secure the site as the proposed fencing at the property lines is show to end mid-property line on the south side of the site. Staff believes this barrier is important as aerials show the east side of the site is already being used for storage against the regulations of the current zoning district. The fence will provide a barrier and hopefully prevent the remainder of the site from being used improperly.

Gravel on the site needs to be removed as it is not allowed in the current zoning district nor is it allowed in the proposed zoning district. Adjacent property owners have stated that since the gravel was added runoff from the site has increased.

### **APPROVAL CRITERIA FOR ZONING MAP AMENDMENTS**

In reviewing and making decisions on proposed zoning map amendments, the city planning and development director, city plan commission, and city council must consider at least the following factors:

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

*The proposal is not in conformance with the adopted area plans.*

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

*Property to the south, east and west is not compatible with the proposed use.*

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

*The physical character within Kansas City is low-density single-family residential. Storage and trucking uses are not conducive to this character. The character is more in line with the commercial and light-industrial uses along US Highway 40.*

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

*Public utilities have been found to be adequate.*

**88-515-08-E.** suitability of the subject property for the uses to which it has been restricted under the existing zoning regulations;

*Existing zoning allows for very low density residential development and some commercial uses. The site is suitable for that type of development.*

**88-515-08-F.** length of time the subject property has remained vacant as zoned;  
*It appears this site has remained undeveloped for a significant period of time.*

**88-515-08-G.** the extent to which approving the rezoning will detrimentally affect nearby properties; and  
*Impacts of the site could have a negative impact on the surrounding residences in regards to the operational characteristics of a truck storage facility and in regards to the visual impacts of said facility.*

**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.

*If denied the land may continue to sit vacant or be used for uses not allowed by the current zoning – the property owner will be required to stop using the site. If the property is rezoned and the development plan is approved the property owner will be required to clean up and improve the site.*

#### **APPROVAL CRITERIA FOR SITE PLANS**

In order to be approved, a development plan, project plan, or site 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.)

*Plan corrections have been provided so to make sure the site exceeds the requirements of the zoning code in order to minimize effects on adjacent properties.*

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

*If rezoned, the use will be allowed with the approval of the development plan.*

**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.

*The curb cut is existing. A truck turning template has not been provided to show how trucks will get in and out of 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.

*The proposal is not conducive to pedestrian or bicycle movement. The required sidewalk improvements will improve pedestrian movement outside of the site.*

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

*Public utilities have been found to be adequate*

**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 proposal is not compatible with the adjacent properties. Amendments to the proposed screening have been provided in the conditions to soften the effect on the adjacent property owners.*

**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.  
*Amendments to the proposed screening have been provided in the conditions to soften the effect on the adjacent property owners.*

**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.  
*Staff cannot confidently state the minimum amount of the site is devoted to impervious surfaces.*

**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.  
*Street trees are required but not shown.*

**RECOMMENDATION:**

Based on the application, plans, and documents provided for review prior to the hearing, City Planning and Development Staff recommends DENIAL Cases 751-S, 11801-P-1 and 11801-P-2.

Should the City Plan Commission move to recommend approval, city staff offers the following conditions for Case No. 11801-P-2 based on the application, plans, and documents provided for review prior to the hearing and as reviewed by the Development Review Committee at the September 6, 2017 meeting: *(Note that Condition 1 recommends revisions to the plan)*

**Proposed Conditions for Case No. 14707-MPD-1:**

1. That the plans be revised as follows:  
Sheet AS1
  - a. Show a fence surrounding property to be rezoned to M1-1
  - b. Add a note to the plan stating the following "All gravel shall be removed on property zoned R-80 and replaced with grass."
  - c. Add a note to the plan stating the following "The M1-1 portion of this site shall only be used for outdoor storage of truck trailers and chassis. Any changes to uses on this site shall be approved through a Major Amendment of this development plan."
  - d. Add a note to the plan stating the following "No vehicle repair shall take place on this site."
  - e. Show existing 10" sanitary sewer within the site. (LDD correction)
  - f. Show public street improvements in compliance with APWA standards, including typical cross section. (LDD correction)Sheet AS2
  - g. Show street trees in accordance with 88-425-03 Street Trees.
  - h. Replace yews and junipers with columnar evergreen shrubs and/or evergreen trees reaching a minimum of 5 feet after the first growing season.
  - i. Revise plan to show evergreen shrubs and/or trees planted staggered at a maximum of 5 feet on center.

- j. Add a note to the plan stating "No trees shall be disturbed on the portion of the property zoned R-80."  
Lighting
- k. Provide a lighting plan meeting the requirements of 88-430.

**Conditions per Development Management Division (Ashley Winchell, [ashley.winchell@kcmo.org](mailto:ashley.winchell@kcmo.org))**

2. Uses on the M1-1 portion of the site shall be restricted to outdoor storage of truck trailers and chassis. Any changes to uses on this site shall be approved through a Major Amendment of this development plan.
3. Any change to the R-80 portion of the site shall be approved through a Major Amendment of this development plan.
4. Trees on the R-80 portion of the site shall be preserved.
5. Gravel shall be removed and replaced with grass on the R-80 portion of the site.
6. A geotechnical report shall be provided prior to an ordinance being sent to City Council.

**Conditions per Land Development Division (Brett Cox, [brett.cox@kcmo.org](mailto:brett.cox@kcmo.org))**

7. The developer shall submit a storm drainage analysis from a Missouri-licensed civil engineer to the Land Development Division, in accordance with adopted standards, including a BMP level of service analysis prior to approval and issuance of any building permits, and that the developer secure permits to construct any improvements as required by the Land Development Division prior to issuance of any certificate of occupancy.
8. The developer must dedicate additional right of way for Denton Road as required by Chapter 88 so as to provide a minimum of 30 feet of right of way as measured from the centerline, and ensure right of way dedication is adequate for any proposed road improvements as required by Public Works Department adjacent to this project.
9. The developer must dedicate additional right of way for E 37th Street as required by Chapter 88 so as to provide a minimum of 25 feet of right of way as measured from the centerline, and ensure right of way dedication is adequate for any proposed road improvements as required by Public Works Department adjacent to this project.
10. 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.
11. 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.
12. That the east half of Denton Road shall be improved to Collector standards as required by Chapter 88, to current standards, including curbs and gutters, sidewalks, street lights, relocating any utilities as may be necessary and adjusting vertical grades for the road, etc., and obtaining required permit from Land Development Division for said improvement prior to issuance of a Building Permit.
13. That the north half of E 37th St shall be improved to Residential Local standards as required by Chapter 88, to current standards, including curbs and gutters, sidewalks, street lights, relocating any utilities as may be necessary and adjusting vertical grades for the road, etc., and obtaining required permit from Land Development Division for said improvement prior to issuance of a Building Permit.
14. 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.
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 must grant a BMP Easement to the City as required by the Land Development Division, prior to issuance of any Certificate of Occupancy.

Respectfully submitted,

A handwritten signature in black ink that reads "Ashley Winchell". The signature is written in a cursive, flowing style.

Ashley Winchell, AICP  
Lead Planner





