

COMMUNITY PROJECT/REZONING

Ordinance Fact Sheet

Case No. 673-S-4 & 10053-MPD-8

Brief Title

To approve an amendment to the Briarcliff-Winnwood Area Plan, a rezoning to MPD and approval of a preliminary plan.

Details

Location: Southwest corner of N Brighton and NE Pleasant Valley Rd

Reason for Legislation: Approval of an area plan amendment and rezoning requires City Council approval

EXISTING CONDITIONS:

The subject property is a 23-acre site located at the southwest corner of NE Pleasant Valley Rd and N Brighton Ave. Approximately 11 acres of the site nearest Brighton is currently zoned for commercial uses (B2-2), the result of a previous rezoning and plan approval (Case 10053-CP-4). The remaining 12 acres are zoned R-80. The property was platted prior to annexation as a large lot residential subdivision and has a lengthy case history subsequent to annexation, but remains undeveloped. At the time of initial plan approvals in the late 1980's and early 1990's the property was surrounded by undeveloped land. Since that time, several residential subdivisions have developed: Carriage Hills North, to the north beyond Pleasant Valley Rd; Charleston Harbor to the northeast beyond the intersection of Pleasant Valley and Brighton; and Valley Brook immediately to the south. At the present time, the bulk of the subject property is crop agriculture with heavily vegetated areas in the west and southeast portions of the property. The property's topography varies about 80 ft from a high point near the northwest corner of the site along Pleasant Valley Rd to a low point near the southeast corner adjacent to the Valley Brook subdivision.

PLAN REVIEW:

The applicant is proposing approval of a rezoning of the entire 23-acre property to MPD (Master Planned Development) and approval of a preliminary development plan for an 85,870 sq ft commercial development and a 210-unit multi-family residential development. The commercial portion is located on the eastern 11 acres and is similar in land area, building floor area, and layout to the existing approved preliminary development plan (Case 10053-CP-4) approved in 1991. The residential portion is located on the western 12 acres of the property. Though there was no previous plan approval of this portion of the property, there was once proposed a multi-family residential development for this portion of the property (Case 10053-CP-3) which proposed 168 units on 8.5 acres. Staff did not support either the commercial or residential development at the time they were proposed. In the case of the commercial development this was due to the commercial development's intensity exceeding that of a neighborhood shopping center. In the case of the residential portion staff's concern was the density (22 units per acre). Staff recommended denial of the commercial portion; however it was ultimately approved by both City Plan

150518 & 150519

Ordinance Number

Positions/Recommendations

Sponsors	Councilman Davis and Councilman Wagner
Programs, Departments or Groups Affected	1 st District (Davis, Wagner)
Applicants / Proponents	Applicant Curry Investment Company 2700 Kendallwood Pkwy Gladstone, MO 64119 City Department City Planning & Development Other
Opponents	Groups or Individuals Adjacent residents Basis of Opposition Commercial development and residential use/density
Staff Recommendation	☐ For ☒ Against Reason Against Residential building scale and type
Board or Commission Recommendation	City Plan Commission (8-0) 06-16-2015 By Archie, Baker-Hughes, Burnette, Crowl, Gutierrez, Martin, May, and Macy ☐ For ☒ Against ☐ No Action Taken ☐ For, with revisions or conditions (see details column for conditions)
Council Committee Actions	☐ Do Pass ☐ Do Pass (as amended) ☐ Committee Sub. ☐ Without Recommendation ☐ Hold ☐ Do not pass

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Commission and City Council. Staff recommended continuance of the residential portion to allow the developer to revise plans and reduce density, which was granted, but the developer never proceeded and eventually the residential portion was dismissed by the City Plan Commission.

The plan shows the commercial portion consisting of seven buildings: Buildings 1 and 2 adjacent to Pleasant Valley Rd each being one-story, 5,100 sq ft retail buildings oriented southward toward the parking lot; Building 3 located at the intersection of Pleasant Valley and Brighton as a 5,595 sq ft “retail” building oriented northward toward Pleasant Valley with gas pumps between the building and road; Building 4 located in the southeast corner adjacent to Brighton, but oriented northward and being a one-story 6,000 sq. ft. retail building; and Buildings 5, 6, and 7 which are connected and oriented northward with Buildings 5 and 6 being one-story retail buildings totaling 18,400 sq ft and Building 7 being a one-story, 45,675 sq. ft. anchor tenant. Access to the commercial portion is from a full access point from Pleasant Valley opposite the entrance to Carriage Hills North subdivision and full access to Brighton at the southeast corner of the development. A right-in/right-out access to Pleasant Valley is also proposed between the full access and Brighton. A detention area is located in the south-central portion of the commercial area adjacent to the south property line at low point on the property. A total of 329 parking spaces are proposed within the commercial portion of the project. The plan shows the service and delivery area for Building 7 being at the southeast corner of the building with a drive around the south and west sides of the building. This drive lies approximately 37 ft north of the south property line and according to the grading plan anywhere from 2 to 10 ft above the south property line. Buildings 5, 6, and 7 which lie most adjacent (between 86 ft and 145 ft) to the Valley Brook subdivision to the south sit as high as 17 ft above the south property line. The landscape plan shows screening in this area consisting of existing vegetation to remain where possible, evergreen shrubs for screening of the drive, with some shrubs and trees along the south side of Building 7 (shown on the landscape plan as Building 14). The landscape plan for the remainder of the site appears to comply with the landscape requirements of 88-425, however the applicant will need to provide more details to confirm this.

A private street is shown connecting the commercial portion to the residential portion of the development which lies to the west. The development consists of three, three-story, 36-unit buildings, and four, three-story 24-unit buildings surrounding a large parking area. In addition, the plan shows seven enclosed garages scattered throughout the parking area. Three of these garage buildings are two-story in height with the second story consist of two residential units, for a total of six units with this arrangement. The large apartment buildings are laid out with three buildings adjacent to Pleasant Valley Rd, two adjacent to the commercial portion of the development and two near the center of the property adjacent to a resident clubhouse and pool. With the exception of one garage with two residential units above, there are no buildings containing residential units within 140 ft of the south property line. The plan shows the extension of

Policy or Program Change	☐ Yes ☐ No
Operational Impact Assessment	

Finances

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

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a public street from the Valley Brook development to the south connecting to Pleasant Valley Rd through the area west of the proposed residential portion. A private dog park for residents of the apartments is shown between the clubhouse and this street. A detention tract to serve the residential portion of the development is located on the opposite side of this street in the southwest corner of the property. All access to the residential portion will come from the future public street along the west side of the property and the single drive from the commercial portion. The density of the proposed residential development is 20 units per acre (210 units/10.47 acres net site area).

ANALYSIS:

The subject property falls within the Briarcliff-Winnwood Area Plan. The plan recommends Mixed Use Neighborhood for the commercial portion of the property and an area plan amendment is not necessary for this portion of the proposal. However, the plan recommends Residential Low-Density for the proposed residential area which corresponds to a maximum density of 5.7 units per acre. The proposed residential development exceeds that density (approx. 17 units per acre), thus an area plan amendment is necessary, however, staff supports this density. The proposed density is consistent with a "residential, medium-high" land use designation in the area plan which corresponds with the R-2.5 district. The proposed land use designation is "mixed use neighborhood" which corresponds to Districts B1 and B2 and accommodates densities far greater than proposed by the applicant and residential building types such as the proposed multi-unit buildings due to their size and scale relative to the established single-family residential character of the area. The basis of staff's position on this is that the area plan recommends in various places that multi-family residential shall be consistent in character with adjacent single-family areas. Therefore, staff is supportive of the "residential medium-high" designation and the uses, building types and density for the corresponding R-2.5 district as this would allow the density proposed but require that the multi-unit buildings be of a smaller scale as District R-2.5 does not permit multi-unit buildings (buildings with more than 8 units each). This designation and zoning would allow single-family, duplex, townhouse and multi-unit house building types (up to 8 units per building) but would not permit multi-unit buildings like those proposed.

Regarding the commercial portion of the development, staff is supportive mainly because the proposal is very similar to previously approved plans for this portion of the site and will support the request subject to conditions which ensure conformance to the requirements of the zoning and development code and mitigate the development's impacts on surrounding properties to the extent possible.

Because both the residential and commercial portions are a part of the same application request staff recommended denial. The City Plan Commission concurred and recommended denial of both the area plan amendment and rezoning at its June 16 meeting.

RECOMMENDATIONS:

- a. **Case No. 673-S-4** – To consider approval of an amendment to the Briarcliff-Winnwood Area Plan by changing the recommended land use from Mixed Use Neighborhood and Residential Low-Density to Mixed Use Neighborhood.

At its June 16, 2015 meeting, the City Plan Commission voted unanimously (8-0) to RECOMMENDED DENIAL of Case No. 673-S-4.

- b. **Case No. 10053-MPD-8** – To consider rezoning from District B2-2 (Neighborhood Business 2) and R-80 (Residential 80) to District MPD (Master Planned Development) and approval of a preliminary development plan for 86,370 sq. ft. of commercial uses and 210 multi-family residential units.

At its June 16, 2015 meeting, the City Plan Commission voted unanimously (8-0) to RECOMMENDED DENIAL of Case No. 10053-MPD-8.

Staff provided the City Plan Commission with RECOMMENDED CONDITIONS if the Commission were to recommend approval. These conditions are provided below and are based upon the application, plans, and documents provided for review prior to the hearing and subject to the following conditions as provided by the Development Review Committee at its April 22, 2015 meeting:

1. That prior to building permit for any building within the development, the developer obtain approval of a final development plan from the City Plan Commission and that said final plan be in substantial conformance to the approved preliminary development plan and include a detailed site plan, landscape plan, lighting plan, grading plan, and building elevations showing four-sided architecture with the same level of design and material provided on all sides of each building.

The following conditions are recommended by the Land Development Division of City Planning and Development. Please contact Brett Cox at 513-2509 or brett.cox@kcmo.org for more information.

2. 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.
3. The developer shall submit a Macro "Overall" storm drainage analysis from a Missouri-licensed civil engineer for the entire development in accordance with adopted standards to the Land Development Division for review and acceptance at the time the first plat is submitted, with a Micro "detailed" storm drainage study, including a BMP level of service analysis, in accordance with

current adopted standards to be submitted for each phase at the time of final platting, and the developer secure permits to construct any improvements required by the Land Development Division prior to recording the plat.

4. The developer must dedicate additional right of way for N Brighton Ave as required by the adopted Major Street Plan and Chapter 88 so as to provide a minimum of 50 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.
5. The developer must dedicate additional right of way for NE Pleasant Valley Road as required by the adopted Major Street Plan and Chapter 88 so as to provide a minimum of 40 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.
6. 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.
7. 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.
8. The developer must petition for the vacation of North 66th Street as shown on the development plan as required by City Planning & Development, prior to recording of the final plat.
9. That N Cypress shall be improved to Residential Local standards to connect to NE Pleasant Valley Road, 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 recording the plat or construct a permanent cul-de-sac and dedicate Right-of-Way as needed.
10. The developer shall submit construction plans in compliance with adopted standards for all improvements required by the traffic study approved by the Public Works Department, and shall secure permits for those improvements as required by the Land Development Division, prior to recording the plat.
11. The developer must construct temporary off-site cul-de-sacs and grant a city approved temporary cul-de-sac easement, for that portion outside of the dedicated street right-of-way, to the City as required by the Land Development Division, prior to recording the plat.
12. The developer shall verify vertical and horizontal sight distance for the drive connection to N Brighton Ave and NE Pleasant Valley Road and make improvements to ensure local jurisdiction and/or minimum AASHTO adequate sight distance standards are met.
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 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.
15. 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.
16. The developer must secure permits to extend 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.
17. 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.

The remaining conditions are recommended by the Fire Department. Please contact John Hastings at 784-9110 or john.hastings@kcmo.org for more information.

18. The project shall meet the fire flow requirements as set forth in Appendix B of the *International Fire Code 2012*. (IFC-2012: § 507.1)
19. Fire hydrant(s) are required within 400 feet on a fire access road following an approved route established by the Authority Having Jurisdiction (AHJ) of any exterior portion of a building. The use of existing fire hydrant(s) may be used to satisfy this requirement otherwise a private fire hydrant(s) or hydrant system may be required. This distance may be increased to 600 feet for R-3 occupancy(s) or the building(s) is fully protected by an approved automatic fire sprinkler system(s). (IFC-2012: § 507.5.1)
20. Fire hydrants shall be installed and operable prior to the arrival of any combustible building materials onto the site. (IFC-2012: § 3312.1; NFPA 241-2009: § 8.7.2)
21. The meet the minimum fire hydrant requirements of KCMO Water Services applicable to a water main extension which is every 300 feet commercial or 600 feet residentially zoned area.
22. Buildings equipped with a fire standpipe system shall have an operable fire hydrant within 100 feet of the Fire Department Connection (FDC). (IFC-2012: § 507.5.1.1)
23. Fire Department access roads shall be provided prior to construction/demolition projects begin. (IFC-2012: § 3310.1; NFPA 241-2009: § 5-4.3)

Fact Sheet Prepared By: **Date:** June 30, 2015

Joseph Rexwinkle, AICP
Staff Planner

Reviewed By: **Date:** June 30, 2015

Diane Binckley, AICP
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Development Management

Initial Application Filed: March 20, 2015

City Plan Commission: May 5, 2015, continued to June 2, 2015,
continued June 16, 2015

Revised Plans Filed: June 29, 2015

Reference Numbers:

Case No. 673-S-4 & 10053-MPD-8