



City Planning & Development Department

Development Management Division

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Kansas City, Missouri 64106-2795

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CPC STAFF REPORT

October 17, 2017

(7 a & b)

RE: a) **Case No. 14868-P**

b) **Case No. 14868-P-1**

APPLICANT: Nick McFee
GH14, LLC.
5775 NW 64th Terrace, #203
Kansas City, MO 64151

OWNER: Real Properties Holding, Inc.
P. O. Box 129
Shawnee Mission, KS 66201

AGENT: John Erpelding
Landplan Engineering, P.A.
1600 Genessee, Suite 400
Kansas City, Missouri 64102

LOCATION: Generally located at the southeast corner of NW Barry Road and N. Green Hills Road.

AREA: Approximately 6.5 & 14 acres.

REQUESTS: a) **Case No. 14868-P** – To consider rezoning about 6.5 from District B3-3 (Community Business 3 dash 3) to B4-1 (Heavy Business/ Commercial 4 dash 1).

b) **Case No. 14868-P-1** – To consider approval of a development plan in Districts B3-3 (Community Business 3 dash 3) and B4-1 (Heavy Business/ Commercial 4 dash 1) on about 14 acres, to allow for retail commercial development and climate controlled self storage facility.

SURROUNDING

LAND USE: **North:** zoned AG-R/ B3-3, Residential, Christian Brothers and mixed commercial.
 South: zoned R-5, multi-family residential, Wau Lin Cree apartments.
 East: zoned R-80, Rock of Ages Church/ cell tower.
 West: zoned B1-1, Temp Stop gas station.

LAND USE PLAN: The Line Creek Valley Area Plan adopted by Resolution No. 110030 on February 10, 2011 recommends Commercial land use at this location. The proposed rezoning is consistent with the future land use plan.

MAJOR STREET PLAN: Northwest Barry Road is classified as a four-lane thoroughfare (non-bicycle route) by the City's Major Street Plan, with a minimum right of way width of 100 feet.

ARTERIAL STREET

IMPACT FEE: Benefit District: A
(Informational only) Discounted Rates: Impact fee will be assessed by the administrator.

PREVIOUS CASES:

Case No. 8060-CP – Ordinance No. 50986 passed by City Council on November 1, 1979, rezoned about 14 acres from District RA to District CP-3 and approved a preliminary a development plan that allowed for 107, 000 square feet of retail commercial development with 972 parking spaces within 7 buildings. This plan has expired because it was never vested.

EXISTING CONDITIONS:

The subject site is a vacant unplatted parcel located at the southeast corner of NW Barry Road and N. Green Hills Road. The site has approximately 1,000 feet of frontage on NW Barry Road and about 620 feet on N. Green Hills Road. Northwest Barry Road is an improved 4-lane divided street with curbs, gutters and sidewalks. North Green Hills Road is not improved at this location. This is a signalized

intersection. There is an existing stream buffer through the middle of the site (north-south orientation). There is a 40 foot change in grade on this site as it slopes towards the regulated stream.

To the north of the site is a strip center with Christian Brothers and mixed use commercial. To the south of the site is Wau Lin Cree apartments. To the east is the Rock of Ages church and a telecommunication tower. West of the site is the Temp Stop gasoline and convenience store.

PLAN REVIEW & ANALYSIS:

Rezoning:

Case No. 14868 is a request to consider rezoning about 6.5 from District B3-3 (Community Business 3 dash 3) to B4-1 (Heavy Business/ Commercial 4 dash 1). Staff supports the land use amendments as the proposed use will eliminate the possibility of future retail uses at this location. The Line Creek Valley Area Plan adopted by Resolution No. 110030 on February 10, 2011 recommends Commercial land use at this location. The proposed rezoning is consistent with the future land use plan.

Commercial: Primarily intended to accommodate "heavier" commercial activities and/or operations that are not found in or compatible with mixed-use neighborhood oriented environments, and includes large-scale commercial development targeted in designated areas along major arterials with highway access. This land use classification corresponds with the "B4" zoning category.

88-515-08-A. Review Criteria

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 Line Creek Valley Area Plan adopted by Resolution No. 110030 on February 10, 2011 recommends Commercial land use at this location. The proposed rezoning is consistent with the future land use plan. The proposed use is consistent with the future land use plan.

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

The existing R-5 zoning to the south and R-80 zoning to the east are existing

residential zoning that will be appropriately buffered via the accompanying development plan.

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

The physical character of the area is vacant undeveloped land. The areas to the south and east are residential, while the area to the north and west are existing commercial.

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

The subject property is adequately served by public facilities.

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

The property is currently zoned B3-2 with an existing development plan for up to 107,000 square foot commercial development. The rezoning to B-4 district will allow the development of a climate controlled storage warehouse along the south of the property.

88-515-08-F. Length of time the subject property has remained vacant as zoned;

The last action on the property was the approval of a development plan in the late 1979, for up to 107,000 square foot commercial development with 792 parking spaces.

88-515-08-G. The extent to which approving the rezoning will detrimentally affect nearby properties; and

With the approval of the accompanying Development Plan, the uses, buildings, sizes, heights will be approved as part of this rezoning action.

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.

Denial of the request would not result in any gain to the public health, safety or welfare.

Staff recommends that the developer restricts some of these uses via the development plan. Staff recommends limiting the following uses: Adult Media Store, Adult Motion Picture Theater, Sex Shop, Check Cashing Store, Pawn Shop,

Recreational Vehicle Park, Blood/Plasma Center or Tattoo Shop and Light Equipment Sales/Rental Outdoor. The list should be finalized prior to ordinance request.

Preliminary Development Plan:

Case No. 14868-P-1 is a request for approval of a preliminary development plan which also acts as a preliminary plat, allowing for up to 160,000 square foot of commercial development and a residential storage warehouse facility in two phases. The preliminary plat proposes five (5) commercial lots and two (2) tracts. The plat proposes 4 retail commercial lots along NW Barry Road and one lot along the south of the development with frontage on N. Green Hills Road. The 178 parking spaces provided exceed the 95 parking spaces required by the Zoning and Development code. The plan proposes 19 short term bicycle parking and 19 long term bicycle parking spaces. The plan proposed about 50% open space upon completion.

The current lay of the land shows that there is a significant depression in the middle of the site that results in a 40' change in grade. As a result of the change in grade on the site, the plan shows 20-30 foot retaining walls around the stream buffer and the detention tracts. This will require extensive site engineering to balance the site. The plan shows details about the material of the wall, the structural calculations and the treatment at the top of the wall. The plan should be revised to include the proposed material for the retaining walls and how it ties in with the single family residences to the west. Staff recommends that the plans should be accompanied by a structural data for any wall higher than 48", to be submitted to DMD prior to issuance of building permit. Tracts A and B (1.66 acres) are stormwater detention tract located in the middle of the site, on both sides of the stream buffer area.

Lots 1-4 – Retail/ Commercial (B3-2)

Lots 1 and 2 at the northwest corner of the site are proposed to be drive-through restaurants. Both lots are about 1.25 acres with frontage on NW Barry Road and N. Green Hills Road. Lot 3 is proposed to be 1.5 acres with frontage on NW Barry Road. The plan shows a 1-story, 8,000 square foot retail building. Lot 4 is about 1.85 acres, with frontage and access on NW Barry Road. The plan shows a 1-story, 12,000 square foot mixed-use retail/ commercial building with a drive-through on the west side. The maximum building height is 26' (1-story) for the retail/ commercial development. Uses will be those permitted within the B3 zoning district.

The plan shows that Lots 1 – 4 has 5 access drives, two on N. Green Hills Road and 3 on NW Barry Road. There is a full access and a right-in right-out driveway on N. Green Hills Road. The access on NW Barry Road is shown as a full access and two right-in right-out driveways. The plan shows a shared access drive between Lots 1 through 4. Staff recommends that reciprocal cross-access easement be shown on the plan.

Staff had objected to the location and proposed number of drive-through with the original submittal and asked the developer to consider a maximum of 2 drive-through restaurant for this development. The developer has agreed to restrict the number of stand-alone drive-through restaurants to two. One drive-through end cap is proposed for the strip retail building. Lot 3 has been revised to show an 8,000 SF retail building rather than a 4,000 SF drive-through restaurant. The developer has also agreed to add a stipulation that any drive-through use on the corner shall incorporate a porte-cochere or canopy into the building design. Staff recommends that the developer incorporate a porte-cochere or canopy into the building design at the endcap of Lot 4.

The applicant submitted preliminary building elevations for the proposed buildings as the prospective tenants are not known at this time. Staff recommends that the developer provide an architectural design guideline that calls out preferred materials and façade elevations for the overall development per staff approval prior to issuance of building permit. The developer proposes to meet the Line Creek Area Plan design guidelines at time of Project Plan review of the pad sites. This requirement has been placed to the face of the plan. The green space at the corner of N. Green Hills Road and NW Barry Road will be enhanced with a development district monument sign and landscaping that meets the requirement of the zoning and development code.

Staff does not recommend clear cut and mass grading of entire site, and recommends that clearing and grubbing should be done in phases to avoid desolation of trees on future phases that may take longer to develop. The developer proposes to leave Lot 4 area undisturbed during the construction of Phase One (Lot 5). Not #15 has been placed on the face of the plan. Staff recommends that area of "trees to remain" should be clearly delineated as an area to be left undisturbed on all development and construction plan sheets. To ensure that it is not cleared, staff recommends that the developer survey, delineated and properly mark the area of "Trees to remain" in the field with orange construction fence prior to the any land disturbance on this site. Staff

recommends that the landscape plan be revised to provide additional evergreen plantings between phase 1 and 2 as discussed with staff to provide additional screening. Staff recommends that a detailed sheet showing all the improvements to be installed as part of phase 1 be included in the revised plan set.

The proposed landscape setbacks along N. Green Hills Road and NW Barry Road exceed the minimum requirements set forth by the zoning and development code. The code requires 10'. The plan proposes 20'-30' along NW Barry Road and 30' (including 15' of future R/W that may never be needed) along N. Green Hills Road. Staff recommends that the preliminary landscape plan be revised to meet the requirement of Chapter 88-425. Staff also recommends that a detailed lighting plan that meets the requirement of Chapter 88-430 of the Zoning and Development Code be submitted as part of each building permit.

Chapter 88-445-10-A-1, requires that a signage plan must be submitted in conjunction with the review and approval of a development plan, according to the review procedure of 88-517. The plan shows a monument sign for each lot with frontage on NW Barry Road and N. Green Hills Road. The proposed monument signs for Lots 1 through 3 shall not exceed 30 square feet in size and six feet in height, and shall be setback 10 feet. The proposed monument sign for Lot 4 shall not exceed 50 square feet in size and six feet in height, and shall be setback 10 feet, and shall be limited to a maximum of 4 tenants. Digital or electronic price sign is prohibited. All signage shall meet the requirements of Chapter 88-445.

Lot 5 – Self Storage Facility

The proposed development plan shows a 90,000 square foot (30,000/ floor), 3-story climate controlled structure and six 1-story residential storage warehouse buildings on 6.5 acres on the south side of this development. The storage buildings are setback 65 feet from the residential zoning to the south and 23 feet from N. Green Hills Road to the west. The 3-story climate controlled building is located along the N. Green Hills Road with the storage buildings tucked behind. The plan shows parking on the south side of the 3-story building with a 30 foot drive aisle around the facility. Access to the commercial site is via a main driveway on N. Green Hills Road.

The plan shows 20 parking spaces along the south side of the 3-story building off N. Green Hills Road. There are 2 ADA accessible parking spaces next to the building. The Zoning and Development code requires 3 parking spaces, plus 1

parking space per 75 storage units. The plan shows 35 parking spaces, 4 short term bicycle parking and 5 long term bicycle parking spaces.

A preliminary landscape plan has been prepared by the applicant indicating street trees and shrubs along public streets per the requirements of the Zoning and Development code. Staff recommends that the plan be revised to provide a berm and additional evergreen plantings between phase 1 and 2. The landscape plan shall provide a column that shows the number of trees and shrubs required by the Zoning and Development code and show how the plan meets those requirements.

The building is proposed to be constructed of cement panel siding with ground face masonry units accented with flat metal panel sidings and aluminum storefront windows. The plan shows a metal entry canopy over main entrance. The rest of the 1-story buildings are proposed to be prefinished metal panels and metal roof. The south elevation shows ground face masonry with EFIS. Staff recommends that the color match the 3-story building. Staff recommends that the same masonry treatment be employed on the easternmost building as it abuts a residential zoning.

Chapter 88-369-02-1 - Standards

- b. Any building within the facility directly abutting an R or DR District may not face any unit doors toward said district, unless the doors are 100 feet or greater from said district and screened with berms, landscaping, and/or fencing.*
- c. Any fencing shall be no taller than 8 feet in height. Fences abutting public right-of-way shall be wrought iron or other similar decorative metal fencing. Fences directly abutting an R or DR district shall be of wood, masonry, or wrought iron or other similar decorative metal fencing. Required landscape buffers shall be on the exterior of the fence. The fence may run between buildings to reduce the amount of fencing required.*
- d. Any façade directly abutting public-right-of way or an R or DR district shall be comprised of at least 50 percent brick, stone, or other comparable masonry materials on the ground level. Metal facades are restricted to the interior buildings.*
- e. Any wall abutting public right-of-way and over 75 feet in length shall include a combination of at least two of the following features: façade setbacks, change of building materials, varied roof line, a water table, or pilasters.*

Aviation Department has the following recommendations:

- The proposed development is in an area where the Kansas City International Airport height zoning restrictions apply. No structure in this area should be constructed which exceed these restrictions.
- The proposed project location is in proximity to the Kansas City International Airport which has an approach surface elevation of approximately 2050 feet.
- This proposed development needs to review the City's Airport height Zoning Ordinance No. 040342 and associated maps.

Staff recommends that the developer consider a list of prohibited uses as part of this development plan based on the proximity of the proposed B-4 zoning to the existing multi-family residential zoning to the south.

RECOMMENDATIONS:

- a)** The City Planning and Development Department staff recommends that **Case No. 14868-P** be approved subject to the following condition:
1. That the developer submit an accompanying development plan be that limits the proposed uses to what is shown on the plan.
 2. That the developer submit a list of prohibited uses to be placed on the face of the development plan prior to ordinance request.
- b)** City Planning and Development Staff recommends approval of **Case No. 14868-P-1** based on the application, plans, and documents provided for review prior to the hearing and subject to the following conditions:

Condition Nos. 1. - 3. per City Planning & Development, Development Management Division (Olofu Agbaji, Olofu.Agbaji@kcmo.org)

1. That one (1) collated, stapled and folded copy (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 Plane coordinate system) of all submitted sheets, revised as noted, be submitted to Development Management staff (15th Floor, City Hall) prior to ordinance

request showing:

- a. A list of prohibited uses as part of this development plan.
 - b. Provide total tabulations for each requirement on the zoning data table.
 - c. A second porte-cochere or canopy for the endcap of Lot 4.
 - d. The proposed monument signs for Lots 1 through 3 shall not exceed 30 square feet in size and six feet in height, and shall be setback 10 feet. The proposed monument sign for Lot 4 shall not exceed 50 square feet in size and six feet in height, and shall be setback 10 feet, and shall be limited to a maximum of 3 tenants.
 - e. A reciprocal cross access easement between both lots.
 - f. An upgraded revised exterior elevation for the 1-story buildings showing the required treatment of the south and east elevation in relation to the distance from the residential zoning.
 - g. Revised landscape plan to provide additional evergreen plantings and/ or berm between phase 1 and 2 as discussed with staff to provide additional screening.
 - h. A note on the plan prohibiting digital or electronic price sign.
 - i. The area of "Trees to remain" (Lot 4) on the easterly property boundary be shown as an area to be left undisturbed on all development and construction plan sheets.
2. That the developer survey, delineated and properly mark the area of "Trees to remain" (Lot 4) in the field with orange construction fence prior to the any land disturbance on this site.
 3. That the developer submit a project plan for phase 2 to the Director of City Planning and Development for approval, indicating colored building elevation, landscaping, grading, detailed internal circulation, signage, lighting and a photometric study showing 2 lux at the property lines prior to issuance of building permit.
 4. Prior to issuance of a final certificate of occupancy, all landscaping as shown on the approved landscape plan, including trees, plant material and structural elements, must be in place and healthy, as certified by a sealed letter submitted by a registered landscape architect licensed in the State of Missouri.
 5. That the developer submit a street tree planting plan to the Development Management Division prior to issuance of building permit. The developer

shall also secure the approval of the City Forester for street trees to be planted in the right of way prior to occupancy.

Conditions No. 6. – 19. per City Planning & Development, Land Development Division (Brett Cox, brett.cox@kcmo.org)

6. 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.
7. 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.
8. The developer must dedicate additional right of way for N Green Hills Road 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, 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.
9. 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.
10. 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.

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 4/8/09" and base 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 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 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.
17. 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.
18. 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.
19. 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.

Condition Nos. 20. – 24. per Water Services Department (Nimesha Senanayake, nimesha.senanayake@kcmo.org)

20. That the developer extend water mains and provide easements as required by the Water Services Department.
21. That the developer ensure that no structures (retaining walls) are constructed over sewer easements. Additional comments pending.
22. Existing fire hydrant conflict with Lot 3 driveway.
23. Entire existing easement along NW Barry Road.
24. Maintain a minimum of 5' separation between water and gas mains. If existing show as existing and call out the separation distance.

**Condition Nos. 25. – 29. KCMO Fire Marshal's Office (John Hastings,
john.hastings@kcmo.org)**

25. Buildings exceeding 62,000 square feet in area shall have at least two means of fire apparatus access (IFC-2012: § D104.2)
26. Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the lot or area to be served, measured in a straight line between accesses. (IFC-2012: § D104.3)
27. The expectation is the project will meet the fire flow requirements as set forth in Appendix B of the International Fire Code 2012. (IFC-2012: § 507.1)
28. 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 and U occupancy(s) or the building(s) is fully protected by an approved automatic fire sprinkler system(s). (IFC-2012: § 507.5.1)
29. Fire hydrants shall be installed and operable prior to the arrival of any combustible building materials onto the site. (IFC-2012: § 3312.1; NFPA 241-2010: § 8.7.2)

Respectfully submitted,



Olofu O. Agbaji
Planner