



City Planning and Development Department
Development Management Division

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Kansas City, Missouri 64106-2795

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STAFF REPORT

December 3, 2019

#8

- RE:**
- 8.1 CD-CPC-2019-00024- Area Plan Amendment**
 - 8.2 CD-CPC-2019-00023- Rezoning for Staley Corners West**
 - 8.3 CD-CPC-2019-00022- Development Plan for Staley Corners West**
 - 8.4 CD-CPC-2019-00025- Rezoning for Staley Corners East**
 - 8.5 CD-CPC-2019-00026- Development Plan for Staley Corners East**

APPLICANT: Justin Milburn
Milburn Civil Engineering, LLC
33135 W. 83rd Street
De Soto, KS 66018

AGENT: Staley Corners, LLC
C/O James K Owens
7780 NW Bridle Parc Ln
Kansas City, MO 64152

LOCATION: Generally located at the northeast and northwest corners of NE Barry Road and N. Indiana Avenue

REQUEST: To approve an area plan amendment, two rezoning requests, and two development plans which will each serve as preliminary plats to allow for a commercial and residential development.

AREA: About 58 acres

ZONING: R-1.5 and B2-2

SURROUNDING LAND USE: North – Lakeview and Pembroke Estates subdivisions, zoned R-7.5
South – Marketplace 152 and Claytona subdivision, zoned B2-2 and R-7.5
East – Essex subdivision, zoned R-6
West – Barre Woods Apartments, zoned R-1.5

LAND USE PLAN: The proposed development plans are located within the boundaries of the Gashland/Nashua Area Plan. The land use plan recommends Mixed Use Community and Residential Medium Density land uses on the west side of N. Indiana Avenue and Mixed Use Neighborhood uses on the east side of N. Indiana Avenue. The proposed uses submitted by the applicant are not consistent with the area plan.

ARTERIAL STREET IMPACT FEE: The subject property lies within District B and is subject to impact fees as required by Chapter 39.

RELEVANT CASE HISTORY: No relevant case history.

NEIGHBORHOOD AND CIVIC ORGANIZATIONS NOTIFIED: The Bridgepointe Homes Association has been notified.

PUBLIC ENGAGEMENT: The public engagement ordinance applies to all applications filed after October 1, 2019. This application is exempt from the ordinance because it was filed prior to this date. We are aware that the applicant has met with adjacent neighborhoods at least once.

NEARBY PROJECTS: Marketplace 152 was approved as a Committee Substitute on December 15, 2016. It included rezoning an area of approximately 24.17 acres generally bounded by N.E. Barry Road on the north and west, Missouri Highway 152 on the south and Indiana Avenue on the east from District B2-2 to District B3-2 and approving a development plan for commercial development (nine commercial buildings totaling about 102,150 sq. ft.), which plan also serves as a preliminary plat. **(Ord. 160932)**

KEY POINTS:

- The applicant is proposing multiple uses including group living, fuel sales, office, retail and self-storage.
- Approximately 392 residential units are proposed.
- The project will be completed in phases with the proposed 4-plex buildings and C-store completed first (east half of the site).

EXISTING CONDITIONS:

The approximately 58-acre site is located on the northwest and northeast corners of NE Barry Road and N. Indiana Avenue. The site is currently undeveloped and is bisected by N. Indiana Avenue running north-south. There are many trees on the west side of the site and two small ponds on the east side of the site. Neither Indiana nor Barry are improved to current standards. The Lakeview Villas and Pembroke Estates subdivisions are to the north. The Barre Woods Apartments are to the west and the Essex Place subdivision is to the east of the site.

LAND USE/AREA PLAN COMPLIANCE

The site is within the Gashland/Nashua Area Plan. The proposed development and zoning categories do not currently comply with land use recommendations of that plan and therefore the area plan amendment is requested. Several development guidelines have been shared with the applicant during the review process. The original submittal complied with most of the guidelines and staff continues to work with the applicant regarding others. Staff is recommending conditions related to these.

REZONING

While the overall project is referred to as Staley Corners, it is best understood by breaking it in half with Staley Corners West being that portion west of N Indiana and Staley Corners East being that portion to the east.

Staley Corners West

The property is currently zoned R-1.5 with a small portion zoned B2-2 near the intersection of Barry and Indiana. The applicant is requesting this area to be rezoned consistent with Figure 1.

Staley Corners East

The property is currently zoned B2-2. The applicant is requesting this area be rezoned consistent with Figure 1.

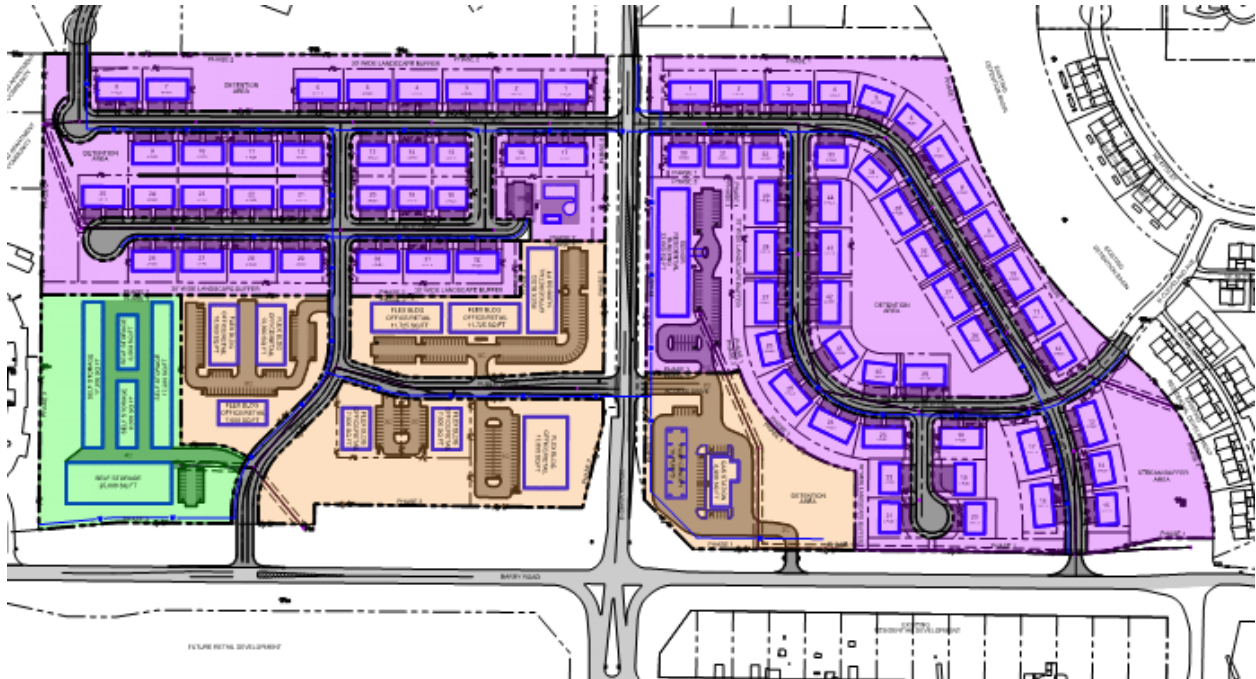


Figure 1. Proposed Zoning (R-1.5 in pink, B2-2 in peach, B4-3 in green)

The effect of the proposed rezonings is to shift commercial from Staley Corners East to Staley Corners west as East will be downzoned (except for the small area near the intersection) and West will be upzoned. This pattern of zoning is consistent with the existing pattern of zoning and development to the south where Marketplace 152 is located west of Indiana (directly south of Staley Corners West) and residential is located east of Indiana (directly south of Staley Corners East). For this reason staff does not believe an area plan amendment is necessary; however, the proposed B4 zoning at the southwest corner of Staley Corners West does trigger the need for the proposed amendment as it is more intense than current zoning.

DEVELOPMENT PLAN REVIEW

The applicant is acting as the developer of the proposed residential in both plan areas but intends to sell the remainder. As such, the project will be developed in phases over time. For this reason design standards are critical to ensure the entire development is cohesive. Staff is recommending that a project plan be required for approval of each phase so that details regarding landscaping and design may be evaluated against the code and the proposed design standards at that time.

Staley Corners East

This area will consist of a gasoline and fuel sales use with convenience store, senior residential apartments and 196 units in 44 residential buildings some of which will contain three units each with the remainder containing four units each. Staff's understanding is that the applicant will be the developer for the residential component and will sell the remainder with the lot for the proposed gas station being the first likely development. These buildings must follow the attached

house standards of the zoning and development code. The intent of the standards is to improve upon the aesthetic characteristics of developments containing attached houses (commonly referred to as duplexes, triplexes or townhouses) by limiting the width and placement of driveways and garages and ensuring the buildings themselves are architecturally distinct. For example, garages cannot occupy more than 40% of the front façade of each building, and each unit must have an entrance oriented toward the street. It is not clear whether the current proposal complies, so staff is recommending conditions related to this.

As mentioned previously, staff is generally supportive of the upzoning of Staley Corners West because this area will be downzoned except for the gas station site. Staff finds this an improvement over the existing situation as this site is surrounded by residential on three sides whereas Staley Corners West is surrounded by residential on two sides. The gas station itself will be buffered from adjacent residential developments by the proposed residential on two of the three sides.

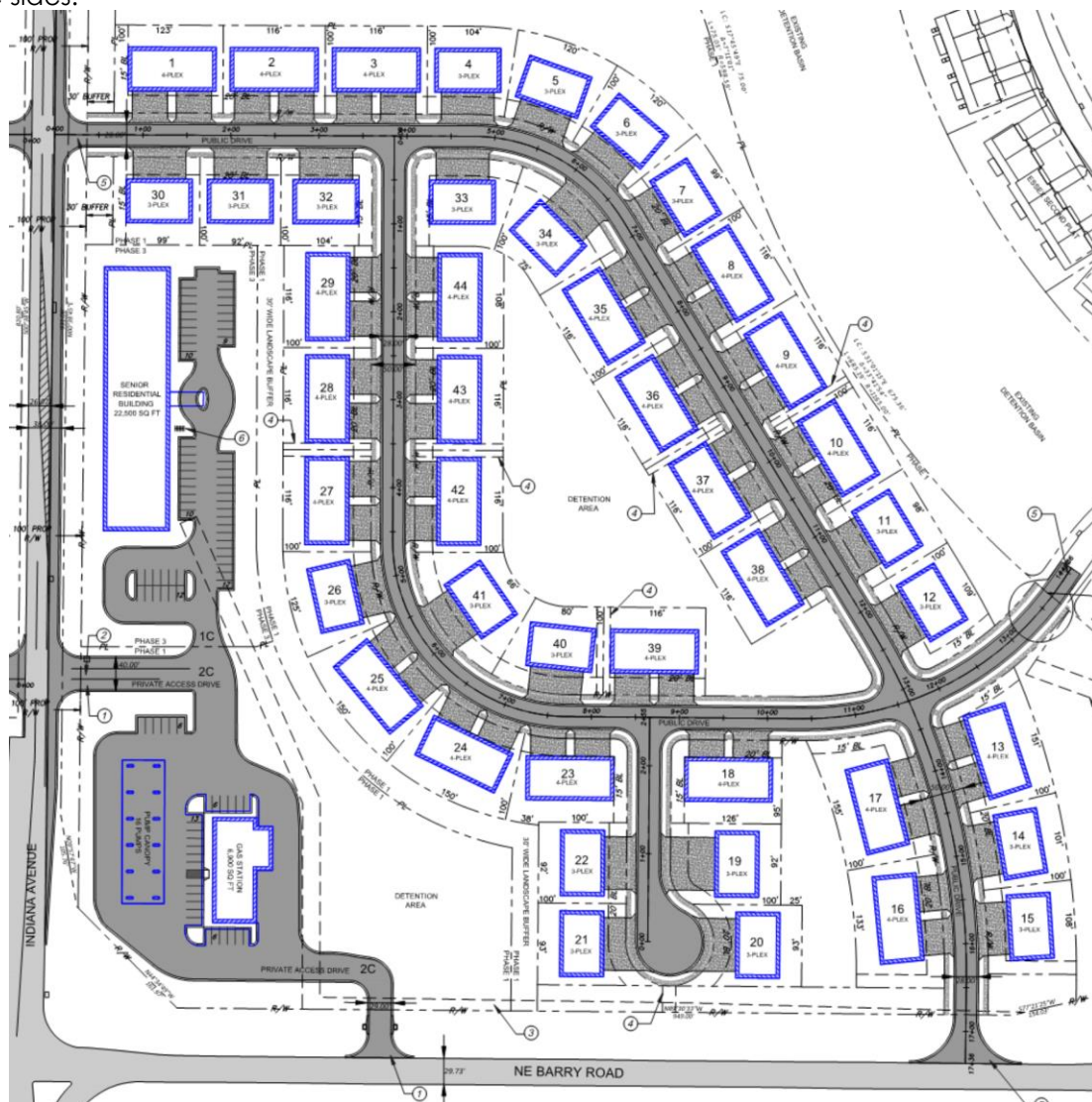


Figure 2. Staley Corners East

The development to the east, Essex Place, was constructed more than a decade ago. The approved plan required construction of a street immediately to the east of the subject property with attached residential buildings oriented onto the street. For reasons unclear to us the street was never constructed but the residential buildings were. The area in which the required street would be located is a wooded ravine that happens to include a regulated stream. Ordinarily staff would push for this road to be constructed; however, given that it is now the location of a regulated stream we feel this is unwise and impractical. Staff does retain some reservations given that the residences to the east in Essex Place were constructed to face onto a street that will never exist. They even have sidewalks leading to a sidewalk that would have been constructed with the street. Staff is recommending that the developer of Staley Corners work with the Essex Place property owners association and individual property owners to construct a sidewalk running on an alignment roughly parallel to where the street would have been constructed in order to create a more formal appearance of a front yard and to provide the necessary pedestrian connections to the greater pedestrian network to the north and south.



Figure 3. Essex Place. Subject property is on the left. Essex Place on the right. Required Street would have been constructed in the area of the regulated stream (in blue). In the photograph you can see the sidewalks constructed from the units to the future street.

Staley Corners West

The bulk of this property is currently zoned R-1.5. The northern half will remain as currently zoned and is proposed to contain 121 residential units in 32 buildings; some three-unit and others four. The southern half of the site will be upzoned to B2-2 and B4-3. That portion zoned B4-3 will feature a self-storage facility which is first allowed in District B4, thus the rezoning request. The remainder of the southern half will include a mixture of commercial uses. Like East, staff understands the applicant to be the developer of the residential component on this side. The remainder will be sold to others with the self-storage being the first to develop.



Figure 4. Staley Corners West

PARKING

These plans propose 447 vehicular parking/driveway spaces on the west side and 399 parking/driveway spaces on the east side for a total of 846 spaces. This greatly exceeds the minimum parking requirement of approximately 521* spaces, at the rate of one space required per residential unit, 2.5 spaces required per 1,000 sq. ft. of retail use, 1 space per 1,000 square feet of office floor area, and 3 spaces plus 1 per 75 self-storage units. Bicycle parking is provided as required by code – 63 short-term and 31 long-term spaces. Short-term parking is shown throughout the site.

*The 521 space minimum requirement is an estimate because the plan does not call out the total number of self-storage units or the total number of residential units in the apartment buildings just north of the gas station. The code requires 3, plus 1 per 75 storage units and 1 space per residential unit. The minimum requirement provided above assumes 36 apartment units and 300 self-storage units.

DESIGN STANDARDS

The applicant has submitted design standards which will apply to the entirety of the site. The standards offered by the applicant requires use of “high quality” materials and follow a clear architectural theme. The facades must have repeating patterns in color, material and texture. Permitted materials include brick, concrete masonry, stucco, concrete panels, tile, wood, or cast stone. Vinyl siding and plywood are prohibited. The applicant has provided some conceptual renderings, shown below. Staff is recommending some revisions to the design standards to ensure they can be evenly and clearly applied to future phases. In addition, staff believes at least four different elevations of the residential buildings should be provided and that no two adjacent buildings be constructed with the same elevation in order to provide visual interest and improve the long-term value of the development.



Quadplex Front Elevation



Proposed self-storage facility design



Commercial Tenant Space Elevation

LANDSCAPING

Landscaping will be evaluated at time of project plan review for each phase. It appears the standards of the code can be met with the possible exception of the residential component, which due to the width of the driveways and their proximity to one another may provision of the required number of street trees impossible. This is one of the reasons staff is recommending modifications to the driveways.

PARKLAND DEDICATION

The plans do not indicate how the developer plans to satisfy this requirement. Staff believes the developer intends to pay in-lieu of dedicating parkland and has facilitated a conversation between the developer and the Parks Department to determine whether these funds could be directed to Essex Park, which is an existing but underdeveloped park, in the Essex Place neighborhood just to the east of the subject property. Given that the park is surrounded by new neighborhoods but is underdeveloped all parties seem to agree that improvements are warranted.

EXISTING PUBLIC INFRASTRUCTURE

NE Barry Road and N. Indiana Avenue are both paved two-lane roads without curb/gutter, stormwater or sidewalks. Both streets are on the Major Street Plan. The traffic impact study that was submitted by the applicant indicates that additional improvements are needed for the

proposed development. MoDOT recommends that a southbound right turn lane at the westbound on-ramp to Highway 152 should be installed during Phase 1 of the development. The applicant has stated that the intersection of NE Barry Road and N. Indiana Avenue is anticipated to be improved and signalized by 2021.

ISSUES/ANALYSIS

Staff initially met with the applicant in June 2018 and has met with the applicant several times since to provide feedback regarding the original plans that were submitted. During these discussions, staff provided several recommendations regarding layout, architecture, uses, and other issues. Following these discussions, the applicant has submitted several versions of revised plans. However, there are still several issues and recommendations listed below:

- ***Sustainability of Commercial Uses and Locations***

Staff has concerns with the location of some of the proposed commercial uses on the site plan and the amount of commercial space in general. Staff met with the applicant on September 6, 2019 to discuss the overall site layout and provided several suggestions. One such suggestion was to move all commercial uses, excluding the convenience store and fuel pumps, to the west side. The applicant has done this.

There is a total of 116,300 square feet of office/retail space proposed, not including the self-storage facility or convenience store. It is well-established that retail sales at brick and mortar locations have generally declined in recent years and with Marketplace 152 approved for approximately 102,000 square feet of commercial space immediately to the south, there are concerns about the long-term sustainability of this additional commercial space.

- ***Residential Building Design***

Staff has expressed concern over the proposed architecture of the 4-plex buildings. The applicant has been encouraged to provide additional building façades and architectural elements along the building elevations. The intent of this suggestion is to provide variety amongst the 4-plexes in order to not have each building identical to the next. Additionally, the proposed building four-plex townhomes do not comply with 88-110-06-C because the garage doors exceed 40% of the wall area on the ground floor of the front façade. Staff has suggested a design which reorients the outer garage doors to the side of each building and creates a more traditional front façade appearance.

In conclusion, staff finds that the overall mixture of uses and their arrangements to be suitable for the site. Considering this, we are supportive of the proposal with reservations, reflected in our recommended conditions.

RECOMMENDATIONS:

Staff recommends approval of the following requests without conditions:

- 2.1 CD-CPC-2019-00024- Area Plan Amendment
- 2.2 CD-CPC-2019-00023- Rezoning for Staley Corners West
- 2.4 CD-CPC-2019-00025- Rezoning for Staley Corners East

Staff recommends approval of the following requests subject to the following conditions:

- 2.3 CD-CPC-2019-00022- Development Plan for Staley Corners West
- 2.5 CD-CPC-2019-00026- Development Plan for Staley Corners East

1. That the plans are revised as follows prior to City Council consideration:
 - a. Continue discussions with staff regarding design standards prior to council consideration.
 - b. Add a note to the plans stating how parkland dedication will be satisfied.
 - c. Show a pedestrian connection in Staley Corners East between from the street and going between residential buildings 25/26 and connecting to the private drive providing access to the gas station and senior housing.
 - d. That the driveway widths be narrowed or combined so as to provide sufficient space between each driveway for a street tree and to improve the pedestrian experience.
 - e. That at least four different residential building elevations provided and that each clearly reflects the requirements of the design standards and the zoning and development code (including that no more than 40% of the façade consist of a garage).
2. That the developer submits and secures approval of a project plan for each phase prior to building permit in said phase. The project plan shall provide detail sufficient to determine compliance with the approved development plan and its design standards as well as the applicable standards in the zoning and development code.
3. Provide a sidewalk along at least one side of N. Indiana Avenue and connect with the sidewalk network shown in the plan set.
4. The project plans for the residential phases shall identify which elevation goes with each residential building.
5. Obtain a variance for any vehicular use area which exceeds 40% of pavement in the front yard per 88-420-12.

The following conditions are recommended by Jeff Bryan in the Public Works Department.

6. The intersection of N. Barry Road and N. Indiana Avenue shall be improved and signalized prior to issuance of Certificate of Occupancy for Phase 1 of Staley Corners.
7. The developer shall construct an additional southbound through lane on N Indiana Ave between Drive Two and NE Barry Rd (Phase 1).
8. The developer shall construct a southbound left turn lane on N Indiana Ave at Drive Two and at Drive One. These lanes shall be at least 100' in length plus taper length (Phase 1).
9. The developer shall construct a second westbound left turn lane on NE Barry Rd at the intersection of N Indiana Ave (Phase 1).
10. The developer shall construct a westbound left turn lane on NE Barry Rd at Drive Three. This lane shall be at least 100' in length plus taper length (Phase 3).
11. The developer shall construct a second northbound left turn lane on N Indiana Ave at the intersection of NE Barry Rd (Phase 2).

12. The developer shall construct a northbound left turn lane on N Indiana Ave at Drive One. This lane shall be at least 100' in length plus taper length (Phase 2).
13. The developer shall construct an eastbound left turn lane and a westbound right turn lane on NE Barry Rd at Drive Three. These lanes shall be at least 100' in length plus taper length (Phase 3).
14. The developer shall construct a northbound left turn lane on N Indiana Ave at Drive Two. This lane shall be at least 100' in length plus taper length (Phase 3).

The following conditions are recommended by Richard Allen in the Parks and Recreation Department.

15. The developer shall pay money in lieu of dedication of parkland in the amount of per formula or Dedicate Acreage of Private Open Space for Parkland Purpose as identified in 88-408. To receive credit for previous dedication the developer needs to show and list areas previously dedicated. Calculations for parkland acres are as following: (# multi-family units) X (2 persons per unit) X (0.006 acres per person) = acres of parkland required. The Money in lieu is to be paid before the Final Plat is accepted and/or prior to Certificate of Occupancy is to be issued, whichever occurs first.
16. The developer shall submit a streetscape plan with street tree planting plan per 88-425-03 for approval and permitting by the Parks & Recreation Department's Forestry Division prior to City Council approval in the public right-of-way of all public streets. Live tree removals on City property and City right-of-ways require pre-approval by Parks & Recreation Forestry Division. Dead trees on City property and City right-of-ways should be confirmed dead by Parks & Recreation Forestry Division prior to removal.

The following conditions are recommended by the Land Development Division of the City Planning & Development Department.

17. 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.
18. 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.
19. 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.
20. The developer must design and construct all interior public streets to City Standards, as required by Chapter 88 and the Land Development Division, including curb and gutter, storm sewers, street lights, and sidewalks.
21. 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.
22. 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.

23. 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, prior to issuance of any construction permits within said right-of-way, and that the owner/developer shall be responsible for all costs associated with subordination activities now and in the future.
24. The developer must submit covenants, conditions and restrictions to the Land Development Division for review by the Law Department for approval for the maintenance of private open space and enter into a covenant agreement for the maintenance of any stormwater detention area tracts, prior to recording the plat.
25. The developer must dedicate additional right of way for N. Indiana 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.
26. 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.
27. 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.
28. 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.
29. The developer must grant BMP and/or Surface Drainage Easements to the City as required by the Land Development Division, prior to recording the plat or issuance of any building permits.
30. The developer shall submit plans to Land Development Division and obtain permits to construct sidewalks along the platted frontage, and construct associated ADA ramps at the proposed entrance drives as necessary for the type of drive approach.
31. 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.
32. The developer must integrate into the existing street light system any relocated existing street lights within the street right-of-way impacted by the new drive or approach entrances as required by the Land Development Division, and the relocated lights must comply with all adopted lighting standards.

33. 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.

The following conditions are recommended by the Water Services Department.

34. The developer must submit water main extension drawings prepared by a registered professional Engineer in Missouri to the main extension desk prior to the plat recording for review, acceptance and contracts per the KC Water Rules and Regulations for Water main extensions and Relocations.

The following conditions are recommended by the Fire Department.

35. Dead end fire department access road(s) in excess of 150 feet shall be provided with an approved turn around feature (i.e., cul-de-sac, hammerhead). Dead-end streets in excess of 150 feet in length resulting from a "phased" project shall provide an approved temporary turn around feature (i.e., cul-de-sac, hammerhead). (IFC-2012: § 503.2.5)
36. 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)
37. Fire Department access roads shall be provided prior to construction/demolition projects begin. (IFC-2012: § 3310.1; NFPA 241-2009: § 7.5.5)
38. 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)
39. 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)
40. If the underlying parcel is going to be divided in the future for the sale of the units, the fire wall shall be continuous from foundation through the attic to the roof.

The following condition is recommended by the Missouri Department of Transportation.

41. The developer shall install a southbound right turn lane at the westbound on-ramp to MO152. This lane is warranted Per EPG 940.9.9 in both the AM and PM Peak Hour with the addition of Phase 1 of Staley Corners development.

Respectfully Submitted,



Zach Nelson
Staff Planner