

**RE:** Case No. 4817-CP-4

**APPLICANT:** Jeff Schroeder  
Scharhag Architects  
310 Armour Road, #218A  
North Kansas City, Mo. 64116

**OWNERS:** Rosetta Ann Conforti  
6152 Timberlake Drive  
Parkville, MO 64152

**LOCATION:** Generally located on the east side of N. Antioch Road between I-35 and NE 43rd Street.

**AREA:** 5.78 acres

**REQUEST:** To consider amending a previously approved development plan in District CP-2 (Local Planned Business Center), to allow for conversion of a convenience store to automobile sales, in addition to existing motel and restaurant uses.

**LAND USE PLAN:** The Briarcliff-Winnwood Area Plan adopted by Resolution No. 090442 on June 18, 2009 recommends Mixed Use Community land use at this location.

**MAJOR STREET PLAN:** N. Antioch Road (Mo Route 1) is classified as a primary arterial street with bike lanes by the City's Major Street Plan, with a minimum right of way width of 100 feet. NE. 43rd Street is classified as a collector street with a 60 foot right of way.

**SURROUNDING  
LAND USE:**

North: I-35.  
South: zoned C3a1p/ R-5p, 7-Eleven, office, Acton Auto Service, Northland Village Apartments.  
East: zoned R-2b, single family residences.  
West: zoned CP-1 & R-3, Dominos, Chiropractic office, Antioch Auto, MF residential, residential.

**ARTERIAL STREET  
IMPACT FEE:**  
*(Informational only)*

This site is within an exempt area and therefore will not be required to pay an impact fee.

## **PREVIOUS CASES:**

**Case No. 4817-CP-3** – On September 16, 2003, the City Plan Commission approved a final plan in District CP-2 (Local planned business center) to allow for the expansion of a service/convenience store.

**Case No. 4817-CP-2** – Ordinance No. 030829, passed August 13, 2003, approved an amendment to an existing development plan in District CP-2 (Local planned business center) to allow for the expansion of a service/convenience store.

**Case No. 4817-CP** – On March 20, 1979, the CPC approved the relocation of the free-standing pylon sign and also approved the amended working on the sign to read “Best Western Plaza”.

**Case No. 7133-A** – Board of Zoning Adjustment on September 25, 1975 approved the height variance to permit a 45-foot high sign in a CP District (Zoning Ordinance permits 30-foot sign).

**Case No. 4827-CP** – Final plan approved by CPC on October 3, 1973. (Days Inn Motel)

**Case No. 4817-P-1** - On February 1, 1967, the City Plan Commission (CPC) approved a Phase I and Phase II Final plan for a motel and service station.

**Case No. 4817-P** – Ordinance No. 33150, passed October 14, 1966, rezoned the area from District R-1b to District C-P2, Planned Business Center.

## **EXISTING CONDITIONS:**

The CP district is about 5.78 acres and is located on the east side of N. Antioch Road between I-35 and NE 43<sup>rd</sup> Street. The CP district consists of two separate ownerships in two phases. Phase I is the Inn Towne Lodge with restaurant now Extended Stay Inn. Phase II is a gas station now Sinclair. The vacant Sinclair gas station is located at the northeast corner of NE 43<sup>rd</sup> Street and N. Antioch Road. The Extended Stay Inn is adjacent to, and east of the station, also fronting on NE 43<sup>rd</sup> Street. In researching the files, it appears that a gas station, motel and restaurant have been on the site since 1967.

On August 8, 2003, with Ordinance No. 030829, the City Council approved the amendment to a development plan in District CP-2 on about 5.78 acres to allow for the expansion of a service/convenience store. The motel and restaurant portion of this plan did not change.

The vacant Sinclair gas station lot is irregularly shaped with about 150 feet of frontage on NE 43<sup>rd</sup> Street and about 300 feet of frontage on N. Antioch Road. The lot is about 0.9 acres. North Antioch Road is a state route (Mo Rte 1). Just north of the site is the eastbound on-ramp to I-35. There are two access drives from N. Antioch Road and one from NE 43<sup>rd</sup> Street. There is no connection between the service station and the lodge to the east within the same CP district. A canopy extending from the building covers the islands. The landscaping is mature. There is a stand

of large evergreen trees between the station and the Inn. It appears that some of the trees were either removed or have died. There are sidewalks on N. Antioch Road or NE 43<sup>rd</sup> Street.

### **PLAN REVIEW & ANALYSIS:**

The applicant wants to amend the existing development plan to allow for used automobile sales at this location. There are no proposed changes to the existing Phase I, Extended Stay Inn. There are no proposed changes to the existing Sinclair gas station building or the site. The plan shows a 2 foot high pipe fence with bi-parting swing gates at all three driveways.

The owner of the Extended Stay Inn, which is Phase I of this development is objecting to the use of property as a used car lot. If the applicant is not the legal owner of record of the property being considered by the City Plan Commission, a consent form signed by the owner and witnessed by a Notary Public must be filed with the application. The consent form grants the CPC permission to consider the case and binds the property owner to any conditions of approval that may result. The applicant was informed that the consent of the owner will be required or that the provisions of Article V, C of the City Plan Commission Rules and Regulations will have to be met.

### **RULES REGULATIONS & PROCEDURE OF THE CITY PLAN COMMISSION**

#### **Article V- Procedures**

##### **C. Zoning Procedures**

2. Requests for amendments to planned developments, including but not limited to CP, CUP, GP, PD, -p, O, shall include all the information required in C1, above, except for C1(f); provided further that any planned development which has multiple ownerships will not require written authorization from the other property owners within the district if either
  - (i) the plan amendment does not affect the bulk or area requirements (including floor area ratio, ground coverage, setbacks, parking, height or screening) or
  - (ii) the other property owners have been notified by the applicant as provided in Section 80-360(a), Code of Ordinances.

In order to determine where there is any effect on the remaining property by virtue of the amendment, the applicant shall include in its application a specific statement as to extent of the changes. In the course of the hearing before the City Plan Commission, if the Commission determines that there is an effect to the detriment of the remaining property owners, the Commission shall continue the matter until the consent of the remaining property owners is filed or until notice is sent as hereafter provided. In the event that the applicant is unable to secure the consent of the remaining property owners within the district, the applicant shall send notice to such property owners by certified mail. If no property owner responds in writing within thirty (30) days after the date notice is mailed, the application shall be placed on the next available. However, the applicant shall provide an affidavit to the Commission to indicate compliance with this rule.

The applicant shall demonstrate that the above requirements have been met for this case to be heard.

The plan does not request the approval of a monument sign. The developer will submit a final plan to the City Plan Commission for approval, indicating plans for landscaping, grading, signage, building elevations, lighting and a photometric study showing zero foot candles at the property lines. At that time, staff will review the existing landscaping and make recommendations on additional plantings.

**The Briarcliff-Winnwood Area Plan Land Use Recommendation.**

**Mixed-Use Neighborhood:**

Primarily intended to accommodate and promote neighborhood serving retail sales or service uses, as well as mixed-use development consisting of business uses on a building's lower floors and residential uses on upper floors. This type of vertical, mixed-use development includes a variety of business and residential choices and should enhance the pedestrian environment of the community. Encouraging residential development in mixed-use areas provides increased housing choice and promotes higher density housing. This land use classification corresponds with the "B1" and "B2" zoning categories.

**Priority Areas for Revitalization or Redevelopment:**

Participants in the planning process identified eight priority areas to target for revitalization and/or redevelopment in order to ensure the long-term health and sustainability of the Plan Area. The general locations of these areas are reflected on the Future Land Use map. The actual boundaries of these areas should be considered flexible, and may be modified based on additional neighborhood-level planning and participation by area business owners and neighborhood residents.

In general, each priority area consists of aging commercial properties that have become increasingly obsolete and are at a competitive disadvantage with newer development areas on the fringe of the City or in surrounding suburbs. These targeted areas are also often in close proximity to residential properties and have limited ability to expand without encroaching into existing residential areas. Generally areas needing complete redevelopment are those in which the most severe problems exist – the structures have limited viability in the marketplace, have a blighted appearance, and may require demolition. All areas may need a combination of public and private investment to make redevelopment economically feasible.

Planning and development efforts for the priority areas should strive to create neighborhood destinations where people can live, work and play; safely walk from their homes to places to shop or work; and conveniently access transit options to travel to other parts of the City. Improving the economic viability of these areas should be a key strategy for meeting the future market needs of new residential, office, and retail services throughout the Plan Area. Revitalization or redevelopment actions for the priority zones may include some or all of the following:

**Recommendations for Priority Zones:**

- Conduct detailed planning studies for each priority zone to determine the appropriate mix of land uses, to identify infrastructure needs to support the preferred mix of uses, to implement

urban design standards to ensure compatibility with nearby neighborhoods, and to provide strategies that encourage and support revitalization and/or redevelopment.

- Determine appropriate partnerships for public and private investment and identify other redevelopment tools that will attract development and motivate property owners to reinvest in their businesses and homes.
- Preserve existing structures that are sound or that may be historically significant, and demolish structures which are in poor condition.
- Create a new urban fabric for the area, including upgrading infrastructure and access to multi-modal transit.
- Integrate Best Management Practices (BMPs) and green infrastructure.

### **The I-35 / Antioch Rd Interchange**

- This area should consist of complete redevelopment of the existing highway oriented heavier commercial uses. As redevelopment occurs the following key elements should be incorporated: A limited amount of higher intensity community retail and office uses, generally more than onestory in height, located closest to the interstate.
- A mixture of medium and medium-high-density residential uses transitioning from nearby lowdensity residential neighborhoods to higher intensity mixed-use development.
- A strong multi-modal design including pedestrian, bicycle, and transit-oriented facilities. Coordinate with KCATA to consider the potential for an I-35 commuter express bus stop.
- Well-designed connectivity with surrounding neighborhoods, including buildings sensitive to the neighborhood architecture and character.
- Mixed-use development that serves nearby neighborhoods.
- Primary gateway features around the I-35 interchange and Image Street streetscape enhancements consistent with the Urban Design Framework Plan.
- Improved pedestrian and bicycle accommodations through the I-35 interchange area.

This request is not for a change in zoning designation or a revitalization of the area but a request to allow the re-use of a vacant gas/ convenience station. The only request is for the existing CP District plan to be amended to permit used car sales at this location. Staff has attached a list of permitted uses within the CP-1 and CP-2 districts. This can be considered a transitional use until such time as the detailed planning study of the area is taken on a micro level.

### **RECOMMENDATION:**

The plan was reviewed by the Plats Review Committee on October 20, 2010. Staff recommends approval of Case No 4817-CP-4 subject to the following conditions:

1. That six collated and folded copies and an 8 ½” X 11” transparency of a revised drawing be submitted to Development Management prior to the ordinance request showing:
  - a) Developer Contact Information, including phone number and/or e-mail.

- b) label existing conditions including width of all right of ways, roadways, etc including center lines.
  - c) label sidewalks, curbs, and gutters as they exist adjacent to project frontage, and correctly within the right of ways. Show and label proposed sidewalks, curbs, and gutters. Show and label sidewalks, curbs, and gutters that need to be repaired or reconstructed.
2. That the developer submit a detailed Micro storm drainage study, consisting at a minimum of a letter from a Missouri Licensed Civil Engineer stating that the proposed development offers no site improvements and, therefore, will not alter or increase historical runoff conditions for the site, to Development Services prior to approval and issuance of any building permits, and that the developer construct any improvements as required by Development Services prior to the issuance of any certificate of occupancy.
  3. That the developer submits a letter from a Licensed Civil Engineer, Licensed Architect, or Licensed Landscape Architect, who is registered in the State of Missouri, stating the condition of the sidewalks, curbs, and gutters. The letter must identify state of repair as defined in Chapters 56 and 64 of the Code of Ordinances for the sidewalks, curbs, and gutters. It shall identify the quantity and location of sidewalks, curbs, gutters that need to be constructed, repaired, or reconstructed. 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 Development Services, prior to issuance of any certificate of occupancy.
  4. That the developer submit a final plan to the City Plan Commission for approval, indicating plans for landscaping, grading, signage, building elevations, lighting and a photometric study showing zero foot candles at the property lines.

Respectfully submitted,

Olofu O. Agbaji  
Planner