



CITY PLAN COMMISSION STAFF REPORT

City of Kansas City, Missouri

Department of City Planning and Development
Development Management Division

414 E 12th Street, 15th Floor
Kansas City, Missouri 64108
www.kcmo.org/planning

Project

Andy's Frozen Custard

Hearing Date September 1, 2020

Item	Case	Request
#11.1	CD-CPC-2020-00120	Rezoning to B2-2
#11.2	CD-CPC-2020-00121	Dev. Plan

Item Staff Recommendation(s)

#11.1	Approval
#11.2	Approval with Conditions

Applicant/Owner

Patricia Jensen
Rouse Frets White Goss Gentile Rhodes,
P.C.
4510 Belleview Ave, Suite 300
Kansas City, MO 64111

Location	7856 Wornall Rd
Area	About 0.55 acres
Zoning	B3-2 and R-6
Council District	6th
County	Jackson
School District	KCMO 110

Surrounding Land Uses

North: Jiffy Lube, zoned B3-2

East: Commercial uses, zoned B3-2

South: Commercial uses, zoned B3-2

West: Single-family residential, zoned R-6

Land Use Plan

The Country Club/Waldo Area Plan recommends Mixed Use Community land uses. The request conforms to this recommendation.

Major Street Plan

Wornall Road is identified as an Established Arterial on the Major Street Plan.

APPROVAL PROCESS



PUBLIC HEARING REQUIRED

Yes

NEIGHBORHOOD AND CIVIC ORGANIZATIONS NOTIFIED

Notice of the public hearing was sent to the West Waldo Neighborhood Association.

REQUIRED PUBLIC ENGAGEMENT

Public engagement as required by 88-505-12 applies to this request. The applicant held a public meeting on August 19, 2020, a summary of which is attached.

SUMMARY OF REQUEST

Applicant is seeking approval of a rezoning to District B2-2 and a development plan to allow for a drive-through restaurant.

PURPOSE

The applicant is proposing construction of a new Andy's Frozen Custard restaurant which requires approval of the above-referenced request.

HISTORY

No relevant case history exists at this location.

KEY POINTS

- The applicant is proposing a new Andy's Frozen Custard restaurant.
- The applicant intends to rezone to B2-2 and has also submitted a development plan.

PLAN REVIEW

There is an existing building on the site that was formerly a Birbiglia's liquor store. The applicant is proposing to

construct a new Andy's Frozen Custard drive-through restaurant. The site has a split zoning of B3-2, which is the majority of the site and R-6 which is the western 1/3rd of the site. The intent of the rezoning to B2-2 is to create a uniform zoning district on the site that still allows for the proposed use. The B2-2 zoning complies with the Country Club/Waldo Area Plan and is a slightly more restrictive zoning district than the current B3-2 zoning. The applicant has also submitted a development plan.

In terms of site layout, the site plan shows a one-story drive-through Andy's Frozen Custard restaurant at the northwest corner of W. 79th Street and Wornall Road. The building will be located on the south half of the site with the main entrance to the building facing north. Vehicular parking is shown to the north and west of the building. A total of 33 spaces are proposed, including 2 ADA accessible spaces. A drive-through is shown along the south side of the building and will allow for stacking of at least 7 vehicles. Curb cuts are shown along Wornall Road (primary entrance) and W. 79th Street. In terms of signage, a 6' illuminated monument sign is shown at the southeast corner of the site and an illuminated directional sign near the end of the drive through lane. There will also be a clearance sign and menu board along the drive-through. The building will also have walls signs on the north and east building elevations. The site will also be thoroughly landscaped with street trees and shrubs providing screening and buffering.



A total of 22 vehicle spaces are required and a total of 33 vehicle spaces are provided. In terms of bicycle parking, a total of 4 short-term and 2 long-term bicycle spaces are required and a total of 4 short-term and 2 long-term spaces are provided. The applicant's request conforms to the applicable requirements of this section.

A landscape plan was provided which shows street trees along all adjacent streets. Additional landscaping is provided throughout the site in the form of various shrubs, grasses, and groundcover. A combination of Maple, Honeylocust, Red Oak, Crabapple, and Juniper trees are proposed. A total of 11 street trees are

required and 11 street trees are proposed. The trash enclosure will also be adequately screened. The landscape plan shows burning bush along the parking lot perimeter. These will be ineffective screening during winter. Staff recommends that these be replaced with an evergreen species. In addition, the plan does not show perimeter screening between the drive-through lane and Wornall Road, which is a requirement. In addition, the plan also shows grasses adjacent to the drive-through lane at the intersection. This will be ineffective screening as well. Overall, the proposed landscaping does not fully comply with the landscape requirements of the zoning and development code.

Outdoor Lighting Standards (88-430)

A photometric plan was submitted with the overall plan set. The site will be well lit with coverage throughout the site. The lighting along the west property line exceeds the allowable spillover light of 0.186 foot-candles. The applicant must shield the lighting to comply with the spillover light requirements.

Sign Standards (88-445)

Staff has several concerns with the signage that is proposed. The west and east building elevations show 4 wall signs. However, a maximum of 3 wall signs are allowed per building elevation. Also, the proposed directional signage near the Wornall Road entrance is a pole sign, which is not permitted. It should be replaced with a monument sign. In addition, the proposed monument sign at the southeast corner of the site is not set back 10 feet, as required. Overall, the proposed signage does not fully comply with the signage section of the zoning and development code.

Pedestrian Standards (88-450)

The site will connect with the existing sidewalk network in this area. There is an existing sidewalk on the east side of the site along Wornall Road. However, there is not an existing sidewalk along 79th Street. The applicant must construct this sidewalk. As a result, the applicant's request does not conform to the applicable requirements of this section.

REZONING ANALYSIS

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 plan complies with the Country Club/Waldo Area Plan and all additional planning policies.

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

The nearby properties and uses are mostly commercial. There is an existing Jiffy Lube to the immediate north. In addition, the majority of the subject site is already zoned for commercial uses (B3-2). Staff believes that the proposed zoning of B2-2 and proposed restaurant use are appropriate for this location.

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

The subject site is currently a vacant former liquor store and the overall area in which the subject property is located is mostly urban in character with various commercial uses.

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

The existing public infrastructure and services provided to the site are mostly adequate to serve the proposed restaurant use. The site is served by water, sewer, and electric. However, the site does not have a sidewalk along 79th Street.

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

The western 1/3rd of the site is zoned R-6 and does not permit the restaurant use. Since the site is adjacent to R-1.5 zoning, both to the west, it would need to comply with the R-1.5 lot and building standards, which would restrict the site layout and require several variances. Staff finds the proposed B2-2 zoning to be acceptable

given the lot and building restrictions that exist without the B2-2 zoning, and the fact that it is slightly less intensive than the current B3-2 zoning.

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

The site has been vacant for several years.

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

The proposed restaurant use is not anticipated to detrimentally affect any nearby properties.

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.

The applicant has made investment in the due diligence and planning phases through architectural plans, surveys and other costs. Staff does not find any gain in overall public health, safety, and welfare due to the denial of the application.

PLAN ANALYSIS

In order to be approved, the plan must comply with all of the following criteria:

88-516-05-A. The plan must comply with all standards of this zoning and development code and all other applicable city ordinances and policies.

The rezoning to B2-2 and the development plan conforms to a majority of the zoning and development code.

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

The proposed B2-2 zoning allows for the proposed restaurant and drive-through.

88-516-05-C. Vehicular ingress and egress to and from the site, and circulation within the site, must provide for safe, efficient and convenient movement of traffic not only within the site but on adjacent roadways.

Vehicular ingress and egress to and from the site will be available from Wornall Road to the east and W. 79th Street to the south. The circulation and movement within the proposed layout of the site itself is anticipated to be the safest and most efficient option available.

88-516-05-D. The plan must provide for safe, efficient, and convenient non-motorized travel opportunities, being pedestrian and bicycle movement, on the subject site.

The applicant must construct a sidewalk along 79th Street to connect into the existing sidewalk network. Staff also recommends pedestrian striping along both curb cuts.

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

The utility plan provided appears to provide adequate utilities for the entire area.

88-516-05-F. The location, orientation, and architectural features, including design and material, of buildings and other structures on the site must be designed to be compatible with adjacent properties.

The plan will connect into the existing street network and will be oriented in a cohesive manner relative to the adjacent properties. The architectural features, including design and material of buildings and other structures within the site will be compatible with adjacent properties as well.

88-516-05-G. Landscaping, berms, fences and/or walls must be provided to buffer the site from undesirable views, noises, lighting or other off-site negative influences and to buffer adjacent properties from negative influences that may be created by the plan.

A landscape plan was provided which shows street trees along all adjacent streets. Several landscape revisions are needed and additional screening is required. Overall, the proposed landscaping does not comply with the landscape requirements of the zoning and development code.

88-516-05-H. The design of streets, drives, and parking areas within the project should result in a minimum of area devoted to asphalt or other impervious surfaces consistent with the needs of the project and city code requirements.

A total of 22 vehicle spaces are required and a total of 33 vehicle spaces are provided. The impervious surfaces seem to be consistent in relation to the parking that is required.

88-516-05-I. The plan must identify trees to be removed and trees to be preserved during the development of the subject property with the goal of saving trees that are not required to be removed for the development of the property.

There are no existing trees proposed to be removed. The site will have more trees after the development than before.

PROFESSIONAL STAFF RECOMMENDATION

Overall, staff is supportive of the proposed rezoning to B2-2 and development plan. City Planning and Development Staff **recommends approval without conditions** for the rezoning to B2-2 and **recommends approval subject to the following conditions** for the development plan, based on the application, plans, and documents provided for review prior to the hearing:

1. That plans, revised as noted below, are submitted and accepted by the following staff prior to ordinance request:

The following corrections are recommended by the Development Management Division of the City Planning and Development Department. For questions, contact Zach Nelson at zachary.nelson@kcmo.org.

- a. Shield the lighting on the west property line to comply with 88-430-05-C. Spillover light may not exceed 0.186 foot-candles onto R-zoned property.
- b. Provide pedestrian striping along both curb cuts.
- c. Revise the site plan to show a sidewalk along 79th Street that will connect into the existing sidewalk network.
- d. Replace the burning bush species along the site perimeter with an evergreen species that will provide adequate screening year-round.
- e. Provide additional screening along the east side of the drive-through lane as required by 88-425-05-B.
- f. Relocate monument sign "A" as shown on the sign schedule to ensure at least 10 feet of setback as required by 88-445-08-A.

The following conditions are recommended by the Development Management Division of the City Planning and Development Department. For questions, contact Zach Nelson at zachary.nelson@kcmo.org.

2. The existing pole sign on the site shall be removed prior to issuance of Certificate of Occupancy.

The following are recommended by the Fire Department. For questions, contact John Hastings at john.hastings@kcmo.org.

3. All construction shall be in compliance of the applicable building codes which are in effect at the time of construction and shall be built under valid building permits issued by City Planning and Development. (IFC-2018 § 102.4)

The following are recommended by the Land Development Division. For questions, contact Stacey Lowe at stacey.lowe@kcmo.org.

4. 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 corner of Wornall Road and West 79th Street and proposed entrance drives as necessary for the type of drive approach.
5. The developer shall 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, that identifies sidewalks, curbs, and gutters in disrepair as defined by Public Works Department's "OUT OF REPAIR CRITERIA FOR SIDEWALK, DRIVEWAY AND CURB revised 11/5/2013" and based 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.

6. 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.
7. 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.
8. The developer must grant a BMP and/or Surface Drainage Easement to the City as required by the Land Development Division, prior to issuance of any building permits.
9. The developer shall submit a Storm Drainage analysis from a Missouri-licensed civil engineer to the Land Development Division evaluating proposed improvements and impact to drainage conditions. Since this project is within a "Combined Sewer Overflow" (CSO) district, the project shall be designed to retain rainfall of 1.5 inch depth over the entire site to simulate natural runoff conditions and reduce small storm discharge to the combined sewer system. Manage the 10-year storm and 100-year storm per currently adopted APWA standards. The analysis shall be submitted, and the developer shall secure permits to construct any improvements required by the Land Development Division prior to Certificate of Occupancy.

The following are recommended by the Water Services Department. For questions, contact Robert Davis at robert.davis@kcmo.org.

10. Stormwater management facilities, including but not limited to detention basins and BMPs, shall be privately maintained and covered by maintenance covenant(s) or easement(s) that include provisions for private maintenance.

The following are recommended by the Water Services – Engineering Division. For questions, contact Jerald Windsor at gerald.windsor@kcmo.org.

11. Follow the KCMO Rules and Regulations for Water service & fire service lines.
(<https://www.kcwaterservices.org/wp-content/uploads/2018/07/2018-Rules-and-Regulations-for-Water-Service-Lines.pdf>)

The following are recommended by the City Planning – Permits Division. For questions, contact Heather Massey at heather.massey@kcmo.org.

12. The developer shall ensure that water and fire service lines should meet current Water Services Department Rules and Regulations.
<https://www.kcwater.us/wp-content/uploads/2019/04/2018-Rules-and-Regulations-for-Water-Service-Lines.pdf>

The following are recommended by the Parks Department. For questions, contact Justin Peterson at justin.peterson@kcmo.org.

13. 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 beginning work in the public right-of-way.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Zach Nelson". The signature is fluid and cursive, with the first name "Zach" and last name "Nelson" clearly distinguishable.

Zach Nelson
Planner