

# COMMUNITY PROJECT/ZONING

## Ordinance Fact Sheet

Case No. 6029-P-34

**160508**

Ordinance Number

### Brief Title

To consider the approval of a Development Plan in District B 3-3 (Community Business - dash 3) to allow for a Sam's Club building with a separate fuel station building and eight (8) commercial parcels.

### Approval Deadline

### Reason

### Details

### Positions / Recommendations

Location: About 32 acres located at the southwest corner of NW Tiffany Springs Road and N Ambassador Drive Ambassador Drive	Sponsor	Jeffrey Williams, AICP, Principal Assistant to the Department Head, City Development Department
Reason for Project To allow for the construction of a Sam's Club and 8 commercial outlots.	Programs, Departments, or Groups Affected	Council District(s): 2 <sup>nd</sup> (Loar, Fowler) Other districts: Park Hill School District
<b>HISTORY AND CONTEXT:</b>  This project is for the approval of the proposed Sam's Club and some associated pad sites located at the SW corner Southwest corner of Tiffany Springs Road and N Ambassador Drive. Except for some minor changes, this is the same proposed design and request, as was approved by the City Plan Commission and Board of Zoning Adjustment on Cases 6029-P-24, 6029-SU-25, 6029-SU-28 and 6029-P-29 (see above History). Case No. 6029-P-24 approved a Major Site Plan by the City Plan Commission on December 5, 2012 for the Sam's Club Building, a separate fuel station and pad sites. Case No. 2029-SU-25 approved a special use permit by the Board of Zoning Adjustment on December 11, 2012, for the separate fuel station and also approved variances for bicycle parking. The project was not building and no permits issued within the required time period, therefore on April 15, 2014, the City Plan Commission approved Case No. 6029-P-29 and granted a one year extension to the previously approved Major Site Plan. Also on April 8, 2014 the BZA granted a one year extension for the Special Use Permit for the fuel sales and variances.	Applicants/ Proponents	
	Opponents	Groups or individuals None known
	Staff Recommendation	<input checked="" type="checkbox"/> For, with conditions <input type="checkbox"/> Against Reason Against:
	Board or Commission Recommendation	By: City Plan Commission, 05/03/16, Voting Aye: 7-0, Archie, Baker-Hughes, Burnette, Crowl, May, Macy and Martin; Voting Nay: None; Absent: Gutierrez <input type="checkbox"/> Approval <input checked="" type="checkbox"/> Approval, with conditions <input type="checkbox"/> Denial
	Council Committee Actions	<input type="checkbox"/> Do pass <input type="checkbox"/> Do pass (as amended) <input type="checkbox"/> Committee Sub. <input type="checkbox"/> Without Recommendation <input type="checkbox"/> Hold <input type="checkbox"/> Do not pass

**Discussion****Policy / Program Impact**

<p>Since the project time period start time based upon the Zoning and Development Code and extensions have now been exceeded, the project must go back through the approval processes. Note however that the Zoning and Development Code has now changed so that the approval process for a “Major Site Plan” has now been changed to a development plan, and now must first be recommended for approval by the City Plan Commission and approved by ordinance by the City Council. Also, since the project is essentially the same submittal as the 2012 version, the same staff report will be used, with minor modifications in <i><b>italicized bold</b></i>, to reflect any changes in the plan and any conditions, which were changed.</p> <p><b>REPORT (2012):</b></p> <p><b>Background:</b></p> <p>In December 2006, the City Council passed two ordinances which rezoned two areas, separated by NW Skyview Avenue, to District GP-3. The south portion is 74 acres, Case 6029-GP-1 and was rezoned with a plan with Ordinance No. 061287.</p>	<b>Policy or Program Change</b>	<input type="checkbox"/> No <input type="checkbox"/> Yes
	<b>Operational Impact Assessment</b>	
	<b>Finances</b>	
	<b>Cost &amp; Revenue Projections – Including Indirect Costs</b>	
	<b>Financial Impact</b>	
	<b>Fund Source and Appropriation Account Costs</b>	

**Project Start Date**

Plan filed: March 22, 2016

CPC date: May 3, 2016

Plan resubmitted: June 9, 2016

**Project Completion or Occupancy Date****Fact Sheet Prepared by:****Date:** June 22, 2016

Diane Binckley

Planner

**Reviewed by:****Date:** June 22, 2016

Diane Binckley, Manager

Development Management Division

**Reference or Case Numbers:** Case No 6029-P-34

The north portion is 32 acres (the subject site), Case 6029-GP-2 and was rezoned with a plan with Ordinance No. 061288. The south portion was approved for 678,998 sf of commercial or office development. The north portion was approved for 281,609 sf and also for commercial or office development. The location for both is generally, the northeast quadrant of M-152 and I-29. All but a few of the outparcels (OP) on the south side of NW Skyview Avenue and the larger tenant structures have been constructed within the last ~~two~~ *few* years. This south development includes The Home Depot, Petsmart, Target, J C Penney, Best Buy, Sports Authority and several other stores. The north side, although vacant, has been rough graded.

More specifically for the subject north portion, the 2006 plan, in addition to the approved 281,609 square feet of commercial and office development, allowed for a 150,000 sf anchor tenant two inline sets of shops and several out lots containing individual buildings. The area also contained two sizable wetland areas of 2.24 acres and 0.5 acres.

The subject 32 acre north portion was amended on November 5, 2009 with Ordinance No. 090899. This amendment revised the approval to 179,410 sf of commercial and office development within the same 32 acre area. This was a 102,199 sf reduction from the approved plan. The revised plan called for twelve (12) out-parcel lots such as fast food and banks, along with four attached larger stores with the largest being 50,000 sf and the smallest being 13,000 sf. There are four access drives from newly constructed NW Skyview Avenue with two being right-in, right-out only and two being fully accessed. There are two right-in, right-out drives on N Ambassador Drive. There is one right-in, right-out access drive from NW Tiffany Springs Road. As with the prior plan, the design was inward oriented with the anchor tenants (A-D) backing onto NW Tiffany Springs Road. The out-parcels and shops ring the remainder of the triangular shaped parcel. Parking for the project generally extended through the site from west to east in front of the anchor and out-parcel tenants. There are 927 parking spaces required and 1,211 parking spaces provided in the approved plan.

The plan showed a 50-foot setback for parking and buildings along the entire length of N Ambassador Drive and NW Tiffany Springs Road as was required by Chapter 80, Appendix A, Chapter 4, Section 4.1(B). Note also however that the plan showed that within this required 50 foot setback on NW Tiffany Springs Road, the allowance for the proposed ATA Special Purpose Rapid Transit Corridor. The Corridor is shown on the *Major Street Plan* and extends on the south side of NW Tiffany Springs Road, from east to west, then turns north at, or just past N Skyview Avenue. There is a history of both requesting dedicated right of way for the ATA Corridor or allowing for the future corridor to be within the 50 foot setback. City staff agreed to support this dual use of the 50 foot setback.

## **PROPOSAL:**

The plan set dated ~~September 18, 2012~~, **March 15, 2016** proposes a large Sam's Club parcel and 8 out-parcels. The Sam's Club parcel is a ~~137,485~~ **136,455** sf big box with a fueling station. The

total requested square footage with all out parcels added is ~~178,527~~ **177,527** sf. The applicant has submitted two applications: 1) ~~Major Site Plan~~ **Development Plan** and 2) Special Use Permit for the proposed use. Since the site has not been platted, the submittals will also serve as a preliminary plat. The ~~Major Site Plan~~ **Development Plan** application was submitted because Section ~~88-530-02~~ **88-517-02** requires this application in the following circumstance:

~~88-530-02 A.~~ **Major Site Plan Review**

~~2. Major site plan review and approval is required in B, KCIA, and O zoning districts for any building to be occupied by any retail sales-related use with a gross floor area of 75,000 square feet or more. For purposes of this paragraph, "retail sales-related uses" include general retail sales; food and beverage retail sales; and other uses that are primarily involved in the sales of goods to the general public.~~

**88-517-02 APPLICABILITY DEVELOPMENT PLAN**

**88-517-02-B. Development plan review and approval is required in B, D, KCIA, and O zoning districts for any building with a gross floor area of 75,000 square feet or more.**

**88-517-02-C. Development plan review and approval is required in B, D, KCIA, and O zoning districts for any development with a site area of 10 acres or more.**

The site is zoned B 3-3. The *Special Use Permit* was submitted because Table 120-1 identifies that the use, Gasoline and Fuel Sales, are allowed in this zone, but only with a Special Use Permit. In addition, if it is determined through the course of the review that there are variances that are required, the Special Use Permit process allows for the Board of Zoning Adjustment to act on those variance requests.

The Sam's Club store is positioned towards the north side—and centered within the 32 acre area. As with the previous plans, the building and parking honor the required 50 foot setback for the future Rapid Transit Corridor, therefore there is no proposed construction within that easement setback. The front of the building faces south. The entrance of the building is at the southeast corner, therefore the parking is both to the south and east. The parking lot for the Sam's Club has ~~344~~ **341** parking spaces required and ~~613~~ **545** parking spaces provided. The breakdown also shows an adequate amount of interior green space along with a N/S walkway through one island so as to allow for protected pedestrian movement from NW Skyview Avenue to the Sam's Club entrance. Due to existing drainage patterns within the site, Best Management Practices (BMP) storm water detention areas are located along the east portion of the site, along the west side of N Ambassador Drive. The associated fueling station, requiring the Special Use Permit, is located south of the BMP areas which is also at the northwest corner of NW Skyview Avenue and N Ambassador Drive.

The proposed plan calls for 8 out-parcels in addition to the Sam's Club parcel. These include a bank, three restaurants and four fast food pad sites. The pad sites range in size from 4,000 sf to 8,000 sf. There will be four access drives from recently constructed NW Skyview Avenue with two being right-in, right-out only and two being fully accessed. There are two right-in, right-out drives on N Ambassador Drive. There is one right-in, right-out access drive from NW Tiffany Springs Road. All right-in, right-out drives are required because of the existing medians within the roadways. The out parcels and shops ring the remainder of the triangular shaped parcel around the Sam's Club. Parking for the project generally extends through the site from west to east in front of the anchor and out-parcel tenants. In total, there are ~~719~~ **716** parking spaces required and ~~1,166~~ **1,099** parking spaces provided. Also identified on the plan is ~~40,810~~ **38,465** sf of interior green space required within the parking lots and 48,934 sf provided.

According to Section 88-420-09, the project requires both long and short term bicycle parking. The plan for all sites, shows that there are 116 short term bicycle parking spaces required and 56 proposed. Of this amount, the Sam's Club has 61 of the 116 short term required and 0 proposed. For the long term bicycle parking, for the entire site, there are 26 required and ~~26~~ **37** proposed. The Sam's Club is the only site which shows the location of the bicycle parking spaces and these are near the entrance. One of the reasons that there is a large number of bicycle parking spaces is the short term spaces are calculated at a rate of 10% of the number of vehicular spaces. Therefore, if there is a large request of vehicular parking spaces, there is a large requirement for bicycle spaces. In a separate action, the applicant has submitted an application for an administrative adjustment to be relieved of the required 61 short term bicycle spaces for the Sam's Club and showing none provided. Regarding this issue, Section 88-570-02-F of the Zoning and Development Code states the following:

**88-570-02-F. Bicycle Parking**

- 1. The city planning and development director is authorized to approve an administrative adjustment reducing the number of bicycle spaces required under 88-420-06.*
- 2. Such an administrative adjustment may be approved only when the city planning and development director determines that use will not generate any bicycle traffic or that it would be impossible to provide bicycle parking at the subject location.*

Future Bicycle Routes are shown on the City's Master Plan as being on both M-152 and N Ambassador Drive. Also, although most people shopping at Sam's will likely buy large quantities of items, there appears to be a lack of needed bicycle parking. However, it is also reasonable to assume that employees and customers for smaller items such as eye glasses and drug prescriptions may want the availability of bicycle usage and parking. Given this obvious need, the relationship of the bicycle route to the store and the wording of Section 2, above, city staff believes it does not have the authority to approve an administrative adjustment for this site. This reduction must therefore be a part of the Board of Zoning Adjustment approval with a variance to the requirement.

### **Signage:**

In agreement with city staff, City Council and the Board of Zoning Adjustment, the applicant for both the south and north developments, previously reduced the number of monument signs for commercial development in exchange for fewer but larger signs. Cases 6029-GP-3 and GP-5 approved these signage plans by the Board of Zoning Adjustment on January 9, 2009 and April 24, 2007 respectively. Since these approved plans, the City Council passed the new Signage Ordinance as part of the Development Code. The Signage Ordinance is now in effect.

According to Section 88-445 Signs, approved with CS Ordinance No. 081033, As Amended, all signage requested after the approval of Section 88-445 must be reviewed and approved as per this new section and not under prior approved development plans. However, given the approval of the BZA on these cases, city staff will review the signage under the approved BZA action and with the approved signage guidelines which currently exist for the project. The applicant has agreed to this and has agreed to attach the signage plan from the BZA and the signage guidelines attached to Case 6029-GP-23 to the face of this plan.

According to Section 88-445-10, Signage Plans must be submitted in conjunction with the review and approval of:

3. *Major Site Plans, and*
4. *Special Use Permits*

The plans stated above must therefore be attached to the current plan.

This property is not platted. The applicant has not stated on the plan, but has requested at the Development Review Committee that this Major Site Plan/Special Use Permit, also serve as a preliminary plat. This is allowed for with Section 88-545-03.

**88-545-03 Concurrent Processing of Subdivision Plats and Site Plans or development plans**  
*Site plans or development plans and preliminary subdivision plats may be combined in a single plan and processed concurrently if all information required for both types of plans is provided as part of the combined application.*

### **ANALYSIS:**

As with the prior plan, this proposed amendment is in conformance with the KCI Area Plan, approved by Ordinance No. 060668 on July 13, 2006. The KCI Area Plan recommends Commercial at the subject location. The proposal is in compliance with the area plan. As stated above, the *Major Street Plan* shows the ATA Rapid Transit Corridor on the south side of NW Tiffany Springs Road. The applicant is allowing for this corridor inside the required 50 foot building and parking setback. The plan is very similar to the prior approved plan but has included BMP detention areas along N Ambassador Drive and has included a big box structure

instead of a large in-line series of combined commercial uses. The total square footage of commercial has also been reduced from 179,410 sf to 178,527 sf.

There were limited elevation views supplied with the application. Elevation views became an issue with the October 15, 2012 City Plan Commission review of a similar Sam's Club store along N Flintlock Road, near I-35. The commission agreed with city staff that elevation views were both required and important for such a large (137,000 sf) building due to its potential impact on the surrounding neighbors. The applicant agreed to submit elevation views for both of the stores (Flintlock and Ambassador) but has not done so at this writing. With the short time allowed for review, initial impressions indicate that building materials, design, paint patterns, façade aspects, window treatment, awnings, and other items must be revised, embellished and are not currently in approvable form.

The applicant was required to submit a traffic study with the submittal of this rezoning plan. The study analyzed the revised proposal against the previously approved plan. Several traffic conditions listed below have therefore been modified from the originally approved case – Ord. 061288.

**Note: that the City Plan Commission will be recommending on a variance to the required bicycle parking from 61 short term bicycle spaces for Sam's Club to zero spaces.**

**Recommendation:**

At its regularly scheduled meeting on May 3, 2016, the City Plan Commission recommended in the following manner:

**Case No. 6029-P-34 : Approval with the following conditions:**

**Case No. 6029-P-34:**

1. Resubmit one complete copy of the approved plan with diskette with the following revisions:
  - a. That the plan include the previously approved set of design guidelines for signage and that these be added to the face of the plan.
  - b. Add to the face of the plan that this is also a Preliminary Plat.
2. The developer shall cause the area to be platted and processed in accordance with Chapter 88, Code of Ordinances of the City of Kansas City, Missouri, as amended, commonly known as the Development Regulations.

3. The developer must submit an update to the Macro storm drainage study, including a BMP level of service analysis, to the Land Development Division for review and acceptance for the entire development along with a Micro storm drainage study when the final plat infrastructure improvements are submitted, and that the developer secure permits to construct any improvements as required by the Land Development Division prior to recording the plat or prior to issuance of a Building Permit, whichever occurs first.
4. 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.
5. 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.
6. The owner/developer must submit plans for grading, siltation, and erosion control to Land Development Division for review, acceptance, and permitting for any proposed disturbance area equal to one acre or more prior to beginning any construction activities.
7. The owner/developer must secure a Site Disturbance permit from the Land Development Division prior to beginning any construction, grading, clearing, or grubbing activities, if the disturbed area equals one acre or more during the life of the construction activity.
8. The developer must secure permits to extend sanitary and storm water conveyance systems to serve all proposed lots within the development and determine adequacy of receiving systems as required by the Land Development Division, prior to recording the plat or issuance of a building permit whichever occurs first.
9. The developer shall provide a cross-access easement across shared drives and across parking areas between lot access drives and project access drives entering to public street, including any parking areas that would reasonably be used, as required by the Land Development Division.
- ~~10. The developer reconstruct sidewalks, curbs and drive entrances along the project frontage per the approved plan and where modifying the sidewalk at the drive modifications as required by Land Development Division and meeting ADA requirements, prior to working in the right-of-way and prior to issuance of any site or building permits.~~



11. 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 to be modified to ensure they comply with ADA and City adopted sidewalk standards. 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.
12. The developer must grant a Noise and Aviation Easement to the City as required by the Land Development Division, prior to recording the plat, **unless already granted.**
13. That the developer construct no structure which exceeds the KCIA height zoning restrictions.
14. The developer must grant a Surface Drainage Easement to the City as required by the Land Development Division, prior to recording the plat or issuance of any building permits.
15. The developer must grant on City approved forms, BMP Easements to the City, as required by Chapter 88 and Land Development Division, prior to issuance of any building permits or bmp permits, whichever occurs first.
16. 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.
17. That the develop enter into a cooperative agreement to contribute 25 percent of the cost of installation of traffic signals, not to exceed \$65,000.00 (sixty five thousand U.S. dollars), at the intersection of N.W. Tiffany Springs Road and N. Skyview Avenue, as required by Public Works department. The traffic signals will be installed at such time that the Public Works Department determines that they are warranted and necessary, and funding is available.
18. That the developer construct a southbound approach of the east central drive (east signalized drive) at N. Skyview Avenue intersection with two outbound lanes and two inbound lanes separated by a raised median of minimum 6 foot width and providing a

minimum throat length of 180 feet to the first internal driveway connection, as required by Public Works.

19. That the developer construct a southbound approach of the west central drive (west signalized drive) at N. Skyview Avenue intersection with two outbound lanes and one inbound lane separated by a raised median of minimum 6 foot width and providing a minimum throat length of 180 feet to the first internal driveway connection, as required by Public Works.
20. That the developer modify the existing traffic signals at the intersection of N. Skyview Avenue with east central drive (east signalized drive) so as to conform with current design standards including detection, MUTCD, LED street name signs, accessible pedestrian signals, and ADA standards, as required by Public Works Department.
21. That the developer modify the existing traffic signals at the intersection of N. Skyview Avenue with west central drive (west signalized drive) so as to conform with current design standards including detection, LED street name signs, MUTCD, accessible pedestrian signals, and ADA standards, as required by Public Works Department.
22. That the developer dedicate additional right of way on the west side of N. Ambassador Drive so as to provide for a southbound right-turn lane at ~~Driveway A~~ **the north driveway on N Ambassador Drive**, as shown on the approved development plan, as required by Land Development Division.
23. That the developer construct a southbound right turn lane of 200 feet storage length with appropriate tapers along N. Ambassador Drive at ~~Driveway A~~ **the north driveway on N Ambassador Drive** as shown on the development plan, as required by Land Development Division.
24. That the developer dedicate additional right of way on the west side of N. Ambassador Drive so as to provide for a southbound right-turn lane at ~~Driveway B~~, **the south driveway on N Ambassador Drive** as shown on the approved development plan, as required by Land Development Division.
25. That the developer **enter into a deferral agreement** to construct a southbound right turn lane of 200 feet storage length with appropriate tapers along N. Ambassador Drive at ~~Driveway B~~ **the south driveway on N Ambassador Drive** as shown on the development plan, **at such time that any of the outparcels numbered OP1 through OP8 are developed**, as required by Land Development Division.
26. That the developer apply to the Board of Zoning Adjustment for any and all necessary variances required by this plan.

27. 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.
28. That the developer extend water mains as required by the Water Services Department.
29. That the developer provide fire protection as required by the Fire Department.