

COMMUNITY PROJECT/REZONING

Ordinance Fact Sheet

Case No. 12419-MPD-3

Brief Title

To approve a rezoning to District MPD (Master Planned Development) and approval of a two-phase preliminary development plan.

Details

Location: Northwest corner of NE 96th St and N Oak Trafficway

Reason for Legislation: Approval of a rezoning and preliminary development plan requires Council approval.

EXISTING CONDITIONS:

The subject property is a 32-acre parcel located at the northwest corner of NE 96th and N Oak Trafficway. The property is roughly rectangular in shape, with its longest dimension of approximately 1,506 ft from north to south along N Oak. The property extends along NE 96th St about 1,000 ft west of N Oak. The property consists largely of crop agriculture uses with one single-family residence near the southeast corner. The topography is gently rolling terrain with a ridge running northwest to southeast across the site with the highest point being in the west central portion of the property and low points at the extreme southeast corner, and the east-central and northeast portions of the site adjacent to N Oak. Adjacent properties consist of the Northland Cathedral to the west, the Somerset Square commercial development to the south, and residential uses to the north and east.

REZONING & PLAN REVIEW:

The applicant is proposing a rezoning to Master Planned Development (MPD) for the entire 32-acre property and has submitted a plan showing a two-phase development with phase one consisting of a 5,858 square foot Quik Trip store at the southeast corner of the property adjacent to the intersection of NE 96th & N Oak. Also included in the first phase is a small segment of a future public street, extending westward from N Oak. This street would extend westward approximately 90 ft to connect to a tract containing a private drive which runs south from the street to the Quik Trip site. The Quik Trip site is shown to have one right-in/right-out access from N Oak and additional access points from NE 96th; one right-in/right-out access directly south of the store and an additional full access farther west on NE 96th, aligning with an existing full access drive on the opposite side of NE 96th that provides access to the Somerset Square commercial development to the south.

The use is classified as a gasoline and fuel sales use which has a parking requirement of 1 space per pump. A total of 28 pumps are proposed under a canopy between N Oak and the front of the store. The store is considered a retail sales use which requires 2.5 spaces per 1,000 sq ft of floor area, or in the case of the proposed store, 15 spaces. Therefore, a total of 28 spaces at the pump and 15 spaces in a parking lot are required. All 28 spaces are provided at each pump and the parking lot includes a total of 99 spaces, 84 more than

150538

Ordinance Number

Positions/Recommendations

Sponsors	Councilmember Ford
Programs, Departments or Groups Affected	2 nd District (Ford, Johnson)
Applicants / Proponents	Applicant Quik Trip Corporation 5725 Foxridge Dr Mission, KS 66202 City Department City Planning & Development Other
Opponents	Groups or Individuals Adjacent neighbors Basis of Opposition Land use, compliance with area plan, classification of NE 96 th St
Staff Recommendation	☒ For ☐ Against Reason Against
Board or Commission Recommendation	City Plan Commission (3-2) 07-07-2015 By Macy, Crawl, Baker-Hughes for, Martin and May against ☐ For ☐ Against ☐ No Action Taken ☒ For, with revisions or conditions (see details column for conditions)
Council Committee Actions	☐ Do Pass ☐ Do Pass (as amended) ☐ Committee Sub. ☐ Without Recommendation ☐ Hold ☐ Do not pass

Continued from Page 1

required by code. These spaces are located on all sides of the store with the bulk of the spaces being located to the north. A total of 10 short-term bicycle parking spaces are proposed and 2 long-term spaces.

The plan shows a new public sidewalk along N Oak in front of the Quik Trip store and along both sides of the public street segment extending westward from N Oak. Sidewalks along both sides of the private drive connecting from this street segment to the store property are also shown with direct connection to the store itself via crosswalks. Connections to the public sidewalk along N Oak are proposed immediately south of the access drive to the Quik Trip store from N Oak, west of the right-in/right-out access drive from NE 96th and west of the full access point from NE 96th.

Building elevations for the proposed Quik Trip store are provided which are consistent with the other third generation stores Quik Trip is developing throughout the City. The building will be constructed of red brick, black tile and glass storefronts, above which are proposed aluminum canopies with a red fascia.

A landscape plan has been provided which indicates that the developer intends to comply with all landscape requirements of 88-425. A detailed landscape plan shall be approved as part of the final development plan.

A lighting plan has not been provided for review at this time. The plan indicates that each MPD final plan will include a lighting plan and that such plans will comply with 88-430.

A signage plan has not been provided for review at this time. The plan indicates that each MPD final plan will include a signage plan and that such plans will comply with 88-445.

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 Gashland-Nashua Area Plan recommends mixed use neighborhood land uses for the subject property. This designation corresponds generally with District B1 or B2. The proposed uses (retail sales and gasoline and fuel sales) comply with this designation.

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

Property to the north and west is zoned R-1.5 (Residential 1.5) and consists of the Northland Cathedral and undeveloped land. Property to the east is zoned R-7.5 (Residential 7.5) and consists of residential uses. Property to the south is zoned B3-2 (Community Business) and R-1.5 and consists of the Somerset Square commercial development, a residential development.

Policy or Program Change	☐ Yes ☐ No
Operational Impact Assessment	

Finances

Cost & Revenue Projections – Including Indirect Costs	
Financial Impact	
Funding Source(s) and Appropriation Account Codes	

Continued from Page 2

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

The character of the area is commercial to the south, residential to the east and semi-rural to the immediate west and on the subject property. The property lies in an area of transition between the commercial uses to the south and residential uses farther north.

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

Adequate infrastructure either exists or will be constructed to serve the proposed development.

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 zoned R-80, which is the least dense of all residential zoning districts and commonly found in semi-rural areas of the city. This zoning is suited for residential and agricultural uses on large lots. The surrounding properties have all been developed as commercial uses or residential uses at relatively higher densities.

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

The property is used for crop agriculture.

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

Approval of the requested rezoning will not detrimentally affect nearby properties since the proposed zoning is to MPD (a planned district) where the specific use is identified and no other uses are permitted. Furthermore, approval of the rezoning requires approval of a development plan which controls the development of the property. Both of which provide assurance as to the use and development of the property to the surrounding neighborhood.

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 existing zoning would allow rural-density single-family homes and agricultural uses. Denial of the application will result in the applicant's inability to use the property for their intended purpose, and would likely limit its use to the existing uses found on the property.

The developer is purchasing the entire 32-acre parcel of land and seeking approval of MPD zoning for the entire parcel at this time, but is only seeking preliminary development plan and preliminary plat approval of Phase 1 at this time. The developer initially submitted a preliminary development plan for the entire 32-acre parcel, however, staff had a number of concerns with uses, design and layout of Phase 2. The developer desires to proceed with Phase 1 in order to construct the Quik Trip store as soon as possible and continue working on refining their proposed uses, layout and design of Phase 2 and is therefore proposing that this rezoning request be approved subject to the condition that a preliminary plan and plat application be submitted for Phase 2 at a later date. Given the unique circumstances and that the developer is earnestly seeking to revise Phase 2 in response to staff's comments, staff is supportive of this method. Staff recommends that the associated area plan amendment (Case No. 691-S-2), required due to the uses and densities originally proposed for Phase 2, be continued off-docket until such time that the developer submits an application for preliminary development plan for Phase 2. Phase 1 complies with the current recommendations of the area plan.

Staff is generally supportive of Phase 1, subject to the conditions recommended below, and will continue to work with the developer in planning Phase 2.

RECOMMENDATION:

At its July 7, 2015 meeting, the City Plan Commission recommended approval of Case No. 12419-MPD based on the application, plans, and documents provided for review prior to the hearing and subject to the following conditions as provided by the Development Review Committee at the May 20, 2015 meeting:

1. That the developer obtain approval of a final plan from the City Plan Commission for Phase 1 prior to building permit and that such final plan include a detailed site plan, landscape plan in compliance with 88-425, lighting plan in compliance with 88-430, a signage plan in compliance with 88-445 or a note stating that signage will comply with 88-445, building elevations with all materials labeled, and showing pedestrian connections from the public sidewalks to building entrances within Phase 1.
2. That the developer obtain approval of a preliminary development plan and plat from the City Plan Commission and City Council for Phase 2 prior to approval of a final development plan or building permit in Phase 2. Such preliminary development plan shall be accompanied by design standards consistent with those recommended by the Gashland Nashua Area Plan.

The following conditions are recommended by the Public Works Department. Please contact Gnani Mahalingam with questions at 816-513-9843 or gnani.mahalingam@kcmo.org.

3. That prior to recording of the first final plat in Phase 1, the developer shall:

- a. Dedicate 10 feet of additional right-of-way on the west side of North Oak Trafficway for a southbound right-turn lane with 150 feet of storage plus appropriate taper at the intersection of NE 96th Street/Tiffany Springs Parkway; and
- b. Dedicate 10 feet of additional right-of-way for a southbound right-turn lane with 150 feet of storage plus appropriate taper on North Oak Trafficway at the proposed driveway located approximately 450 feet north of NE 96th Street (Drive 1); and
- c. Construct a southbound right-turn lane with 150 feet of storage plus appropriate taper on North Oak Trafficway at the proposed driveway located approximately 450 feet north of NE 96th Street (Drive 1); and
- d. Construct a northbound left-turn lane with 150 feet of storage plus appropriate taper on North Oak Trafficway at the intersection with Locust Drive; and
- e. Construct an eastbound left-turn lane maximizing storage on NE 96th Street / Tiffany Springs Parkway at the intersection with McGee Street Drive.

The following conditions are recommended by the Land Development Division of City Planning & Development. Please contact Brett Cox with questions at 816-513-2509 or brett.cox@kcmo.org.

4. 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.
5. The developer shall submit a Macro "Overall" storm drainage analysis from a Missouri-licensed civil engineer for the entire development in accordance with adopted standards to the Land Development Division for review and acceptance at the time the first plat is submitted, with a Micro "detailed" storm drainage study, including a BMP level of service analysis, in accordance with current adopted standards to be submitted for each phase at the time of final platting, and the developer secure permits to construct any improvements required by the Land Development Division prior to recording the plat.
6. 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.
7. 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.
8. The developer must design and construct all interior public streets to City Standards, as required by the Land Development Division, including curb and gutter, storm sewers, street lights, and sidewalks.
9. The developer shall verify vertical and horizontal sight distance for all drive connections to public right-of-way and make improvements to ensure local jurisdiction and/or minimum AASHTO adequate sight distance standards are met.
10. 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.
11. 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.
12. 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.
13. 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.
14. 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.

Fact Sheet Prepared By: **Date:** July 8, 2015
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Staff Planner

Reviewed By: **Date:** July 8, 2015
Diane Binckley, AICP
Division Manager
Development Management

Initial Application Filed: April 17, 2015
City Plan Commission: June 2, 2015 continued; June 16, 2015
continued; July 7, 2015
Revised Plans Filed: July 8, 2015

Reference Numbers:
Case No. 12419-MPD-3