

# COMMUNITY PROJECT/REZONING

# 141008

Ordinance Number

## Ordinance Fact Sheet

**Case No.** 6720-MPD-17

### Brief Title

A rezoning from District UR to MPD, and approval of a preliminary development plan for the redevelopment of a former K-Mart store on E Bannister Rd.

### Details

**Location:** Southwest corner of Hillcrest and Bannister.

**Reason for Legislation:** To approve a rezoning from UR to MPD and a preliminary development plan.

**EXISTING CONDITIONS:**  
The subject property is a 12-acre property located between Hillcrest Rd and Drury Ave on the opposite side (south side) of Bannister Rd from the future Cerner Three Trails Campus. The property consists of one 117,780 square foot building that formerly housed a K-Mart store but is currently vacant. Each of the three streets lying adjacent to the property have one access point to the site. An expansive surface parking lot lies between Bannister Rd and the building and occupies the remainder of the site, which slopes downward from a high point along Bannister Rd to a low point along the south property line. The building sets approximately 12-14 feet lower than Bannister Rd. Two parcels; one developed, one undeveloped are located to the northwest and northeast of the site respectively. The parcel at the northwest is the site of an existing gasoline and fuel sales facility. The property was once a part of the Three Trails Urban Redevelopment Plan and was rezoned to District UR as a consequence of this. The property has since been removed from the plan area, however the zoning remains in place.

**DEVELOPER'S STATEMENT OF INTENT:**  
Section 88-280-03 of the Zoning and Development Code requires applications for rezoning to MPD to be accompanied by a written explanation describing the benefits of the proposed MPD zoning and how the proposed zoning results in greater benefit to the City than current zoning or rezoning to a base zoning district. The statement of intent is attached.

**PLAN REVIEW:**  
The plan proposes converting the existing building into an storage facility (indoor and outdoor) and national retail with small expansion areas for both and the construction of two restaurants in outparcel buildings between the main building and Bannister Rd. One of the two restaurants is proposed to have a drive through. A tenant for the indoor storage facility has been identified; however no tenants have been selected for the remainder of the proposed uses. The uses are classified by the zoning and development code as *residential storage warehouse (indoor), outdoor storage, retail, eating and drinking establishment, and eating and drinking establishment with drive-through*. Taken together, the five use classifications are first allowed in District B4 (Heavy Business/Commercial).

The plan proposes renovating and expanding the existing building on Lot 1 for the proposed storage facility and retail uses and constructing two new buildings on the remaining lots for the restaurant uses, as summarized in Figure 1 at the end of the factsheet.

While the existing building and access points will remain in place, the layout of the site will change substantially.

### Positions/Recommendations

<b>Sponsors</b>	Robert Langenkamp, AICP, Director Department of City Planning & Development
<b>Programs, Departments or Groups Affected</b>	5 <sup>th</sup> District (Brooks, Circo)
<b>Applicants / Proponents</b>	<b>Applicant</b> Russ Colvin 5615 E Bannister, LLC 1431 St Andrew Place Santa Ana, CA 92705  <b>City Department</b> City Planning & Development <b>Other</b>
<b>Opponents</b>	<b>Groups or Individuals</b>  <b>Basis of Opposition</b>
<b>Staff Recommendation</b>	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against  <b>Reason Against</b>
<b>Board or Commission Recommendation</b>	City Plan Commission (6-0) 10-21-2014 By (May, Gutierrez, Krum, Archie, Martin, and Van Zandt) <input type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input checked="" type="checkbox"/> For, with revisions or conditions (see details column for conditions)
<b>Council Committee Actions</b>	<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

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The plan proposes the reorientation of the vehicular use area to accommodate the two restaurant buildings and retaining walls. The plan has been revised to equally distribute the parking in front of both the east and west sides of the main building with additional parking east of the main building to serve future retail users. Additional parking located northeast of the main building can be used by both future retail tenants and the proposed 13,000 square foot restaurant. The parking area to the east and south is located on the side and back of the building. The parking area to the west and south of the main building will be used for the outdoor storage component of the storage facility and is intended for storage of recreational vehicles. This area will be gated and fenced from the remainder of the site. The restaurant on Lot 2 will be surrounded by parking and accessed directly from the drive from Bannister or indirectly from Hillcrest Rd through the parking area northeast of the main building. The drive-through restaurant on Lot 3 will also be accessed directly from the drive from Bannister and indirectly from Drury Ave via the parking area northwest of the main building.

There is an existing sidewalk along the south side of Bannister Rd. Bike KC calls for a future trail along the south side of Bannister Rd in this area and identifies Bannister Rd as a "bike facility". The developer is not responsible for construction of the trail and there is sufficient right-of-way according to the Major Street Plan (which requires 120 ft, 153 ft is provided) to accommodate future construction, consequently there is no need to obtain additional right-of-way and a sidewalk along the south side of the street is sufficient at this time. There is an existing sidewalk along Hillcrest, but no public sidewalks along Drury but the plans have been revised to propose construction of them. The plan has also been revised to show an internal sidewalk connecting the public sidewalk along Bannister down the west side of the access drive, connecting to the main building in two locations and connecting to the larger of the two restaurants as well as to the drive-through restaurant. The plan notes that short-term and long-term bicycle parking will be provided but does not identify the location of the parking or whether it will comply with design standards.

The plan has been revised to move the retaining wall northward to accommodate more parking to serve the main building. The wall measure 7 feet in height and be located along the south side of an east/west internal drive located south of the restaurants.

The landscape plan shows trees and shrubs between each parking lot and street as well as internal parking lot landscaping and the plan has been revised to show a landscape buffer between the south side of the parking lot and the south property line.

Building elevations for the main building have been provided but have not been for the two restaurant buildings. The exterior of the main building is to be remodeled to feature horizontal metal panels above stone veneer with glass storefronts on the north and east elevations. The west and south elevations are proposed to be painted concrete masonry blocks and roll up garage doors for entrance to the indoor storage facility.

**ANALYSIS:**

In its current state, the site consists of a large, vacant building surrounded by an expansive parking lot with no landscaping, either internal or external and a pylon sign from the former tenant along Bannister Rd. The applicant has submitted revised plans which will result in a substantial improvement to the site and allow for reuse of the existing building with proper allocation of parking adjacent to the building for future users. The 13,000 square foot restaurant has been shifted toward Bannister Rd which allows the retaining wall to move northward to create the space needed to allocate parking

<p><b>Policy or Program Change</b></p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p><b>Operational Impact Assessment</b></p>	

**Finances**

<p><b>Cost &amp; Revenue Projections – Including Indirect Costs</b></p>	
<p><b>Financial Impact</b></p>	
<p><b>Funding Source(s) and Appropriation Account Codes</b></p>	

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adjacent to the future retail uses in the main building. Parking to the east and southeast of this restaurant will serve the use. The plan could be amended in the future if the property to the northeast were obtained by the developer to be developed with an additional building or parking to serve the restaurant use.

Elevations of the main building have been provided, however elevations of the proposed restaurants have not. Staff understands that a tenant for the main building has been identified and the proposed design and materials may be suited for that tenant. Staff also understands that no tenants have been identified for the restaurants or retail uses and as such it is difficult to provide elevations. The Plan Commission recommended and the applicant agreed to revise the plans to incorporate applicable design guidelines of the Hickman Mills Area Plan. The guidelines incorporated to the development plan suggest materials such as wood, masonry, concrete, stone, cast stone and tile and discourage the use of stucco, EIFS, and vinyl/metal siding. While the applicant has reduced the area of the building exterior constructed of metal siding, a significant portion of the exterior's east and north elevations remain metal.

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 Hickman Mills Area Plan recommends commercial land uses for the subject property. Subject to the condition that applicable design guidelines from the area plan be incorporated into the proposed plan, the request conforms to adopted plans and policies.

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

Surrounding properties to the west and south are zoned UR and developed as multi-family residential. Property to the east is zoned R-7.5 and developed as a residential subdivision. Property to the north is zoned UR and is the future site of Cerner's Three Trails Campus.

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

The physical character of the area is residential to the southwest, south and east and commercial and office to the northwest and 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 public facilities and services are available.

**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 UR, a zoning classification necessary to obtain tax incentives, however the subject property is no longer located within an incentive plan area and as a consequence, the zoning is no longer suitable for the property.

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

The property has been vacant for several months.

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

Approval of the rezoning to Master Planned Development will have little if any detrimental effect on nearby properties because the zoning is approved with a plan which permits only those uses contemplated by the plan, approved through the public hearing process and because the zoning would permit the redevelopment of an underutilized and unattractive property.

**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.**

Denial of the application would preclude the redevelopment of the property as proposed on the plan and would not permit the proposed uses. Like District MPD, the existing zoning requires approval of a development plan and tax incentive plan both of which have been repealed. The property must be rezoned to be redeveloped. Denial of the application will not result in a gain to the public as it would result in an existing vacant, underutilized and unattractive property remaining in its current condition.

**RECOMMENDATION:**

The City Planning Commission recommends approval of Case No. 6720-MPD-17, subject to the following conditions:

1. Prior to issuance of building permits, the applicant shall obtain approval of a Final Plan from the Development Management Division of City Planning and Development. Such plan shall include the following: a site plan, fully dimensioned; landscape plan complying with all applicable requirements of 88-425 and showing all fences, retaining walls, dumpsters and mechanical equipment, and utilities and easements; color building elevations with all materials labeled; lighting plan complying with 88-430, including photometric study; grading plan showing existing and proposed grades as well as all retaining walls with top and bottom elevations labeled; and a sign plan complying with 88-445 or a note stating that signage will comply with 88-445.
2. That the Owner/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. That the Owner/Developer submit a detailed Micro Storm Drainage Study showing compliance with the approved and most current Macro Study on file with the City and with current adopted standards in effect at the time of submission, including a detailed analysis and design of the permanent water quantity and water quality BMP's, conveyance systems and sewer services, prior to approval and issuance of any building permits to construct improvements on the site; that the developer verify and/or improve downstream conveyance systems or address solutions for impacted properties due to flow contributions from the site; and that the developer construct any other improvements as required by the Land

Development Division as necessary to mitigate impacts from rate, volume and quality of runoff from the proposed site.

4. That the Owner/Developer 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. That the Owner/Developer must submit plans for grading, siltation and erosion control to the Land Development Division for approval prior to beginning any construction activities, clearing or grubbing activities, if the disturbed area equals one acre or more during the life of the construction activity.
6. That the Owner/Developer 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.
7. That after the City Plan Commission enters its disposition for the preliminary plat, the Owner/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. That the Owner/Developer submits an executed and recorded copy of a Covenant Agreement to Land Development Division for review by the Law Department for approval for the maintenance of any stormwater detention area tracts and BMP's as required by Land Development Division, prior to issuance of any building permits or BMP permits, whichever occurs first.
9. That the Owner/Developer verifies adequate capacity of the existing sewer system as required by the Land Development Division for the property and address any inadequacies therein prior to issuance of connection authorization and/or issuance of any temporary certificate of occupancy (TCO).
10. That prior approval is obtained from the Transportation Development Committee for any proposed exceptions to City standards.
11. That the Owner/Developer submit public improvement plans, including intersection improvements, public streets and storm sewers, sanitary sewers, street lights, road markings, sidewalk, curb and gutter and drive approaches, as applicable, to address all above items direct to the Land Development Division for code compliance review. Obtain all required construction permits from the Land Development Division.
12. That the Owner/Developer provides a storm water conveyance system to serve all proposed lots within the development and determine adequacy as required by the Land Development Division.
13. That the Owner/Developer submits covenants, conditions, and restrictions to the Law Department for approval by the City for the maintenance of any private open spaces and any detention areas and enter into a covenant agreement for the maintenance of any stormwater detention area tracts, with each final plat.
14. That the Owner/Developer provides copies of the executed and recorded Surface Drainage Easements. These easements may be identified with book and page numbers on the plat but they cannot be dedicated by the final plat. Separate documents must be submitted to Development Services.
15. That the Owner/Developer must pay impact fees as required by Chapter 39 of the City's Code of ordinances as required by the Land Development Division.

**The following condition recommended by KCATA via Public Works following City Plan Commission action.**

16. K-Mart Redevelopment shall, if determined by KCATA to be beneficial to the Bannister Road corridor transit operations, agree to construct not less than 250 (10' x 25') square feet of sidewalk bus platform along the K-Mart Development frontage on Bannister Road. The bus platform shall be constructed at a location determined by KCATA and in accordance with KCATA specifications. Should KCATA determine a bus platform in front of K-Mart is not the best location for local transit operations, this requirement shall be deleted.

**Figure 1. Building Floor Area Summary**

Uses	Location	Existing Area	Increase Area	Total Area
Residential Storage Warehouse (indoor)	Lot 1	74,900 sf	12,673 sf	85,573 sf
Retail	Lot 1	42,880 sf	6,760 sf	49,640 sf
<i>Subtotal: Main Building</i>		<i>Lot 1</i>	<i>117,780 sf</i>	<i>19,433 sf</i>
Eating and Drinking Establishment	Lot 2	0	13,000 sf	13,000 sf
Eating and Drinking Establishment, Drive-through	Lot 3	0	3,000 sf	3,000 sf
<b>Total</b>		117,780 sf	35,433 sf	151,213 sf

**Fact Sheet Prepared By:** Joseph Rexwinkle, AICP  
Staff Planner  
**Date:** November 25, 2014

**Reviewed By:** Diane Binckley, AICP  
Division Manager  
Development Management  
**Date:** November 25, 2014

**Initial Application Filed:** August 22, 2014  
**City Plan Commission:** October 7, 2014, continued  
October 21, 2014  
**Revised Plans Filed:** November 14, 2014

**Reference Numbers:**  
Case No. 6720-MPD-17