

COMMUNITY PROJECT/ZONING

Ordinance Fact Sheet

Cases No. 219-S-17 & 14482-P & 14482-P-1

Brief Title

Approval Deadline

To consider amending the Oak Park South Area Plan,
to consider rezoning a 1.7 acre tract of land, and to consider
approval of a development plan.

Details

Specific Address

Generally located on the north side of Emmanuel
Cleaver II Boulevard, between Forest Avenue and

Reason for Legislation

a) Case No. 219-S-17 – To consider amending the Oak Park South Area Plan, on a 0.80 acre tract of land by changing the recommended land use from Low Density Residential to Retail Commercial.

b) Case No. 14482-P – To consider rezoning about 1.7 acres from Districts R-1.5, B3-2 and B4-5 to District B2-1.

c) Case No. 14482-P-1 – To consider approval of a development plan in District B2-1 (Neighborhood Business 2

Discussion

EXISTING CONDITIONS:

The project site is located on the north side of Emanuel Cleaver II Boulevard, between Tracy Avenue on the east and Forest Avenue on the west. The site is a combination of six (6) parcels within residential and commercial zoning districts. There is an existing Chinese restaurant (built originally as a Sonic restaurant) on the site. There is an access drive on Emanuel Cleaver II Boulevard and another on Tracy Avenue. Missouri Department of Transportation made infrastructure and streetscape improvements funded by the Federal government along Emmanuel Cleaver II Boulevard. The Parks and Recreation Department commissioned the street scape improvements this summer.

Surrounding land uses include single family residences to the north. To the south is the Apple Market grocery store. To the east is an existing auto repair shop (Duke & Bob's) and single family residences. To the west is a new bank and parking lot for Burger King.

PLAN REVIEW & ANALYSIS:

The applicant is proposing to rezone the identified 1.7 acre (6 parcels) from Districts R-1.5 (Residential dash 1.5), B3-2 (Community Business 3 dash 2) and B4-5 (Heavy Business/ Commercial 4 dash 5) to District B2-1 (Neighborhood Business 2 dash 1).

Case No. 219-S-17 proposes to amend the Midtown Plaza Area Plan (**Oak Park South Area Plan** & Plaza Urban Design and Development Plan), on about 0.80 acre tract of land, generally located on the east side of Forest Avenue, north of Emanuel Cleaver II Boulevard, by changing the recommended land use from

141085

Ordinance Number

Positions/Recommendations

Sponsor	Jeffrey Williams, AICP, Interim Director Department of City Planning and Development
Programs, Departments, or Groups Affected	3rd District (Curls & Reed)
Applicants / Proponents	Applicant Ollie Gates O. G. Investments 4621 Paseo City Department City Development Other
Opponents	Groups or Individuals Basis of opposition
Staff Recommendation	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against Reason Against
Board or Commission Recommendation	City Plan Commission (4-0) 11-18-2014 By Aye: (Baker-Hughes, Gutierrez, Macy and Van Zandt) <input type="checkbox"/> For <input type="checkbox"/> Against No action taken <input checked="" type="checkbox"/> For, with revisions or conditions (see details column for conditions)
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

Details**CONTINUED:****Long Range Planning & Preservation Comments:**

This section of the city is included in two plans, the **Oak Park South Area Plan** and the Plaza Urban Design and Development Plan. The Oak Park South Area Plan was approved by resolution 48098 in August of 1977. The Plaza Urban Design and Development plan was approved by resolution 95550 in November 1995.

The **Plaza Urban Design and Development plan** recommends this area for redevelopment. The proposed height of building should not exceed 45 feet and that buildings should face Emmanuel Cleaver II Boulevard. There should be direct access from the public sidewalk to the main entry of the building. Urban open space is encouraged in all redevelopment projects. This open space should be located at building entries and interior courtyards. One sign per business is appropriate but with a corner building one sign on each façade. Billboards of any type or mounted in any location within this area are not recommended.

The Oak Park South Area plan references the Plaza Plan recommendations of redevelopment to higher density residential, retail or office uses for the area from Brush Creek to Emmanuel Cleaver II Boulevard along Forest Avenue and Tracy Avenue.

Recommendations:

Staff recommends amending the Oak Park Area plan to include change of Land Use to retail commercial for the proposed site. Staff recommends requesting the applicant to provide continuous buffering on the north side of project area to shield glare of lights from cars into the residential portion of the neighborhood and to reduce the sound from the cars at the drive-through. The site plan should include direct access from the public sidewalk to the main entry of the building. Show urban open space located at building entries. Signage should not include billboards of any type or mounted in any location within this area. Also, staff recommends the developer show a site plan with the original lot lines of all the properties in the project area.

Case No. 14482-P proposes to rezone the 1.7 acres tract of land from Districts R-1.5 (Residential dash 1.5), B3-2 (Community Business 3 dash 2) and B4-5 (Heavy Business/ Commercial 4 dash 5) to District B2-1 (Neighborhood Business 2 dash 1). This will effectively downzone the B-3 and B-4 commercial parcels located on the north side of Emmanuel Cleaver II Boulevard to B2-1. The other request is to rezone the adjoining residential parcels to the north from R-1.5 to B2-1. Staff recommends rezoning up to 230

Policy/Program Impact

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

Finances

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

Fact Sheet Prepared By:

Olofu O. Agbaji
Staff Planner

Date: 12-12-2014**Reviewed by:**

Diane M. Binckley, Division Manager
Development Management

Date: 12-15-2014**Reference Numbers****Case Nos. 219-S-17 & 14482-P & 14482-P-1**

Initial application filed: 04-01-2014

Revised plans submitted: 12-05-2014

CONTINUED:

Case No. 14482-P-1 is a request to consider approval of a development plan in District B2-1 (Neighborhood Business 2 dash 1), to allow for the construction of a 4,500 square foot McDonald's restaurant with a drive-through and 48 parking spaces. The 40' x 110' building is oriented north-south, with the front on Emmanuel Cleaver II Boulevard and the drive-through menu board on the north side of the building and the pick-up window on the west side of the building. The plan shows dual drive through and order lanes with parking spaces located around the perimeter (on the north, east and west) of the building. The plan provides 10 foot setbacks along all public streets with no parking along Emmanuel Cleaver II Boulevard.

The plan proposes three access points to the site. The existing driveway on Emmanuel Cleaver II Boulevard will be utilized along with the driveways on Forest Avenue and Tracy Avenue. The plan shows a bio-retention area at the southeast corner and an open space at the northeast corner of the site.

The building is proposed to be predominantly red brick accented with EIFS. The front façade and the middle sections of the building are proposed to be EIFS. The overall height of the building is about 21 feet. The roof is proposed to be a flat roof to house roof-top mechanical units. The plan shows corrugated metal panels to screen the RTUs. The trash enclosure is proposed to be located at the northwest corner of the site and will be constructed of the same materials as the building. Staff recommends that the trash enclosure be relocated within the site, away from the public right of way.

Proposed landscaping shows deciduous and evergreen trees throughout the site per Chapter 88-425. Shrubs are provided in clusters throughout the site and in a solid row around the parking spaces on the east and west. Staff recommends that the landscaping plan be revised to show existing street trees on Emmanuel Cleaver II Boulevard. The plan should also show the quantity of all the proposed plant material and be sealed by a Landscape Architect registered in the State of Missouri.

The plan shows the location of four "M" logos, two building-mounted signs and one monument sign at the entrance on Emmanuel Cleaver II Boulevard. No details regarding the proposed signage have been provided. Individual buildings on parcels with a minimum of 200 feet of street frontage are permitted one monument sign not to exceed 50 square foot and six feet in height, and shall be setback 10 feet. Staff recommends that the applicant revise the submitted sign package to meet the requirement of Chapter 88-445 in its entirety.

Chapter 88-420 requires 10 parking spaces per 1,000 square foot of building area. For the proposed 4,500 square foot building, the applicant is required to provide 45 spaces. The applicant is providing 48 parking spaces, 5 short term and 2 long term bicycle parking spaces to meet the requirement of 88-420-09.

The plan does not show any sidewalk connection from the restaurant to the public street. Staff recommends that the plan be revised to show direct pedestrian access from the public sidewalk to the main entry of the building. The pedestrian access way should be delineated, signed and constructed of different materials to ensure safe navigation of the drive-through lanes and drive isles. That submitted lighting plan shall be revised to show the lighting fixtures and cut-off and photometric measured in lumens to meet the requirement of Chapter 88-430 in its entirety.

Outcome of November 6, 2014 meeting

Site Plan:

1. The developer has agreed to extend the retaining at the rear of the store, plus adding a metal fence. (still need to finalize the material and color.)
2. The developer has agreed to reduce the distance from property line to back of curb down to 10'. (instead of 15')
3. The developer has agreed to reduce the pass thru lane in front of the building from 22'to 18'.
4. The developer has agreed to move the building 8.9 feet southwards towards the street.
5. The developer has agreed to add a cross walk in front, with steps and retaining wall from Emmanuel Cleaver II Boulevard to the building. (still to finalize the material and color.)
6. The developer has agreed to add a few Antique Street Lamps on our site upfront.
7. The developer has agreed to build a bio retention pond underground in the same location.

Building Architecture/ Elevation:

1. The developer has agreed to replace the EIFS material with stone.
2. The developer has agreed to revise the building elevation to remove the corrugated metal around the top of the building & plus around the drive thru windows. This will be replaced with brick carried to the top in place of the corrugated metal.
3. The developer has agreed to add white cornice around the top of the building.
4. The developer has agreed to add mullion to the windows, except the drive thru windows and doors.

Staff recommends that these be included as part of the corrections contained in condition No. 1.

CONTINUED:

Per Section 88-547.10 C: The city council may approve a development plan that deviates from any of the lot and building standards of

Per Section 88-517-12-C, The city council may approve a development plan that deviates from any of the lot and building standards of this zoning and development code if the proposed use is consistent with the zoning of the property. Any deviations from the standards of this code shall be specifically called out as deviations and described on the development plan and will not be considered to be approved unless so stated. The applicant is not seeking any deviation or variance from the Zoning and Development Code.

Per Section 88-517-12-D, if a use is approved on a development plan that would have required special use approval, no separate special use review will be required.

Chapter 88-120 (Table 120-1): Drive-Through Facilities are permitted within the B2 zoning district subject to a Special Use Permit and the provisions of Chapter 88-340.

88-517-12 City Council approval of development plans:

88-517-12-A. An approved development plan shall be considered to be a part of the zoning for the site, and the city council shall retain its legislative discretion with regard to this approval.

88-517-12-B. The city council may consider the proposed development plan's consistency with the purposes of this zoning and development code, as stated in [88-10-05](#), and with the site plan criteria in [88-530-09](#), and may consider any other relevant factors during its consideration of the development plan.

88-517-12-C. The city council may approve a development plan that deviates from any of the lot and building standards of this zoning and development code if the proposed use is consistent with the zoning of the property. Any deviations from the standards of this code shall be specifically called out as deviations and described on the development plan and will not be considered to be approved unless so stated.

88-517-12-D. If a use is approved on a development plan that would have required special use approval, no separate special use review will be required.

88-517-12-E. The city council may act by a simple majority vote, except that when a valid protest petition has been submitted in accordance with [88-515-09](#) approval requires a 2/3 majority vote of the full membership of the city council.

Staff believes that all of these criteria are met with the requested amendment to the submitted plan.