

# COMMUNITY PROJECT/ZONING

## Ordinance Fact Sheet

Case No. 6029-P-34

**160560**

Ordinance Number

### Brief Title

To consider rezoning the site from Districts R-2.5 (Residential 2.5) and B 3-3 (Community Business (dash 3) to District B 3-3 (Community Business (dash 3) and approval of a development plan which also serves as a preliminary plat, in District B 3-3 (Community Business (dash 3) for seven (7) retail buildings on five (5) lots.

### Approval Deadline

### Reason

### Details

### Positions / Recommendations

Location: About 14.98 acres generally located on the east side of N Ambassador Drive between NW 88 <sup>th</sup> Street on the north and M-152 on the south	Sponsor	Councilpersons Fowler and Loar
Reason for Project To allow for commercial development	Programs, Departments, or Groups Affected	Council District(s): 2 <sup>nd</sup> (Loar, Fowler) Other districts: Park Hill School District
<b>Existing Conditions:</b>  The site includes 14.98 acres and is located on the east side of N Ambassador Drive between NW 88 <sup>th</sup> Street on the north and M-152 Highway on the south. The site measures about 860 feet N/S and about 800 feet E/W, depending upon the location of measurement. The site is vacant and is generally unimproved. The site drains generally from west to east with the two high points at the northwest and southwest corners at elevation 1046. From these two high points, the site drains to the east to a tree covered drainage area taking up the entire east portion of the site. Drainage of the area goes from south to northeast at an elevation of about 1000. Two small wooded out-cropping's extend from the east drainage area to the west partially into the site. The remainder of the surface of the tract is vacant. There is a 54-inch reinforced concrete storm pipe extending west to east in the center of the tract. The storm pipe daylights at the east drainage area to a rip-rap opening. There is a 12-inch PVC sanitary sewer pipe going south to northeast about 170 feet west of the eastern boundary—just on the west side of the drainage area.	Applicants/ Proponents	
	Opponents	Groups or individuals None known
	Staff Recommendation	<input type="checkbox"/> For, with conditions <input checked="" type="checkbox"/> Against Reason Against: Use not compatible with bike trail and drive-thru on adjacent roads.
	Board or Commission Recommendation	By: City Plan Commission, 08/02/16, Voting Aye: 6-0, Baker-Hughes, Burnette, Gutierrez, Crawl, Macy and May Voting Nay: None; Absent: Archie and Martin <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**

This tract is one of the few remaining vacant tracts in the area. To the west of the site is the Tiffany Springs Market Center containing several large box stores and pad sites. Within the past month, the City Council passed an amendment for a new Sam's Club on the northern, Phase 2 portion of the Center. North of the site is a Senior Living Center which is under construction. The ownership north of the subject has also been zoned for a future nursing center and some commercial pad sites. Immediately east of the site is the Benton House at Tiffany Springs, a senior living facility. East of the Benton House is the Autumn Ridge single-family subdivision.

The site has roadways on three of the four sides. To the south is Missouri Route 152, controlled by the State of Missouri. There is a westbound off-ramp on M-152 at N Ambassador Drive. There is no eastbound off-ramp on M-152 however. Eastbound traffic on M-152 must travel east to N Green Hills Road and then come back west to access the site. Both N Ambassador Drive and NW 88<sup>th</sup> Street have benefited from Tax Increment Financing funding.

**Policy / Program Impact**

<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: January 15, 2016  
 CPC date: August 2, 2016  
 Plan resubmitted: August 8, 2016

**Project Completion or Occupancy Date****Fact Sheet Prepared by:****Date:** August 9, 2016

John Eckardt  
 Planner

**Reviewed by:****Date:** August 9, 2016

Diane Binckley, Manager  
 Development Management Division

**Reference or Case Numbers:** Case No 6029-P-31 & P-32

North Ambassador Drive is a four-lane, divided cross-section, partially controlled by the State. Recently, the State, City of Kansas City and developer's engineer agreed on the proposed access to the site on N Ambassador. Depending on the location, the right of way of N Ambassador Drive is 100 feet to the centerline on the south portion and 76 feet to the centerline on the north side. Northwest 88<sup>th</sup> Street has a 92 foot right of way at N Ambassador Drive, but narrows down to a 50 foot right of way at the Benton House to the east. Northwest 88<sup>th</sup> Street has two-way traffic and a westbound, left-turn lane at N Ambassador Drive. There are no street trees on either N Ambassador Drive or NW 88<sup>th</sup> Street. There is no sidewalk on NW 88<sup>th</sup> Street.

Immediately south of the subject, between the tract and the M-152 off-ramp the City recently constructed a bike path. The bike path was recently constructed between N Ambassador Drive and Line Creek Parkway at a cost of \$1.4 million.

#### **Proposed Plan:**

The project proposes a five lot commercial project containing 90,000 sf of commercial and office uses. The proposed lots are as follows:

- Lot 1: NW corner of the site, 6,000 SF Retail/Restaurant.
- Lot 2: West center portion of the site, just north of N Ambassador entrance, 3,000 SF Retail/Restaurant with drive-through service.
- Lot 3: SW corner of the site, NE corner of M-152 and N Ambassador, 9,000 SF Retail, Car Wash.
- Lot 4: South center portion of the site, 17,000 SF office.
- Lot 5: North center portion of the site, 55,000 SF retail in three adjoining buildings.

**Total:** Five lots, 90,000 SF commercial, all one-story buildings, 14.98 acres.

The site is arranged based upon the existing east/west sewer through the site and the two access drives—one from N Ambassador Drive and one from NW 88<sup>th</sup> Street. The entry drive from N Ambassador Drive is mid-point between the exit ramp on M-152 and NW 88<sup>th</sup> Street. Due to the median, the drive is right-in, right-out only. Three of the commercial lots are north (left) of the Ambassador entry drive and two of the lots are south (right). The primary and largest structure is the Lot 5 containing 55,000 SF, but it is located at the northeast corner of the site and will not be as visible to those on Ambassador as the three out-lots along N Ambassador. Lot 2, located north of the entry drive appears to be a fast-food restaurant based upon the size of the building and the drive-thru design. Lot 3, likely the most visible lot on the site from M-152 and N Ambassador Drive is stated to be a car wash. Lot 4, just east of the car wash, is stated to be a Bio Life blood plasma donation facility.

#### **Traffic Study:**

A Traffic Study was requested and provided for this project. One issue regarding traffic which surfaced during the initial submittal of the project was the jurisdiction of the drive to the site on N Ambassador Drive. After discussion between the applicant, MODOT and City Public Works representatives, an agreement was reached to allow the drive access at N Ambassador Drive. A note on the plan states:

*Right of Way transfer from MODOT to KCMO (to be determined per agreement).*

If the transfer does not occur, MODOT officials have allowed the break. The City's Streets and Traffic division also did not oppose the drive access.

### **Analysis:**

City staff recommends denial of the project because the two primary uses on the N Ambassador frontage have objectionable drive-thru uses at this major intersection and further, neither the development design nor the proposed uses embrace or appear to even use the \$1.4 million bike trail recently constructed on the south side of the project. The city recently completed this bike section from N Ambassador to Line Creek Trail. Much of the Line Creek Trail is already complete. When the entire bike system is complete, it will connect all of the northland, from KCI to downtown. At this important intersection, city staff was hoping a use and design would respect this expensive and important public asset. A much preferable use would be a restaurant with outdoor seating where bicyclists could pull in and purchase goods from the businesses and leave, as the cars in the parking lot would. A multi-lane drive-thru car wash and blood bank are not the uses which will likely embrace the recently constructed bike trail. Further, the drive through restaurant north of the entry drive along N Ambassador Drive is a use discouraged by the KCI area plan for major roadways. The KCI area plan states the following:

- *Locate drive-through facilities (order stations, pick-up windows, bank teller windows, money machines, etc.), when permitted, on the side or rear of a building away from a street. Drive-through lanes may be allowed along a street if buffers are provided to screen such activities from the roadway (by landscaping and berms).*

Staff does not oppose the car wash but believes this use and the drive-through restaurant should be more to the interior of the project and not so prominent to the public on N Ambassador. Staff also believes that the proposed uses along the bike trail should be more compatible to the trail.

In addition to the incompatible uses, staff does not believe that the bike trail sufficiently extends throughout the site. City staff recommends that the bike trail extend north from the existing trail, along the west side of the eastern tract, from the trail on the south to NW 88<sup>th</sup> street on the north while at the same time, working into the site to connect to each commercial store in safety.

City staff is recommending that the case be denied because between the incompatible uses and the lack of an adequate bike system throughout the project, it would be too difficult to accomplish modifying the plan during a City Plan Commission hearing.

**Recommendations:**

At its regularly scheduled meeting on August 2, 2016, the City Plan Commission recommended in the following manner:

**Case No. 6029-P-31: Approval with no conditions:**

**Case No. 6029-P-32: Approval with the following conditions:**

1. That one (1) collated, stapled and folded copies (and a CD containing a pdf file,) of (a revised drawing /all listed sheets), revised as noted, be submitted to Development Management staff (15<sup>th</sup> Floor, City Hall), prior to ordinance request showing:
  - a. Show all existing and proposed utilities, easements and infrastructure. (fire states that there are still hydrants existing and proposed not shown.
  - b. Show all information 200 feet outside of the site boundary.
  - c. Show the required CPC checklist in the order requested in Item 25.a.-m. in the CPC application required checklist.
  - d. Show the northern drive lining up with the approved drive to the north.
  - e. Show pedestrian and bicycle connections to the existing residential to the east as required by City Development Department staff.
  - f. Add that this plan also serves as a preliminary plat.
  - g. Show a signage plan.
  - h. Show a lighting plan.
  - i. Include elevations and architectural design guidelines as ~~required by John DeBauche~~, appropriate from the KCI Area Plan.
  - j. Include existing and proposed street trees and sidewalk along M-152, N Ambassador Drive and NW 88<sup>th</sup> Street where they do not now exist, including Tract A.
  - k. Include buffer shrubs between the right of way and all “vehicular use areas” as required by Section 88-425-05 and include the section in the landscape calculation table.
  - l. Add Tract A to the lots and show that street trees are required.
  - m. Show walkways on at least one side of the drives throughout the project as required by staff.
  - n. Show a ~~10~~ 5 ft wide concrete bike path from the bicycle path on the south, within the N/S island between Lots 3 and 4 and integrate it into the site to all lots.
  - o. ~~Show an 8-foot wide concrete bicycle path along the east side both within and outside of Tract A and then extending into the site at strategic locations.~~

- Increase the sidewalk on the east side of N. Ambassador along the development frontage to 11' in width to be consistent with the City's bike trail along M-152.
- p. In all locations, show a minimum of 16-foot of area between the building and adjacent head-in parking, whenever possible, as acceptable to staff. Within the 16-foot area, show amenities such as benches, bicycle parking, landscaping, etc.
  - q. Show mechanical equipment locations and show buffering or include a note stating intent.
  - r. Show public storm sewer and sanitary sewer to serve each lot.
  - s. Label Tract A as "Detention Tract A".
  - t. Show a wider sewer easement as required by Water Department staff.
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 a Macro storm drainage study with the first Plat or Phase, from a Missouri-licensed civil engineer to the Land Development Division showing compliance with current adopted standards in effect at the time of submission, including Water Quality BMP's, to the Land Development Division for review and acceptance for the entire development area, and submit Micro storm drainage study with each subsequent Plat or Phase showing compliance with the approved Macro and adopted standards. The developer shall secure permits to construct any improvements as necessary to mitigate impacts from rate, volume, and quality of runoff from each proposed phase, prior to recording the plat or prior to issuance of a Building Permit, whichever occurs first as required by the Land Development Division.
  4. The developer submit plans to Land Development Division and obtain permits to construct sidewalks along the platted frontage for N.W. 88th Street and construct associated ADA ramps at the proposed entrance drives as necessary for the type of drive approach.
  5. 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 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 verify vertical and horizontal sight distance for the drive connection to public right-of-way and make improvements to ensure local jurisdiction and/or minimum AASHTO adequate sight distance standards are met.
  7. 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.
  8. 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.
  9. 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.
  10. The developer must secure permits to extend public 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.
  11. The developer must grant a BMP Easement to the City as required by the Land Development Division, prior to recording the plat or issuance of any building permits.
  12. 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.
  13. That the developer reconfigure the westbound lanes at the N. Ambassador Drive & N.W.Skyview Avenue/N.W. 88<sup>th</sup> Street intersection to include two left-turn lanes and a single shared through/right-turn lane. Left-turn signal heads should be configured for protected-only phasing and the westbound protected/permissive right-turn signal should be removed.
  14. That the developer construct the right-in/right-out drive as shown on the Development Plan with a northbound auxiliary deceleration lane of approximately 90 feet in length with a 100 foot long taper per Missouri Department of Transportation standard design policy.

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15. That the developer provide wider sewer easements as required by the Water Services Department.
16. That the developer extend private water mains as required by the Water Services Department.
17. That the developer provide fire protection as required by the Fire Marshal's Office.
18. That the developer submit a final development plan with the city planning and development department after approval of and before the lapse of a preliminary development plan. The site plan shall include information regarding: property uses, setback distances, lighting (photometrics) plan, landscaping and architectural characteristics, berms, trees and plantings around and within the parking lots; show proposed pedestrian circulation; and include elevation drawings of buildings and signage.
19. Prior to issuance of a final certificate of occupancy, all landscaping as shown on the approved landscape plan, including trees, plant material and structural elements, must be in place and healthy, as certified by a sealed letter submitted by a registered landscape architect licensed in the State of Missouri.

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