



City Planning & Development Department

Development Management Division

15th Floor, City Hall
414 East 12th Street
Kansas City, Missouri 64106-2795

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STAFF REPORT

June 3, 2014

(19&20)

- RE:** a) **Case No. 14459-P**
b) **Case No. 14459-P-1**
- AGENT:** Patricia R. Jensen c/o Elaine Bowers
White Goss Bowers March Schulte & Weisenfels
4510 Belleview, Ste. 300
Kansas City, MO 64111
- APPLICANT/ OWNER:** Alan Wolfe
A. E. Wolfe Environmental Services, Inc.
3001 E. 83rd Street
Kansas City, MO 64132
- LOCATION:** Generally located at the northwest corner of E. 63rd Trafficway and I-435.
- AREA:** Approximately 70 acres.
- REQUESTS:** a) To consider rezoning a 70 acre tract of land from District R-7.5 (Residential dash 7.5) to District M2-2 (Manufacturing 2 dash 2).
b) To consider approval of a Development Plan on about 70 acres, in District M2-2 (Manufacturing 2 dash 2), to allow for the existing land reclamation, quarry, excavation, asphalt and concrete batch plants, and future office, commercial and warehouse development.
- LAND USE PLAN:** The Winchester Area Plan recommends Industrial land use at this location. The proposed zoning is consistent with the future land use designation.
- MAJOR STREET PLAN:** The City's Major Street Plan shows E. 63rd Trafficway as a "6 Through Lane Street" with three lanes in each direction and a "Thoroughfare" typology. This will require 120' wide right of way.

ARTERIAL STREET

IMPACT FEE:

(Informational only)

Benefit District: F

Discounted Rates:

Retail - \$1,452/ 1,000 sq. ft. (68,400 sq. ft.) = \$99,316.80

Industrial - \$642/ 1,000 sq. ft. (402,000 sq. ft.) = \$205,440.00

Estimated Total: \$304,756.80

SURROUNDING

LAND USE:

North: zoned R-7.5, VFW post and single family residence on large tract.

South: zoned M2-2 & UR, DST, Winchester Office Center.

East: I-435 & Blue Parkway.

West: zoned R-7.5 & R-80, vacant/ telecommunication tower.

PREVIOUS ACTION:

On April 15, 2014, the City Plan Commission recommended continuance of this case to the May 20, 2014 City Plan Commission docket without a fee to allow the applicant to work with the neighborhood. This case was subsequently continued to the June 3, 2014 to allow further discussion with the neighbors.

PREVIOUS CASES:

None regarding this site.

EXISTING CONDITIONS:

The site is an existing quarry/ underground mining operation which has approximately 2,000 feet of frontage along I-435 and approximately 3,200 feet along E. 63rd Trafficway. The property was annexed into the City in 1957. Prior to 1965, the property was owned by Union Quarries who operated the underground mine/quarry. In 1965, it was transferred to Belger Cartage (or one of its entities) which continued the existing uses on the property. The property was acquired by A. E. Wolfe in 1983, who is the current owner/ operator and applicant. Access to the telecommunication tower parcel to the west is through this quarry.

There is about 120 – 150 feet change in grade from the residentially zoned properties to the north. To the north of the site is the VFW post and single family residences on large tracts. South of the site is the DST Systems offices within the Winchester Business Center. To the east is I-435 & Blue Parkway and to the west is an existing telecommunication tower

PLAN REVIEW & ANALYSIS:

Case No. 14459-P proposes to rezone the entire 70 acre tract of land from District R-7.5 (Residential dash 7.5) to District M2-2 (Manufacturing 2 dash 2). The Winchester Area Plan recommends Industrial land use at this location. The proposed zoning is consistent with the future land use designation. The plan further recommends that where light industrial abuts residential there should be a buffer strip that is landscaped and screened. Citywide Division staff recommends that special attention should be paid to the site's northern boundary adjacent to residential zoning. Consideration should be given to the buffer/screening area as it relates to change in topography. Residentially zoned areas also need to be shielded from lights, signage, etc.

Case No. 14459-P-1 is a request to consider approval of a development plan in District M2-2 (Manufacturing 2 dash 2) to allow for the existing land reclamation, quarry and excavation to continue on this site, and approval of an asphalt and concrete batch plants, and future office, commercial and warehouse development.

The plan proposes two main access drives off E. 63rd Trafficway. East 63rd Trafficway is classified as a six lane through street by the City's Major Street Plan at this location. The Missouri Department of Transportation is in the process of studying the possibility of a southbound off ramp at this location. As a result the proposed access drives need to be relocated outside of the existing MO-DOT right of way. Department of Public Works have reviewed the proposed development and offered conditions of approval.

The development plan is proposed in three phases. Phase I allows for the continuation of the existing quarry and excavation operation. It also proposes the installation of a concrete batch plant at the southwest corner of the site, a construction material recycling facility in the middle of the site and an asphalt batch plant on the east side of the site along I-435. This phase is scheduled to commence in 2015 with an anticipated completion date of 2035.

Phase II (Building A) will be the construction of a 78,500 square foot, 3-story retail/ commercial building with 195 parking spaces at the southeast corner of the site. This phase is scheduled to commence in 2030 with an anticipated completion date of 2035.

Phase III (Buildings B, C & D) is proposed to be light industrial and commercial and scheduled to commence in 2035 with an anticipated completion date of 2040. Building B is an L shaped 124,000 square foot building with 55 parking spaces. This building is located towards the north of the site. Building C is proposed on the south along E. 63rd Trafficway. The building is 100,000 square

foot with 110 parking spaces. Building D is an 80,000 square foot building with 105 parking spaces proposed along the east property line. Buildings C and D are shown as staggered modular buildings (10,000 square foot per module).

The proposed use of the site for mining/ quarrying and recycling services (general) requires a Special Use Permit. **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.

The proposed plan does not serve as a preliminary plat. Staff recommends that a preliminary plat be submitted prior to any development of Phase II. The plan does not show any stormwater detention facility or any BMP treatment areas. Staff recommends that potential stormwater/ BMP areas be shown on the plan.

The submitted plan did not include a landscaping plan. Staff recommends that a preliminary landscape plan for the overall development that meets the requirements of Chapter 88-425 and addresses the buffer/ screening from the residential zoned properties to the prior to ordinance request. Staff also recommends that a detailed lighting plan that meets the requirement of Chapter 88-430 of the Zoning and Development Code be submitted as part of the revised plans.

Chapter 88-445-10-A-1, requires that a signage plan must be submitted in conjunction with the review and approval of a development plan, according to the review procedure of 88-517. The applicant did not submit any signage with the application. 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. Individual buildings on parcels with a minimum of 100 feet frontage are permitted one monument sign not exceed 30 square feet in size and six feet in height, and shall be setback 10 feet, and shall be shown on the face of the plan. Staff recommends that the applicant submit a sign package that meets the requirement of Chapter 88-445 in its entirety.

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.

RECOMMENDATIONS:

- a) The City Planning and Development Department staff recommends that **Case No. 14459-P** be approved without conditions.

b) City Planning and Development Staff recommends approval of **Case No. 14499-P-1** 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 April 2, 2014 meeting:

1. That five (5) collated, stapled and folded copies (and a CD containing a pdf file, a georeferenced monochromatic TIF file, and CAD/GIS compatible layer of the site plan boundary referenced to the Missouri state plan coordinate system) of (a revised drawing /all listed sheets), revised as noted, be submitted to Development Management staff (15th Floor, City Hall), prior to issuance of building permit showing:
 - a. Only Sheet L1 shall be imposed on an aerial background. Sheet L2 shall provide all the necessary details for a development plan without an aerial background.
 - b. All the corrections on the City Plan Commission Application/ Plan Requirement Checklist provided at the April 2, 2014 DRC meeting.
 - c. All proposed uses (clear definition of commercial, retail and industrial).
 - d. Correct building footprint of Building A.
 - e. Correct address of the site on the face of the plan.
 - f. Cross access easement for telecommunication tower on face of plan.
 - g. Possible Phase IV – Future development or stormwater facility.
 - h. A preliminary landscape plan for the overall development that meets the requirements of Chapter 88-425 and addresses the buffer/ screening from the residential zoned properties to the prior to ordinance request.
 - i. Cross section elevation between the residential zoned properties and the subject site.
 - j. A signage plan as required by chapter 88-445-10-A-1.
 - k. Conceptual building elevations of Buildings A, B, & C.
 - l. Short term and long term bicycle parking requirements.
 - m. label more clearly existing public and/or private sanitary and storm sewers, within the proposed project or immediately adjacent thereto as necessary to address adequacy of existing utilities serving the development (Phase I).
 - n. label more clearly prior to final approval of the plan proposed public and/or private sanitary and storm sewers within the proposed project or immediately adjacent thereto as necessary to address adequacy of existing utilities serving the site along with any proposed extension, relocations or abandonments (Phase I).
 - o. move the eastern most drive entrance as shown on the development plan so that it is located at least 700 feet west of the I-

435/E. 63rd Street intersection to provide for adequate distance for queuing and lane changes.

- p. Show and/or label more clearly on the plan the preliminary AASHTO intersection sight distance information on the plan to confirm approximate location of both entrances.
 - q. Depict more of the concept for storm water management mitigation and performance level for the proposed site improvements area including proposed outlet structure and site discharge locations, detention, BMP's, volume controls, pervious pavement, or treatment areas, etc., as appropriate to conceptualize ultimate stormwater management compliance with city standards. Show any off-site conveyance systems (enclosed, gutters, natural, or proposed whatever they are that are being utilized) for purposes of conveying conceptually how systems will be connected to or will convey of the 100-year post development flows from the site. Identify the private and public portions of the storm water management system and conveyance system. Show conceptually required private permanent BMP's or surface drainage easements that are needed to address redevelopment disturbances and storm water mitigation/conveyance and their corresponding easements/covenant boundaries. BMP's and surface drainage easements require stand alone maintenance obligation conveyance documents (Easement or Covenant), but are not required for site maintenance activities or voluntary BMP enhancements that are not regulatory obligations.
 - r. Show the limits of the 100-year floodplain on the development plan
 - s. Show required dedications required by the Major Street Plan.
 - t. Show the Sanitary Sewer and Storm Sewer and provide preliminary sewer capacity constraints for the systems serving this property.
 - u. Show conceptually required private permanent BMP's or surface drainage easements that are needed to address redevelopment disturbances and storm water mitigation/conveyance and their corresponding easements/covenant boundaries. BMP's and surface drainage easements require stand alone maintenance obligation conveyance documents (Easement or Covenant), but are not required for site maintenance activities or voluntary BMP enhancements that are not regulatory obligations.
 - v. Removal of the asphalt plan and the relocation of the concrete batch plant to the location of the proposed asphalt plant
2. That the developer submit a lighting plan that meets the requirement of Chapter 88-430 in its entirety for phase I.
 3. That the landscape plan for the development meet the requirement of Chapter 88-425 in its entirety for phase II and III.

4. That signage plan for the development meet the meet the requirement of Chapter 88-445 in its entirety for phase II and III.
5. 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, by making application under said code for a Major Subdivision and submitting and recording a Final Plat in accordance therewith. A preliminary and final plat shall be submitted prior to any development of Phase II.
6. The developer must submit a Macro "Overall" storm drainage study for the entire development area to the Land Development Division for review and acceptance prior to recording the plat for the second and third phases, showing the phasing of construction, stormwater conveyance systems, Water Quality Mitigation (including Preliminary BMP Level of Service Analysis), and phasing of required runoff mitigation all as approved by Land Development Division. And, that the developer submit a Micro "Detailed" storm drainage study for each phase of construction showing detailed calculations for stormwater and water quality mitigation and compliance with approved standards at the time of construction and with the approved Macro Study. And that the developer secure permits to construct the phased storm water mitigations or improvements as required by the Land Development Division prior to issuance of a Building Permit.
7. The developer must dedicate additional right of way for (E. 63rd Street) as required by the adopted Major Street Plan so as to provide a minimum of 100 feet of total right of way (50 feet as measured from the centerline), and ensure right of way dedication is free and clear of encumbrances, as required by Land Development Division.
8. 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 for phase II and III.
9. 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.
10. 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.

11. 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.
12. 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 for phase II and III.
13. The owner/developer shall verify adequate capacity of the existing sewer system as required by the Land Development Division prior to issuance of a building permit to connecting private system to the public sewer main and depending on adequacy of the receiving system, make other improvements may be required.
14. 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.
15. The developer shall provide sight distance information for (Each Entrance) drive connection improvements to E. 63rd Street to ensure local jurisdiction and/or minimum AASHTO adequate intersection sight distance standards are met including vertical and horizontal sight distance.
16. The developer must obtain a floodplain certificate from Development Services prior to beginning any construction activities with the floodplain.
17. The developer must show the limits of the 100-year floodplain on the final plat, as required by the Land Development Division.
18. 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.
19. That the site plan be revised to move the eastern most drive entrance as shown on the development plan so that it is located at least 700 feet west of the I-435/E. 63rd Street intersection to provide for adequate distance for

queuing and lane changes as required by the Department of Public Works and Missouri Department of Transportation.

20. That, prior to the final plan and final plat for any development in Phases 2 or 3, the Developer shall submit an updated traffic analysis for review and approval by the City of Kansas City, Missouri, (City) and MODOT to confirm that the following improvements are needed to accommodate the development as shown in Phases 2 and 3:
 - a. Developer will construct an eastbound left turn lane on 63rd Street at the west site driveway intersection for any development in Phases 2 and 3.
 - b. Developer will construct two southbound lanes for the west drive access for any development in Phases 2 and 3.
 - c. Developer will install a traffic signal at the intersection of the eastern drive access and E. 63rd Street and interconnect it to the signal at the southbound Interstate 435 ramp intersection for any development in Phases 2 and 3.
 - d. Developer will construct an eastbound left turn lane on E. 63rd Street at the east site driveway intersection for any development in Phases 2 and 3.
 - e. Developer will construct a westbound right turn lane on E. 63rd Street at the east site driveway intersection for any development in Phases 2 and 3.
 - f. Developer will construct two southbound lanes for the east drive access for any development in Phases 2 and 3.
21. That If the approved updated traffic analysis shows the need for further traffic improvements, Developer will make such additional traffic improvements as required by the Department of Public Works based on the traffic impacts generated by the development of Phases 2 and 3.
22. That the development plan be revised to include the following conditions of approval:
 - a. Owner agrees to establish a system of notifying the adjacent Brown Estates Neighborhood Association ("Brown Estates") of the schedule for any blast in the quarry/mine area. The notification to Brown Estates shall occur at least 48 hours prior to the blast. Brown Estates will provide the contact information to Owner for the notification.
 - b. Owner agrees that it will regularly water the crushing operations and the unpaved roads in the area of the quarry/mine to minimize dust on surrounding properties (the watering shall occur at such frequencies to minimize the dust on days when the quarry/mine is in operations). Owner will install a "Dust Boy 202 Spray System" manufactured by NESCO on the crushing equipment.

- c. Owner agrees to make its best efforts to not operate the quarry/mine on Saturdays at times that the Veterans of Foreign Wars Post No. 1829 ("VFW"), located at 5910 Crystal Avenue in Kansas City is hosting an event provided that the VFW has provided at least two weeks' notice to Owner of the scheduled event.
- d. Owner agrees to monitor the blasting that is occurring within the quarry/mine to provide assurances that the blast levels are in conformance with state and federal rules and regulations. Owner agrees that it intends for the blast level to be at or near the test level performed on May 29, 2014, as quantified by the permanent blast monitor located along the property line. Owner will place a permanent blast monitor along Owner's property adjacent to Brown Estates to monitor the blasting and will make those records available to Brown Estates. For the first twelve months following the approval of the Development Plan, Owner will also install up to two additional monitors in areas indicated by Brown Estates for 50% of the blasting events to do additional monitoring within the neighborhood and establish additional data as to blasting events.
- e. The asphalt plant shall be removed and the concrete batch plant will be relocated on the development plan to the location of the proposed asphalt plant.

Respectfully submitted,

Olofu O. Agbaji
Planner