COMMUNITY PROJECT/REZONING

210398
Ordinance Number

Ordinance Fact Sheet

Case No. CD-CPC-2021-00048 – Area Plan Amendment

CD-CPC-2021-00049 – MPD Rezoning and Development Plan

Brief Title

Approving an amendment to the Briarcliff-Winnwood Area Plan on about 36 acres generally located between N Brighton Avenue on the west, Searcy Creek Parkway on the east, Missouri 210 Highway on the south and NE 36th Street on the north by changing the recommended land uses from Residential Low Density and Conservation District to Light Industrial related to the Brighton Industrial Park. (CD-CPC-2021-00048)

Rezoning an approximately 36 acre tract of land generally located between N Brighton Avenue on the west, Searcy Creek Parkway on the east, Missouri 210 Highway on the south and NE 36th Street on the north, from District R-6 (Residential – 6) to District MPD (Master Planned Development), and approving a MPD Development Plan that serves as a preliminary plat for the development of light industrial uses related to the Brighton Industrial Park. (CD-CPC-2021-00049)

Details

Location: between N Brighton Avenue on the west, Searcy Creek Parkway on the east, Missouri 210 Highway on the south and NE 36th Street on the north

Reason for Legislation: Rezonings, Development Plans, and Area Plan Amendment require ordinance approval by the City Council.

At its April 20, 2021 meeting, the City Plan Commission recommended denial.

EXISTING CONDITIONS

The site is currently undeveloped, but has been hope to a soil and ground cover excavation site. The approximately 37-acre site is bounded by N Brighton Ave on the west, M-210 Hwy. on the south, NE Searcy Creek Pkwy on the east, and NE 36th St). Primary access to the site is provided by N Brighton Avenue, which is an unimproved two-lane road with an open drainage channel adjacent to this property. A section of N Brighton Ave is partially improved and under the jurisdiction of the MoDOT near its interchange with M-210 Hwy. M-210 Hwy is a freeway with a partially improved one-way westbound frontage road immediately south of the site.

NEARBY DEVELOPMENTS

Surrounding land uses include single-family residences to the west across N Brighton Ave, apartments to the north and northwest, undeveloped property to the east, and M-210 Hwy

Positions/Recommendations

Sponsors	Councilmember Heather Hall Councilmember Kevin O'Neill
Programs, Departments or Groups Affected	1st District (Hall, O'Neill)
Applicants / Proponents	**Applicant** Kellee Madinger Rouse Frets White Goss Gentile Rhodes, P.C. **City Department** City Planning & Development **Other**
Opponents	**Groups or Individuals** Chouteau Estates neighborhood to the west **Basis of Opposition** intensity of uses, impact on adjacent residential properties, and semi-truck traffic, and effect on their home values.
Staff Recommendation	[ ] **For** [X] **Against**

to the south with industrial uses further south.

SUMMARY OF REQUEST

12.1: The applicant is seeking approval of an Area Plan Amendment to change the recommended land use of the Residential Low Density with Conservation District to Light Industrial.

12.2: The applicant is requesting approval a joint MPD rezoning and preliminary development plan application to rezone the property from R-6 (Residential 6) to MPD (Master Planned Development) and a preliminary development plan for two 288,200 sq ft industrial warehouse buildings (576,400 sq ft total).

KEY POINTS

- The proposed Area Plan Amendment is a notable increase above the Residential Low Density Residential recommended land use to a proposed Light Industrial Land Use (generally associated with an M1 zoning district)
- The proposed rezoning is from R-6 to MPD
- Staff does not believe the proposed project meets the required criteria for an MPD project as cited in Section 88-280-01-A of the City's Zoning and Development Code
- The plan proposes the construction of two 288,200 sq ft industrial warehouse buildings
- The MPD Preliminary Development Plan will also serve as the Preliminary Plat

CONTROLLING CASE

No relevant associated controlling cases.

RELATED RELEVANT CASES

- Case No.CVLN-2375 – On October 6, 1992 a Certificate of Legal Non-Conforming Use (CLNU) was denied by the Board of Zoning Adjustment for "CLNU ~ DENIED ~ to allow an open faced rock quarry (an M-2a use) in a district zoned R-1b on October 6, 1992. Lack of evidence that excavation was in process or had been at time annexation of area."

- Case No 11275A – In October of 1992 the Board of Zoning Adjustment approved a variance for an open quarry.

- Case No. SD-1043 – On September 04, 2003 the City Council approved Ordinance No. 030899 for a Preliminary Plat for "Searcy Branch Place" for 142 single-family lots. This project did not move forward and has since expired.

PLAN REVIEW

(Updated since CPC) Area Plan Amendment Analysis:
The proposed land use is not compatible with the Briarcliff-Winnwood Area Plan, which designates the subject property as Residential Low Density. The Residential Low Density designation is "intended for single family detached residential development, but allows a variety of residential building types up to 5.8 units per acre. This land use classification

	Reason Against – intensity of uses, impact on adjacent residential properties, and incompatibility of proposed uses within the adopted Area Plan
Board or Commission Recommendation	City Plan Commission (8-0) 04/20/21 By Allender, Baker, Beasley, Crowl, Enders, Hill, Rojas, Sadowski [ ] **For** [X] **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**
Policy or Program Change	[ ] **Yes** [X] **No**
Operational Impact Assessment	**n/a**

Finances

Cost & Revenue Projections – Including Indirect Costs	**n/a**
Financial Impact	**n/a**

corresponds with the R-7.5 and R-10 zoning categories." (Briarcliff-Winnwood Area Plan, Adopted 2009)

The proposed land use would require a minimum zoning of Light Industrial (M1), which would be a dramatic increase in density compared to what the Area Plan calls for. Also, the surrounding development must be taken into consideration. The subject property is surrounded by existing single-family residential neighborhoods, both with attached and duplex-style housing. There are no existing commercial or industrial land uses adjacent to this property, and all surrounding property is designated for Low, Medium, and Medium-High residential land uses. Allowing a new Light Industrial land use to operate at this location would be in direct conflict with the Briarcliff-Winnwood Area Plan and the surrounding existing residential land uses.

Additionally, the majority of this property is designated by the Briarcliff-Winnwood Area Plan as a Conservation District Overlay. These overlays are "intended to encourage flexibility in design standards (ex: reduced lot sizes) in exchange for 60% open space preservation. These areas will allow a variety of uses and residential densities and building types (consistent with the underlying recommended land use). These areas will provide additional open space and recreational amenities for residents, preserve environmentally sensitive resources as well as reduce storm water runoff and water pollutants." (Briarcliff-Winnwood Area Plan, Adopted 2009)

The proposed development is comprised of two large industrial buildings, and it appears much of the existing vegetation would be removed. Therefore, it is in direct conflict not only with the underlying land use designation of Low Residential Density, but it is also in conflict with the Conservation District Overlay and the public's preference that this property, once developed, would provide additional open space and recreational amenities for residents.

It should also be noted there is an abundance of “Light Industrial’ recommended land use acreage approximately one mile to the east of the site along M-210 Hwy.

Master Plan Development MPD Analysis:
Staff has reviewed the proposed development against the MPD section of the City’s Zoning and Development Code, Section 88-280 (excerpts cited below). There are 4 development types that justify the use of a MPD zoning district dealing with protection of natural resurfaces, traditional urban development, Mixed-use development, or mixed housing development. The proposed industrial uses can easily be accommodated in a M1 or M2 zoning district are not part of the 4 examples related to MPD districts. Additionally there are 11 objectives of MPD districts use to achieve a community initiative or vision. These objectives are not met the current proposal and are further evaluated below.

88-280 - MPD, MASTER PLANNED DEVELOPMENT DISTRICT
88-280-01 - PURPOSE
88-280-01-A. GENERAL
The MPD, Master Planned Development district is intended to accommodate development that may be difficult if not impossible to carry out under otherwise applicable zoning

Funding Source(s) and Appropriation Account Codes	**n/a**

district standards. Examples of the types of development that may benefit from the MPD zoning tool include the following:

1. ENHANCED PROTECTION OF NATURAL RESOURCE AREAS
Developments that offer enhanced protection of natural resources and sensitive environmental features, including streams, water bodies, floodplains, wetlands, steep slopes, woodlands, wildlife habitats, and native plant communities.
- Staff Review: No expressed protection or enhancement of natural resources is shown. Further the steep slopes have mostly been cleared and removed by the excavation work already on site.

2. TRADITIONAL URBAN DEVELOPMENT
Developments characterized by lot configurations, street patterns, streetscapes, and neighborhood amenities commonly found in urban neighborhoods platted or otherwise created before the 1950s.
- Staff Review: The proposed development does not meet the characteristics of traditional urban development.

3. MIXED-USE DEVELOPMENT
Developments that contain a complementary mix of residential and nonresidential uses.
- Staff Review: The proposed development consists only of light industrial/warehouse uses.

4. MIXED HOUSING DEVELOPMENT
Residential developments containing a mix of housing types such as detached house, attached house, multi-unit house, etc., such as those formerly approved with a community unit project application.
- Staff Review: The proposed development does not propose any residential uses.

88-280-01-B. SPECIFIC OBJECTIVES
Different types of MPDs will promote different planning goals. In general, however, MPDs are intended to promote the following objectives:

1. flexibility and creativity in responding to changing social, economic, and market conditions and that results in greater public benefits than could be achieved using conventional zoning and development regulations;
- Staff Review: The proposed uses could easily be accommodated in a M1 zoning district. The proposed deviations could be sought thought the granting of applicable Variances by the Board of Zoning Adjustment.

2. implementation and consistency with the city's adopted plans and policies;
- Staff Review: The proposed industrial land use is very inconsistent with the recommended land use for this area in the Briarcliff-Winnwood Area Plan of Residential Low Density.

3. efficient and economical provision of public facilities and services;
- Staff Review: Most public services and road access are already provided to the site.

4. sustainable, long-term communities that provide

economic opportunity and environmental and social equity for residents;

- Staff Review: No residential components are proposed for this development. Additionally, staff has concerns with the potential impact and large vehicles may have on the adjacent neighborhoods to the west and north.

5. variety in housing types and sizes to accommodate households of all ages, sizes, incomes and lifestyle choices;

- Staff Review: Not met/not applicable; there are not proposed residential units.

6. compact, mixed-use development patterns where residential, commercial, civic, and open spaces are located in close proximity to one another;

- Staff Review: Not met since the proposed use is uniform and does not propose a mix of uses for said interaction.

7. a coordinated transportation systems that includes an inter-connected hierarchy of appropriately designed improvements for pedestrians, bicycles, and vehicles;

- Staff Review: The road systems themselves are largely already in existence with little to no changes needed. The site does provide an east/west sidewalk connection for pedestrians and provides a new sidewalk along N Brighton Ave from the north property line to a pedestrian crossing point near the south property line.

8. compatibility of buildings and other improvements as determined by their arrangement, massing, form, character, and landscaping to establish a high-quality livable environment;

- Staff Review: The buildings in and of themselves are generally consistent with modern industrial/warehouse developments. However, they are very out of character with the established neighborhoods to the north and west. Additionally, the applicant is seeking waivers to the building design requirements for new developments along an established Parkway (see deviation analysis section below).

9. the incorporation of open space amenities and natural resource features into the development design;

- Staff Review: There are some increased setbacks from the north property line to provide some separation from the townhouse development to the north. However, there are no dedicated amenities or expressed preservation of natural resources.

10. low-impact development (LID) practices; and

- Staff Review: There are no proposed LID practices associated to the proposed development.

11. attractive, high-quality landscaping, lighting, architecture, and signage that reflects the unique character of the development.

- Staff Review: the proposed plan generally complies with the required landscaping, lighting, and signage regulations. Additional architectural elements have been added and improved, but the proposed architecture is seeking certain deviations to the Boulevard and Parkway Standards (Section 88-323).

(New since CPC) Land Uses under the MPD District.
Uses under the Master Plan Development District (MPD) may be specialized to the development. The applicant has not proposed any specialized land use / tenant uses. Therefore, staff recommends if the MPD classification is approved the permitted, conditional, and special uses shall be consistent with those uses allowed within the M-1 zoning district, but prohibiting the following uses: Pawn Shop, Short Term Loan Establishment, Outdoor Retail Sales (A and B), Heavy equipment sales/rental, Motor vehicle repair (general), and Vehicle storage/towing.

Requested Deviations
List of requested deviations by the applicant:
1. Light industrial uses adjacent to an established parkway.
- Staff Review: Light Industrial uses are permitted along a Parkway subject to meeting the design requirements and the following two specialized conditions of Section 88-323-02-I:

A. Any structure or vehicular use area must be set back a minimum of 75 feet from the boulevard or parkway, and the setback area shall be landscaped per 88-425.
o Staff Review: See staff review in #3 below.
B. Any loading and service doors must be located on the sides or rear (façade not facing the boulevard or parkway) of the building.
o Staff Review: The proposed development meets this requirement.
- Therefore a deviation to the uses in and of itself is not necessary, only to the conditions thereof.

2. Curb cut along Searcy Creek Pkwy (Parks Board)
- Staff Review: Curb cuts and median breaks are reviewed by the Board of Parks and Recreation Commissioners and not part of the consideration for the City Plan Commission or City Council by this project.

3. Minimum 75ft setback from a parkway (88-323-02-I)
- Staff Review: the proposed structures are setback approximately 81ft from the right-of-way. However, the parking lot along Searcy Creek Pkwy is only setback 10ft from the right-of-way. Staff does not support this deviation.

4. Deviation of requirement that no more than 30% of a frontage adjacent to a parkway may be used for vehicular use area (88-323-02-B)
- (Updated since CPC) Staff Review: The proposed frontage along Searcy Creek Pkwy is almost completely taken up by vehicular use area. It is proposed to take up 90% of the frontage along the Parkway will be used for vehicular use area. Staff does not support this deviation.

5. Deviation to the minimum of 33% transparency on ground level façade facing the parkway (88-323-02-D)
- (Updated since CPC) Staff Review: The proposed facade along Searcy Creek Pkwy is almost completely non-transparent. The structures only propose 8% façade transparency of the frontage along the Parkway. Staff does not support this deviation.

6. (New since CPC) A deviation to allow grading within the Searcy Creek Parkway right-of-way.
- Staff Review: This grading request falls within the purview of the Board of Parks and Recreation Commissioners

and not part of the consideration for the City Plan Commission or City Council by this project.

(Not listed by the applicant but included with plan review)
7. Deviation to provide required vehicular use screening area along the south property line. The applicant has provided excesses street trees along this property line but has not included proper vehicular use citing the proximity to M-210 Hwy to the south.

- Staff Review: While the highway is raised to the south it does not necessary justify providing no landscape screening along the south property line. Staff does not support this extent of a deviation.

88-425-05 - PERIMETER LANDSCAPING OF VEHICULAR USE AREAS
88-425-05-B. ADJACENT TO STREETS
When a vehicular use area is located adjacent to a public right-of-way, perimeter landscaping must be provided to provide physical and visual separation between the vehicular use area and the right-of-way. This requirement applies only when there are no intervening buildings between the right-of-way and the vehicular use area. Trees planted to satisfy the street tree planting requirements of 88-425-03 may be counted toward satisfying the tree planting requirements of 88-425-05-B.
i. Perimeter landscaping adjacent to street rights-of-way must be provided in the form of a perimeter landscape buffer strip located between the vehicular use area and the street right-of-way.

- (Updated since CPC) Staff Review: the landscaping plans have been updated to meet the ordinance requirement. Therefore, a deviation is no longer needed.

PLAN ANALYSIS
PRELIMINARY PLAT
The proposed MPD preliminary development plan is also intended to serve as the Preliminary Plat per Section 88-516-04 of the Zoning and Development Code:
"88-516-04 - CONCURRENT PROCESSING OF PLANS AND SUBDIVISION PLATS
Project plans or development plans and preliminary subdivision plats may be combined in a single plan and processed concurrently if all information required for both types of submittals is provided as part of the combined application."

PROFESSIONAL STAFF RECOMMENDATION
Staff recommends denial of both the proposed Area Plan Amendment and MPD Rezoning with Preliminary Development Plan cases. However, if the City Plan Commission recommends approval of the case staff has prepared the following Corrections and Conditions as reflected in the attached Plan Correction Report and Plan Conditions Report.

At its April 20, 2021 hearing the City Plan Commission also recommended denial of both applications.

If the City Council recommends approval of both applications, the proposed conditions of approval do state to enforce the Boulevard and Parkway Standards. If the Council deems these proposed deviations as appropriate the Council will need to

amend the proposed ordnance language to grant deviations to the Boulevard and Parkway Standards.

See City Plan Commission Staff report for more information and additional detailed analysis.

Fact Sheet Prepared By: Christopher Hughey, AICP Staff Planner	**Date:** 05/03/21
Reviewed By: Joseph Rexwinkle, AICP Division Manager Development Management	**Date:** 05/03/21
Initial Application Filed:	March 5, 2021
City Plan Commission:	April 20, 2021
Revised Plans Filed:	April 28, 2021

Reference Numbers:
Case No.'s CD-CPC-2021-00048 and CD-CPC-2021-00049