



# CITY COUNCIL: NEIGHBORHOOD PLANNING & DEVELOPMENT COMMITTEE STAFF REPORT

City of Kansas City, Missouri  
City Planning & Development Department  
[www.kcmo.gov/cpc](http://www.kcmo.gov/cpc)

June 16, 2021

## Project Name

Foley Equipment Expansion

## Docket #1 Request

CD-CPC-2020-00058  
Major Amendment to a  
previously approved UR  
Rezoning and Preliminary  
Development Plan

## Applicant

Matthew Gibbs,  
BHC Rhodes

## Owner

Foley Industries, Inc.

Location	5701E 87 <sup>th</sup> St
Area	About 31.1 acre
Zoning	UR
Council District	5 <sup>th</sup>
County	Jackson
School District	Hickman Mills 140

## Surrounding Land Uses

**North:** zoned B3-2, B4-2, and UR,  
commercial and multi-family uses.

**South:** zoned UR, undeveloped land and  
rock quarry.

**East:** I-435 Hwy.

**West:** zoned UR, rock quarry.

## Major Street Plan

E 87th Street is classified as a four-lane  
thoroughfare requiring between 100-120 ft  
of right-of-way. No additional right-of-way  
dedication for E 87th Street is required.

## Land Use Plan

The Blue Ridge Area Plan adopted by  
Resolution No. 170434 on June 15, 2017,  
recommends Commercial and Open  
Space/Buffer land use for the subject  
property.

## APPROVAL PROCESS



## NEIGHBORHOOD AND CIVIC ORGANIZATIONS NOTIFIED

Notice of the public hearing was sent to surrounding properties  
within 300 feet. The subject property does not lie within any  
registered neighborhood or civic organization therefore none  
were notified.

## REQUIRED PUBLIC ENGAGEMENT

Public engagement as required by 88-505-12 applies to this  
request. The applicant held a public meeting on March 4, 2021, a  
summary of which is attached.

## EXISTING CONDITIONS

The site is currently home to the Foley Equipment facility located at  
5701 E 87<sup>th</sup> St and consists of 2 industrial buildings of approximately  
166,000 sq ft combined.

## NEARBY DEVELOPMENTS

The site is surrounded by a variety of uses. To the north is The  
Glade Apartments currently under construction (this is phase of  
the Oxford on the Blue UR Plan) and Pipefitters Local Union  
building. To the east is the right-of-way and access ramps for I-435  
Hwy. To the south is undeveloped land, rock quarry, and  
protected stream buffer areas. To the west is the same rock  
quarry and industrial warehouse buildings.

## SUMMARY OF REQUEST

The applicant is seeking approval of a major amendment to a  
previously approved UR Plan per Ordinance No. 130144 to include  
stream re-alignment, a larger building to the west in the future,  
and building additions to the existing building on Lot 1.

## KEY POINTS

- The project proposes a modification to the stream buffer  
requirements for the adjacent stream south of the site
- A building expansion and new building are both proposed  
with this amendment.

## PROFESSIONAL STAFF RECOMMENDATION

Docket #1 Recommendation

Approval with conditions.

**CONTROLLING CASE**

**Case No. 6743-URD-10** – To amend a previously approved preliminary development plan in District UR (urban redevelopment district), to allow for existing and proposed industrial uses and approve a preliminary plat. (Ordinance No. 130144, passed March 21, 2013)

**Case No. CLDPIR-2020-00053** – The site was awarded a stream buffer exception for the Foley Expansion Project (CD-CPC\_2020-00058) by the City Council waiving portions of the stream buffer regulations. (Ordinance No. 201032, passed December 10, 2020)

**RELATED RELEVANT CASES**

**Case No. 6743-P** - Rezoned an area of approx. 4.5 acres from district R-1a to District M-1-p, and approved a preliminary plan for a plumbing contractor's office, showroom, warehouse and storage of vehicles. (Ordinance 43518, passed January 4, 1974)

**Case No. 6743-P-1 and 6743-P-2** - The City Plan Commission on October 16, 1990 approved an addition to the existing site with a 80 ft. x 150 ft. extension for a 4,320 sq. ft. plumbing supply building. There has been no further action by the developer.

**Case No. 6743-P-3** - The City Plan Commission on June 20, 1995 approved an amendment to the preliminary plan to allow construction of a retail plumbing building in District M-1-p. There has been no further action by the developer.

**Case No. 6743-P-4** – A request to consider the rezoning from District R-1a and District M-1-p to District M-1-p and approval of a plan to allow the construction of a storage building, outdoor advertising sign and expansion of a storage yard. (Denied by City Plan Commission, December 19, 1995.)

**Case No. 6743-P-5** – A request to consider a preliminary plan amendment in District M-1-p to allow construction of an outdoor advertising sign and a 2400 sq. ft. building for plumbing supplies. (Denied by City Plan Commission on June 2, 1998.)

**Case No. 6743-P-6** – A request to consider rezoning from District R 1a and District M-1-p to District M-1p to add more land to the site and allow construction of an outdoor advertising sign and a 2400 sq. ft. building for plumbing supplies. (Denied by City Plan Commission on June 2, 1998.)

**Case No. 6743-P-7** – Rezoned about 4.7 acres from District R-1a and District M-1-p to District M-1-p and approved a preliminary plan to add more land to a previous plan and allow construction of an outdoor advertising sign. (Ordinance No. 000337, passed June 15, 2000)

**Case No. 10390-URD-5** - Rezoned approximately 516.2 acres generally bounded by 87th Street (proposed right-of-way), Interstate 435, Bannister Road, and U.S. Highway 71 from Districts M-1-p, R-4-p (Low apartment district, limited), R-1-a, C-2 (Local retail business district), and URD to District URD, delete two tracts from the previously approved plan, and approved an amended preliminary development plan for retail, office, and industrial warehouse space and several stormwater detention and private open space tracts. (Ordinance 051062, passed October 6, 2005)

**Case No. 10390-P-6** – Rezoned approximately 12.34 acres generally located on the south side of 87th Street at Denver Avenue from District URD to District R-1a. (Ordinance 051063, passed October 6, 2005)

**Case No. n/a** - The 87th Street and Hillcrest Road Tax Increment Financing Plan was approved by Ordinance 050212, passed March 3, 2005, and was amended and expanded by Ordinance 060708, passed July 6, 2006.

**Case No. 6743-URD-9** - Rezoned about 36.8 acres generally located at the southwest corner of 87th Street and I-435 from Districts RA (agricultural), R-1a (one-family dwellings, medium density), C-1 (neighborhood retail

business) and M-1-p (light industrial, limited district) to District URD (urban redevelopment district), and approved a preliminary development plan for 208,584 square feet of industrial and retail uses. (Ordinance 070077, passed February 8, 2007)

**SD 1313** – Final Plat, Dean Machinery First Plat - Approved a final plat on about 24.5 acres generally located at the southwest corner of 87th Street and I-435 in District URD (urban redevelopment district creating one commercial lot. (Ordinance 071085, passed October 25, 2007)

**Case No. 6743-URD-9-AA-2** – Administratively approved a request for a temporary use permit for heavy equipment storage at 5201-5301 E 87th Street (Phase 2) (Approved in January 2012, renewed for six months in July 2012).

## PLAN REVIEW

The proposed project consists of 2 building expansions to the Foley Equipment site, as a future stand-alone building further west on the site. The existing facility consists of 2 structures. The north/main structure is approximately 132,000 sq ft in size and the existing secondary structure to the south is approximate 18,000 sq ft in size. The proposed facility consists of a few major changes. First the primary structure will receive a 18,410 sq ft addition, followed by an additional expansion in the future of 15,780 sq ft, and then a future stand-alone building further to the west of 30,000 sq ft. With the expansion there will be a great deal of impervious coverage added with paving large sections of the site to facility the heavy equipment movement and storage. Lastly, the site will bring the expansion site frontage in to conformance with the City's street tree and landscaping requirements.

Given the changes to the site the applicant has worked with city staff and the City Council to seek certain waivers and deviations to the required stream buffer requirements. This was a proactive initiative by the developer to have these considerations addressed prior to submitting for this major expansion plan currently under review. Those are further elaborated upon below.

## Requested Deviations

The plan does not stipulate or request any deviation.

## Use-Specific (88-300) and Development Standards (88-400)

Standards	Applicability	Meets	More Information
<i>Boulevard and Parkway Standards (88-323)</i>	No		
<i>Parkland Dedication (88-408)</i>	No		
<i>Parking and Loading Standards (88-420)</i>	Yes	Yes	
<i>Landscape and Screening Standards (88-425)</i>	Yes	Yes*	See landscaping analysis below.
<i>Outdoor Lighting Standards (88-430)</i>	Yes	Yes	
<i>Sign Standards (88-445)</i>	Yes	Yes	No specialized plans submitted, therefore the city's base sign code will regulate the site.
<i>Pedestrian Standards (88-450)</i>	Yes	Yes	

## PLAN ANALYSIS

### Stream Buffer Plan

As part of the Foley Equipment expansion proposed in this plan, the applicant intends to relocate the existing stream to the south of the property to allow for additional usable space on the site. This stream

realignment requires approval from the Army Corp of Engineers since this section of the stream is also a federally regulated floodplain. In accordance with the City's Code of Ordinances, the project has already been awarded a stream buffer exception by the City Council under Ordinance 201032 waiving portions of the stream buffer regulations. (Case No. CLDPIR-2020-00053)

**Landscaping Analysis**

The proposed landscaping plan is compliant with the city's zoning code for the area of the expansion. However, staff would recommend adding a condition of approval that the remaining existing frontage along E 87<sup>th</sup> St is brought up to current code with this major expansion. Essentially this would provide for a complete landscaping aesthetic and holistic design of the site.

**PROFESSIONAL STAFF RECOMMENDATION**

Staff recommends Approval Subject to the Corrections and Conditions as reflected in the attached Plan Correction Report and Plan Conditions Report.

Memo to City Council: The applicant submitted revised plans which address certain conditions in the City Plan Commission staff report. A Committee Substitute Ordinance will be presented at the committee meeting reflecting the revised plans.

Respectfully Submitted,  
Christopher Hughey, AICP  
Lead Planner / Permits Division Manager