



## City Planning & Development Department

Development Management Division

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

816 513-8801  
Fax 816 513-2838

---

**CPC STAFF REPORT**                      **December 3, 2019**                      **(10. 1,2&3)**

---

**RE:**                      .1) **Case No. CD-CPC-2019-00151**  
                              .2) **Case No. CD-CPC-2019-00152**  
                              .3) **Case No. CD-CPC-2019-00153**

**APPLICANT:**                      Robert Parks  
  Weiskirch & Parks Engineers, Inc.  
  111 N. Main St., Suite 10  
  Independence, MO. 64050

**OWNER:**                              Sleyster Kevin J Trustee  
  1609 Crystal Avenue  
  Kansas City, MO 64226

**AGENT:**                              George E. Bukaty  
  George E. Bukaty & Co. Inc.  
  4225 Warwick  
  Kansas City, MO. 64211

**LOCATION:**                              Generally located at the southwest corner of E. US Hwy 40  
  and Stadium Drive.

**AREA:**                                  Approximately 42 acre.

**REQUESTS:**                      **a) Case No CD-CPC-2019-00151** - To consider a request to  
  amend the Blue Ridge Area Plan by changing the  
  recommended land use on about 42 acres, from  
  Residential Low Density and Commercial to Light Industrial  
  Land Use designation.

**b) Case No. CD-CPC-2019-00152** – To consider a request to  
  rezone about 42 acres from Districts B3-2 (Community  
  Business) and R-7.5 (Residential 7.5) to District M1-5  
  (Manufacturing 5).

**c) Case No. CD-CPC-2019-00153** - To consider approval of  
  development plan/ preliminary plat in District M1-5  
  (Manufacturing 5), on about 42 acres, creating 3 lots.



action.

**Case No. 10481-A** – On September 27, 1988, the Board of Zoning Adjustment upheld the department of Codes Administration's determination that the subject site was being used in violation of the Zoning Ordinance as a demolition landfill, denied a conditional use permit for such use of the site.

**Case No. 4027-A-1** – On November 13, 1990, the Board of Zoning Adjustment approved the expansion of the drive-in theatre area from one screen to a total of four screens.

**Case No. 4027-A** – On May 14, 1963, the Board of Zoning Adjustment approved the application to construct a drive-in theatre at 8701 East U.S. Highway 40.

#### **EXISTING CONDITIONS:**

The approximately 40 acres subject site is the now vacant I-70 Drive-In Theater and the adjoining commercial development along US Hwy 42. Approximately three-quarters of the site is unimproved, being a combination of gravel and grass, and is used for truck and trailer storage. The remainder of the site, on the east side along Stadium Drive, is improved with a collection of small buildings used in connection with the current business (TNT Sales). A portion of a private drive leading to the former drive-in movie to the south runs the length of the western boundary of the property. There is a significant grade change from Hwy 40 on the north to the drive-in theater on the south. The parcel has 1,200 feet of frontage on the south side of US Hwy 40 and about 900 feet of frontage on Stadium Drive.

The project site is bordered on the north and east by mixed commercial uses. There are existing single family residences on the east side of stadium drive. To the south and west is Yellow Freight Trucking.

#### **PLAN REVIEW & ANALYSIS:**

These three companion cases are required because the subject parcel is zoned B3-2 (Community Business), R-7.5 (Residential 7.5) and a sliver of M2-2 (Manufacturing 2). The first case is a request to amend the Blue Ridge Area Plan to a land use designation that is compatible with the proposed zoning. The second case is a request to rezone the parcel to a manufacturing district that can accommodate the proposed use, and the third case is a request for approval of a preliminary plat that creates two lots.

**Case No. CD-CPC-2019-00151** is a request to amend the Blue Ridge Area Plan by changing the recommended land use on about 42 acres, in an area generally located at the southwest corner of E. US Hwy 40 and Stadium Drive from Residential Low Density and Commercial to Light Industrial Land Use designation. The proposed zoning is not compatible with the recommendations in the Blue Ridge Area Plan which necessitates an area plan amendment.

**LRP&P Division Comments:**

The area plan of record is the Blue Ridge Area Plan which was adopted by Resolution No. 170434 on June 15, 2017. The area plan recommends Commercial land use on the proposed lot 1 and lot 2. Commercial use is primarily intended to accommodate "heavier" commercial activities and/or operations that not found in or compatible with mixed-use neighborhood oriented environments. This land use classification generally corresponds with the B3 and B4 zoning. Further analysis of the site shows, that Heavy Industrial land use is recommended to the area west and south of the proposed lot 1.

The request to amend the area plan from commercial to heavy industrial does not comply with the area plan recommended land use. If the proposed lot 1 is amended from commercial to heavy industrial, the land use would be contiguous with the other recommended heavy industrial land use and lot 2 would remain the same recommended land use which is Commercial. The small lot 28 Ashland Ridge would act as a buffer between the residential to the east and the heavy industrial to the west. City Planning and development staff supports amending the area plan for proposed Lot one to Industrial land use designation.

**Case No. CD-CPC-2018-00152** is a request to rezone the 42 acres generally located at the southwest corner of E. US Hwy 40 and Stadium Drive, from Districts B3-2 (Community Business), R-7.5 (Residential 7.5) and M2-2 (Manufacturing 2) to District M1-5 (Manufacturing 5). Following extensive discussion with the developer, it was collectively agreed to only rezone the drive-in theater parcel (Lot 1) to Industrial leaving Lot 2 with the existing B3 commercial zoning. The developer shall update the legal description to show the smaller area to be rezoned.

**Case No. CD-CPC-2019-00153** is a request to consider approval of a development plan/ preliminary plat in District M1-5 (Manufacturing 5), on about 42 acres generally located at the southwest corner of E. US Hwy 40 and Stadium Drive, creating 2 lots. The initial plan showed 3 lots, but as a result of the requirement to extend utilities to all proposed lots, the applicant has modified the plat to 2 lots. The development plan also serves as a preliminary plat which proposes two lots. Lot 1 is a flag lot that will encompass the drive-in theater and lot 2 will be the remainder of the existing businesses along US Hwy 40. Lot 1 is proposed to be 19.5 acres and Lot 2 is proposed to be 19.2 acres in size.

There are multiple existing buildings that will remain as is. The existing uses include used automobile sales, mobile home sales, a radio tower, three billboards and the storage of truck trailers. The site has multiple signs, three billboards and two pole signs. There are two billboards on Stadium Drive and one on U.S. 40 Highway. It appears that the two billboards on Stadium Drive will be located within the right of way, once the additional right of way is dedicated to the City for roadway purposes. The applicant must apply for an encroachment ordinance for all situations occurring such as these. Staff recommends that the plan be revised to show all the existing uses for each structure, and show all proposed signage. All pole signs shall be removed and brought to compliance with 88-445.

There are six drive approaches to the site from U.S. 40 Highway. These approaches are controlled by the Missouri State Highway and Transportation Department MODOT. According to a letter dated July 23, 2004 from Ronald Finley, attorney for the applicant to Norm Beeman, MODOT representative, the agreement states that:

1. *The existing driveway at the NE corner of Stadium Avenue and U.S. 40 Highway leading into Naylor Trailer Sales shall remain as it currently exists. The driveway will be moved when either of two (2) contingencies occur:*
  - a. *Mr. Naylor expands his business, or*
  - b. *Another tenant leases the property.**Upon the occurrence of either of the above contingencies, the entrance to the business location currently identified as Naylor Trailer Sales will be relocated to the first driveway currently existing to the west of the current driveway.*
2. *The other driveways on U.S. 40 Highway offering egress from the property will remain as they currently exist until the land use changes. At the time of any change in land use, the Missouri Department of Transportation will review the existence of the accesses.*

These conditions have been updated by MoDOT and are recommended by the Public Works Department on their behalf.

## **RECOMMENDATIONS:**

- .1) Case No. CD-CPC-2019-00151** - The City Planning and Development Department staff recommends that the Blue Ridge Area Plan be amended to change the recommended land use on about 20 acres from Residential Low Density and Commercial to Light Industrial Land Use designation.
- .2) The City Planning and Development Department staff recommends approval of Case No. CD-CPC-2019-00152** rezoning about 20 acres from Districts B3-2

(Community Business), R-7.5 (Residential 7.5) and M2-2 (Manufacturing 2) to District M1-5 (Manufacturing 5).

- .3)** The City Planning and Development Department staff recommends that **Case No. CD-CPC-2019-00153** be approved based on the application, plans, and documents provided for review prior to the hearing and subject to the following conditions:

**Condition Nos. 1.- 3. per City Planning & Development, Development Management Division (Olofu Agbaji, [Olofu.Agbaji@kcmo.org](mailto:Olofu.Agbaji@kcmo.org))**

1. That one (1) collated pdf file, a georeferenced monochromatic TIF file, and CAD/GIS compatible layer of the site plan boundary referenced to the Missouri State Plane coordinate system) of all submitted sheets, revised as noted, be submitted to Development Management staff (15<sup>th</sup> Floor, City Hall) prior to building permit showing:
  - a. All billboards with their registration numbers.
  - b. All pole signs with a note stating that they shall be replaced with signage that meets the requirement of 88-445 in its entirety.
  - c. The area plan amendment and zoning boundary recommended by the City Plan Commission.
  - d. Revised current and proposed land uses to match Zoning and Development code descriptions.
  - e. Updated development data table to show all existing uses within each structure.
  - f. Call out any request for waiver, deviation and modification to the subdivision regulations.
  - g. Call out any request for deferment or desire to post bonds in lieu of constructions of public improvements.
  - h. Show existing septic field for Lot 2.
  - i. Provide a utility/ public improvement sheet showing all requested deferment and clearly propose the necessary trigger mechanisms.
  - j. The proposed building setback lines on the face of the preliminary plan.
  - k. Dedicate a minimum 15' radius in the ROW at the intersection of Stadium Drive and US 40 HWY.
  - l. Show ROW dedication along Stadium Drive based on Major Street Plan requirements.
2. That the developer determine if a development plan is required. If no waivers and deviation is requested, this can move forward as a preliminary plat.

3. The developer shall secure approval of a street tree planting plan from the City Forester prior to Mylar approval of the final plat.

**Condition Nos. 4. -14. per City Planning & Development, Land Development Division  
(Lucas Kasper, [lucas.kasper@kcmo.org](mailto:lucas.kasper@kcmo.org))**

4. 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.
5. 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.
6. 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.
7. 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, prior to issuance of any construction permits within said right-of-way, and that the owner/developer shall be responsible for all costs associated with subordination activities now and in the future.
8. 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.
9. The developer must dedicate additional right of way for Stadium Drive as required by the adopted Major Street Plan and Chapter 88 so as to provide a minimum of 50 feet of right of way as measured from the centerline of Stadium Dr., along those areas being platted, or seek approval recommendations from the Transportation and Development Committee for any variances requested to the Major Street Plan prior to City Plan Commission approval.
10. 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.

11. 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.
12. 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.
13. 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.
14. 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.

**Condition Nos. 15. & 16. per Water Services Department (Robert Davis, [rober.davis@kcmo.org](mailto:rober.davis@kcmo.org))**

15. Stormwater management facilities, such as detention basins, BMPs, engineered surface water conveyance paths outside of right-of-way, etc., which serve multiple lots or tracts, shall be privately maintained, located on separate tract(s), and covered by maintenance covenant(s) to be administered through the platting process.
16. Prior to issuance of any construction permits, the developer shall submit, for review and acceptance, a Macro storm drainage study, sealed by a Missouri-licensed civil engineer, for the entire development area, showing compliance with the latest adopted version of APWA 5600 standards in effect at the time of submission, including Water Quality BMPs per the latest adopted version of the MARC BMP Manual, and submit a Micro storm drainage study with each subsequent phase of development showing



compliance with the approved Macro and adopted standards. The developer shall construct improvements necessary to mitigate impacts from rate, volume (10% and 1% storms at a minimum), and quality of stormwater runoff from each proposed phase.

**Condition Nos. 17. - 19. per Water Services Department (Nimesha Senanayake, [nimesha.senanayake@kcmo.org](mailto:nimesha.senanayake@kcmo.org))**

17. That the developer kill the existing service Reg. No. 138033 and extend the new service line from E Us 40 Hwy to service lot 1 meeting current KC Water standards.
18. That the developer ensure that domestic water and fire service lines must be brought in compliance with current KCMO Rules and Regulations for Water service lines.
19. That the developer extend the public water main along their east property line down the Stadium dr. to serve lots 28 and 29 with the development of lot 2.

**Condition Nos. 20. & 21. per Public Works Transportation Department (Jeffrey Bryan, [jeffrey.bryan@kcmo.org](mailto:jeffrey.bryan@kcmo.org))**

20. The developer shall remove the driveway in Lot 3 within the radius of Stadium Drive. Driveway should be moved to the west.
21. The developer shall consolidate the four driveways on Lot 2 down to two driveways when Lot 2 is developed.

Respectfully submitted,

Olofu O. Agbaji  
Planner