



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 17, 2019 (9. 1& 2)

RE: .1) **Case No. CD-CPC-2019-00197**
 .2) **Case No. CD-CPC-2019-00198**

APPLICANT/ AGENT: Aaron G. March c/o Kellie Madinger
 Rouse Frets White Goss Gentile Rhodes P.C.
 4510 Belleview Avenue, Suite 300
 Kansas City, MO 64111

OWNER: C & C Development LLC
 4050 Pennsylvania Avenue, Suite 215
 Kansas City, MO 64111

LOCATION: Generally located at the southwest corner Highway 40
 and Noland Road.

AREA: Approximately 38 acre.

REQUESTS: a) **Case No CD-CPC-2019-00197** - To consider a request to
 amend the Little Blue Valley Area Plan by changing the
 recommended land use on about 38 acres, from Mixed
 Use Community to a Manufacturing Land Use
 designation.

 b) **Case No. CD-CPC-2019-00198** – To consider a request to
 rezone about 5 acres from District B2-2 (Neighborhood
 Business 2) to District UR (Urban Redevelopment), for the
 purpose of approving an amended UR Plan on 38 acres
 to allow for the adaptive reuse of a blighted shopping
 center for the Bennett Packaging Corporate Campus.

SURROUNDING
LAND USE: **North:** City of Independence, MO – Commercial along Hwy 40.
 South: zoned B4-2/ R-2.5, vacant/ multifamily residential.
 East: zoned B2-2, mixed commercial.
 West: zoned M1-5, manufacturing

LAND USE PLAN: The Little Blue Valley Area Plan, approved by Resolution No. 120977 on December 6, 2012, is the area plan for the subject property. The Little Blue Area Plan Land Use Plan recommends "Mixed Use Community" for the site and the site is within a "Transit Oriented Development Area."

MAJOR STREET PLAN: The City's Major Street Plan classifies Noland Road as a local link with four lanes requiring 100 feet of right of way. Note: 40 Hwy is in Independence, Mo

ARTERIAL STREET

IMPACT FEE: Benefit District: F
(Informational only) Shall be calculated by the impact fee administrator.

PUBLIC ENGAGEMENT: Public engagement as required by 88-505-12 applies to this request. The applicant held a public meeting on December 5, 2019, a summary of which is attached.

**NEIGHBORHOOD AND
CIVIC ORGANIZATIONS
NOTIFIED:**

Little Blue Valley Homes Association.

KEY POINTS: The applicant is requesting approval of area plan amendment, a rezoning and an amendment of the existing UR plan to allow for a corporate campus.

PREVIOUS & RELATED CASES:

Case No. 7909-UR-9 – Ordinance No. 150764 passed by City Council on September 10, 2015, rezoned about 33 acres generally located at the southwest quadrant of US 40 Hwy and Noland Road, from District B 2-2 (Neighborhood Business 2), to District UR (Urban redevelopment district) and the approved of a development plan to allow for a manufacturing use.

Case No. 7909-CP-8 – Request to reconfigure portions of Phases II and III were approved subject to conditions by the City Plan Commission on June 7, 1994.

Case No. 9987-A -- A variance request for additional height for light poles (18 feet allowed, 23.5 feet requested). Approved by BZA, January 13, 1987.

Case No. 7909-CP-6 – Approval of a final plan for Sam's Wholesale Club, increased the allowed floor area by 24,000 sf. Approved June 4, 1991.

Case No. 7909-CP-2 through 7909-CP-5 and 7909-CP-7 – Approval of final plans for the Phases I and II, a Pylon sign, landscaping and a building expansion.

Case No. 7909-CP-1 – Consideration of a zone change from District C-1 and District C-2 to District CP-2 and a preliminary plan for 304,500 sf of retail floor area. Approved November 20, 1985.

EXISTING CONDITIONS:

The subject site is at the southwest corner of Hwy 40 and Noland Road. The history portion of the report above indicates that the approved plan dates back to 1985. The approved final plan for the Sam's Wholesale Club dates back to 1991. The 33 acre site includes the vacant Sam's Club building containing about 131,000 SF and five in-line retail structures. Ordinance No. 150764 passed by City Council on September 10, 2015, rezoned about 33 acres generally located at the southwest quadrant of US 40 Hwy and Noland Road, from District B 2-2 (Neighborhood Business 2), to District UR (Urban redevelopment district) and the approved of a development plan to allow for a manufacturing use.

The existing buildings are about 600 feet south of Hwy 40 and about 260 feet west of Noland Road. The surface parking for the site contains 1,449 parking spaces. Most of the parking spaces are located north of the buildings but there are some spaces located east. The site generally slopes from north to south, therefore the view of the site from motorists is available to those traveling on Hwy 40, when not behind one of the three commercial pad site buildings. The plan also shows a large storm water detention basin at the southwest corner of the site. The basin was constructed with the development.

PLAN REVIEW & ANALYSIS:

These two companion cases are required because the western portion of the subject parcel is zoned B2-2 (Neighborhood Business 2). The first case is a request to amend the Little Blue Valley Area Plan to a land use designation that is compatible with the proposed zoning. The second case is a request to rezone the 5 acre parcel to UR and amend the existing UR plan boundary to allow for a corporate campus.

Case No. CD-CPC-2019-00197 is a request to amend the Little Blue Valley Area Plan by changing the recommended land use on about 38 acres, from Mixed Use Community to a Manufacturing Land Use designation. The Little Blue Valley Area Plan, approved by Resolution No. 120977 on December 6, 2012, is the area plan for the subject property. The Little Blue Area Plan Land Use Plan recommends "Mixed Use Community" for the site and the site is within a "Transit Oriented Development Area." The proposed zoning is not compatible with the recommendations in the

Little Blue Valley Area Plan which necessitates an area plan amendment. City Planning and development staff supports amending the area plan for proposed Lot one to Industrial land use designation.

Case No. CD-CPC-2018-00198 is a request to rezone about 5 acres from District B2-2 (Neighborhood Business 2) to District UR (Urban Redevelopment), for the purpose of approving an amended UR Plan on 38 acres to allow for the adaptive reuse of a blighted shopping center for the Bennett Packaging Corporate Campus. Bennett Packaging and Display currently occupies portions of the former Sam's Club building. This will allow for about 525,000 square foot corporate campus with about 303 parking spaces in five (5) phases. The plan is to reuse the existing building and add to the building as shown on the phasing plan over the next 10 years.

The 2015 plan allowed for the reuse of the 130,000 sf structure that was vacant for several years for a limited industrial use with the stipulation that all activity will take place within the building. This was based on the surrounding land uses and the accessibility of the site in relationship to the arterial road system. The land use to the west is a lumberyard and home improvement center. The subject site is also over 250 feet away from the multifamily residential use to the south. The site between these two uses is zoned B 4-2, heavily vegetated and owned by Kansas City Safety Storage.

Staff is concerned with the proposed addition of loading docks that may be visible from US Hwy 40. The applicant has agreed to make buffering improvements to the existing parking lot by adding interior landscaping along the north and east portions of the parking lot. The applicant has also agreed to add street trees along their Noland Road frontage. The applicant has agreed to continue to work with staff on the overall exterior architecture of the building to provide some architectural contrast and variation prior to ordinance request.

Section 88-260-02-F. An application for a UR district may not be considered by the city council until after the statutory agency has recommended the declaration of the area as a blighted area, a conservation area, or an economic development area and has recommended approval of the a plan for the redevelopment of the property. Staff recommends that the proposed TIF Plan amendment proceed to the City Council with this UR rezoning as companion cases.

The developer shall submit a final UR plan to the City Plan Commission for approval including site, grading, building elevations, landscaping, lighting and signage. Final UR plan approval will be required prior to issuance of any building permit.

RECOMMENDATIONS:

- .1) Case No. CD-CPC-2019-00197** - The City Planning and Development Department staff recommends that the Little Blue Area Plan be amended to change the recommended land use on about 38 acres from Mixed Use Community to a Manufacturing Land Use designation.
- .2) The City Planning and Development Department staff recommends approval of Case No. CD-CPC-2019-00198** 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.- 5. per City Planning & Development, Development Management Division (Olofu Agbaji, Olofu.Agbaji@kcmo.org)

1. That one (1) collated and bound pdf (and 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 uploaded to e-Review and attached in Compass for review by DMD prior to ordinance request showing:
 - a) A note stating that all new signage shall comply with applicable standards of 88-445 (general sign standards), and is subject to sign permit approval
 - b) The UR Final Plan shall include a landscape plan.
 - c) Color elevation of the propose building calling out all building materials, including dumpster enclosure. Provide pictorial inventory of all proposed building materials.
 - d) If a fence is proposed as part of any buffer area or for security, the location and material shall be shown on the face of the UR Final Plan.

Water Services Department Corrections:

- e) The drawings must indicate that the water mains will be installed with a minimum 10' clearance horizontally from any sewer
 - f) The drawing must show that any proposed /existing permanent structure(s) will maintain minimum 25' clearance from any public water main and water easements.
2. That the request for economic development incentives and the UR amendment shall proceed to City Council on the same agenda.
3. That the developer submit a Final UR Plan to the Director of City Planning and development for approval, indicating plans for landscaping, grading, detailed

internal circulation, signage, lighting and a photometric study showing zero foot candles at the property lines prior to issuance of building permit.

4. 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.
5. That the developer submit a street tree planting plan to the City Forester with a copy to the Development Management Division. That the street tree planting plan be approved by the City Forester prior to Mylar approval. A copy of the approved plan shall be submitted to DMD prior to Mylar approval.

Condition Nos. 6. - 19. per City Planning & Development, Land Development Division (Lucas Kasper, lucas.kasper@kcmo.org)

6. The developer shall submit an analysis to verify adequate capacity of the existing sewer system as required by the Land Development Division prior to issuance of a building permit for Phase II to connect private system to the public sewer main and depending on adequacy of the receiving system, make other improvements may be required.
7. The developer shall submit construction plans in compliance with adopted standards for all improvements required by the traffic study approved by the Public Works Department, and shall secure permits for those improvements as required by the Land Development Division, prior to recording the plat.
8. Unless satisfied by the submittal of a drainage letter supporting an exemption, the developer must submit a Macro storm drainage study with the first Plat or Phase II, 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.
9. The developer shall submit plans to Land Development Division and obtain permits to construct sidewalks along the platted frontage, and construct associated ADA ramps at the proposed entrance drives as necessary for the type of drive approach.

10. 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 for Phases II through V.
11. 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 for Phase II, whichever occurs first.
12. Prior to the issuance of a building permit for Phases II through V, 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 Minor Subdivision and submitting and recording a Lot Consolidation Plat or replatting the property in accordance therewith.
13. Prior to the issuance of a building permit for Phases II through V, plat the detention basin that serves multiple lots in a tract and provide a Covenant to Maintain Storm Water Detention Facilities.
14. The developer must integrate into the existing street light system any relocated existing street lights within the street right-of-way impacted by the new drive or approach entrances as required by the Land Development Division, and the relocated lights must comply with all adopted lighting standards.
15. 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. There is an existing detention basin that serves the area. When a detention basin serves multiple lots it must be platted in a tract and have a "Covenant to Maintain Storm Water Detention Facilities".
16. The developer provide acceptable easement and secure permits to relocated sanitary sewers out from under proposed buildings and structures, etc., while continuing to ensure individual service is provided to all proposed lots as required by Land Development Division prior to recording the plat or issuance of a building permit for Phases II through V, whichever occurs first.
17. Prior to the issuance of a building permit for Phase II through V, 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.

18. 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.
19. 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.

Condition Nos. 20. & 21. per Water Services Department (Robert Davis, rober.davis@kcmo.org)

20. 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.
21. Prior to issuance of any construction permits for Phases II through V, 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. 22. & 23. per Water Services Department (Nimesha Senanayake, nimesha.senanayake@kcmo.org)

22. That the developer must submit water main relocation drawings prepared by a registered professional Engineer in Missouri to the main extension desk for review, acceptance and contracts per the KC Water Rules and Regulations for Water main extensions and Relocations.
23. 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.

Condition Nos. 24. & 25. per Kansas City Missouri Fire Department (John Hastings, john.hastings@kcmo.org)

24. The expectation is the project will meet the fire flow requirements as set forth in Appendix B of the International Fire Code 2012. (IFC-2012: § 507.1).

25. The expectation is the project will follow the fire hydrant distribution provisions found in Table C105.1 Appendix C of the International Fire Code 2012.

Condition No. 26. per Kansas City Missouri Fire Department (Daniel Weber, daniel.weber@kcmo.org)

26. The developer shall submit a streetscape plan with street tree planting plan per 88-425-03 for approval by the Parks & Recreation Department's Forestry Division prior to beginning work in the public right-of-way.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Olofu O. Agbaji', written in a cursive style.

Olofu O. Agbaji
Planner