



**City Planning and Development Department**  
Development Management Division

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

(816) 513-8801

**STAFF REPORT**

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**RE:** **Case No. CD-CPC-2019-00031 (Rezoning)**  
**CD-CPC-2018-00229 (Development Plan, also serving as preliminary plat)**

**APPLICANT/AGENT:** Brian Combs  
8500 NE 89<sup>th</sup> Place  
Kansas City, MO 64157

**LOCATION:** Generally located west of N Church Road in between NE 76th Street to the north and N Flintlock Road to the south.

**REQUESTS:** To consider rezoning from District B2-2 (Neighborhood Business 2 dash 2) to District B4-2 (Heavy Business/Commercial 4 dash 2) and approval of a development plan that also serves as a preliminary plat that allows for the construction of a self-storage facility.

**AREA:** About 3.4 acres

**SURROUNDING LAND USE:** North – Industrial uses, zoned M1-5  
South – Interstate 35 and City of Pleasant Valley  
East – Interstate 35 and City of Pleasant Valley  
West – undeveloped, zoned B2-2

**LAND USE PLAN:** The proposed development plan is located within the boundaries of the Shoal Creek Valley Area Plan. The land use plan recommends Mixed Use Community land uses at this location.

**EXISTING ZONING:** B2-2 and B4-2

**MAJOR STREET PLAN:** N. Flintlock Road is identified as a Local Link on the Major Street Plan.

**ARTERIAL STREET IMPACT FEE:** C

**NEIGHBORHOOD CIVIC ORGANIZATIONS NOTIFIED:** None fall within 300 feet of the subject property.

**PREVIOUS CASES:** No previous case history.

**KEY POINTS:** -Proposed self-storage facility requiring rezoning, preliminary plat and development plan

- Developer is requesting exemption from most required public improvements

**EXISTING CONDITIONS:**

The 3.4 acre site is bordered by NE 76<sup>th</sup> Street on the north and west, N. Church Road on the east, and N. Flintlock Road on the south. The site is comprised of two parcels. There are no permanent structures currently existing on the site. However, it is being used for auto storage on the northern half of the site. The rest of the property is undeveloped and the majority of the property east of Locust is surface parking. The majority of the surrounding land uses are industrial (to the north) and undeveloped (to the west and south). There is an existing curb, gutter and sidewalk to the south of the site along N. Flintlock Road. NE 76<sup>th</sup> Street is unimproved and only has streetlighting. The site is generally flat and access to the site is from the north off of NE 76<sup>th</sup> Street.

**Site shown bordered in yellow below**



**LAND USE/AREA PLAN COMPLIANCE**

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The site is within the Shoal Creek Valley Area Plan. The proposed development and zoning category comply with land use recommendations of that plan. Several development guidelines have been shared with the applicant during the review process. The original submittal complied with most of the guidelines and staff continues to work with the applicant regarding others.

**REZONING**

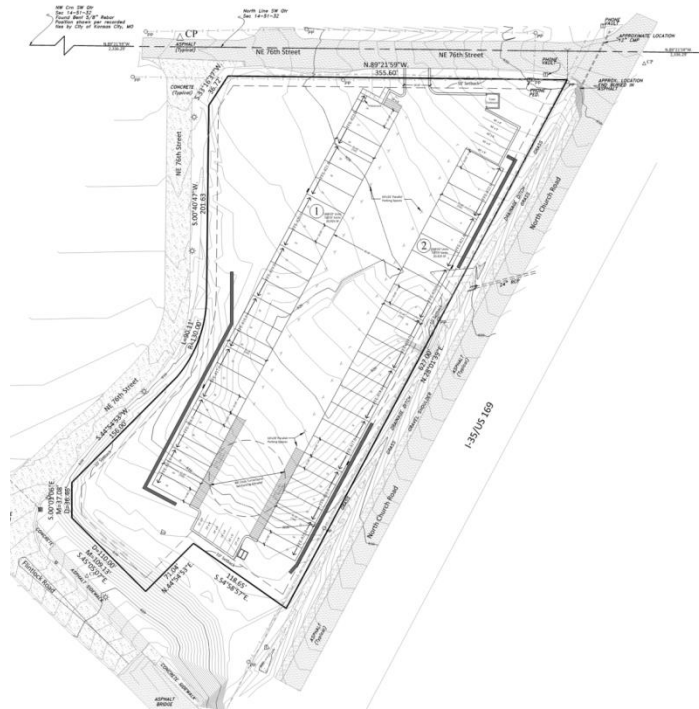
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A small parcel in the southwest portion of the site is zoned B2-2. The applicant requests rezoning this parcel from the current B2-2 zoning district to District B4-2 to create one zoning district. The current zoning of B2-2 does not permit self-storage uses.

There is an existing industrial use to the north and a mixture of commercial uses is encouraged at this location. Staff is supportive of the proposed rezoning.

## DEVELOPMENT PLAN REVIEW

The plan proposes to construct two buildings that will be used as a self-storage facility and will be known as "Contractor's Garage". The proposed storage units are larger than standard storage units since they will be marketed to contractors. The overhead doors are wider and taller to allow for the storage of trailers and larger equipment used by contractors, and a separate man-door is provided for each unit. The applicant has similar properties in Overland Park, Olathe and Lenexa and observes that the majority of the tenants access their unit as needed throughout the day for tools and supplies. No outside storage will be allowed.

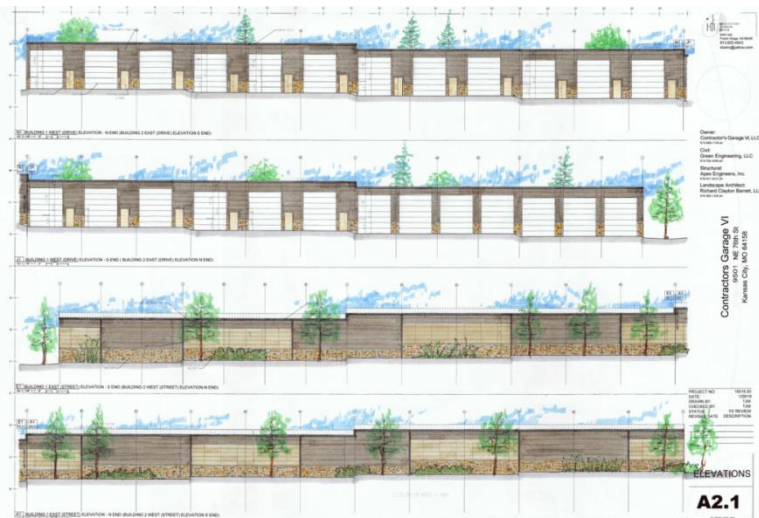


In total, the development will consist of 41,850 square feet of storage space and the total site area is 147,040 square feet. The development plan will also serve as a preliminary plat. Each building will provide 25 storage units for a total of 50 units on the site. Parallel parking spaces are shown in front of the units and on the south end of the site. The parallel spaces are 10' x 20' and the spaces on the south are 23' x 9'. A total of 48 spaces is provided, including one ADA space. The parking provided exceeds the minimum required parking of 3 spaces, plus 1 per 75 storage spaces. A detention basin is shown on the west side of the site in between the principal structure and NE 76<sup>th</sup> Street. There are no proposed employees for the site and as a result, there is no required bicycle parking.

## Design

The buildings will feature masonry stone on the base and a secondary masonry material above. The buildings will also have architectural metal panels near the top, with a steel flat roof. Both buildings will be oriented generally north-south with doors facing the interior of the site. Each unit will have a 14' high garage door, as well as a personal door for general entry/exit.

### East and West Building Elevations



### Landscaping

The proposed landscaping consists of street trees to be planted along NE 76<sup>th</sup> Street and N. Flintlock Road. Due to the topography of the site, many of the trees will be clustered near the southwest, northwest and northeast corners of the site. A line of Maples are shown along N. Church Road as well. A total of 48 street trees are proposed. Additionally, there are numerous shrubs, grass, perennials and turf proposed throughout the site. The detention basin on the west portion of the site will be lined with turf grass. The applicant has stated that there will be no outdoor storage of any kind. As a result, no fencing is required.

### Parkland Dedication

Not required as the proposed development is nonresidential.

### ISSUES/ANALYSIS

Staff has met with the applicant on multiple occasions to provide feedback regarding the plans that were submitted. During these discussions, staff provided several recommendations regarding layout, architecture, uses, and other issues. Following these discussions, the applicant submitted revised plans. However, the revised plans do not address all of the issues and recommendations that were discussed. The primary concern is shown below:

- **Half Street Improvements**

The applicant has objected to the requirement of half-street improvements including the installation of curbs, gutters and sidewalks. The applicant has suggested that their opposition is due financial costs associated with the improvements as well as security concerns resulting from said improvements. Staff can find no reason for there to be a security concern resulting from public improvements. Generally such concerns are addressed with site and building including such elements as fencing. However, the applicant is unwilling to construct a fence or gate. **The applicant has constructed similar self-storage facilities in Overland Park, Olathe and Lenexa, and all public improvements were either already existing or were completed by the applicant.** The public improvements required by city code are standard and apply to all development and are consistent with those of adjacent communities.

**Street view of applicant's storage facility in Overland Park with curb, gutter and sidewalks.**



This issue was discussed by the Transportation and Development Committee on April 8<sup>th</sup> and the committee recommends the applicant's request for a waiver from these requirements be denied.

- **Sewer and Water**

The property is not currently served by city sewer or water. As is the case with other development projects, the proposed development triggers the requirement to extend this infrastructure. The applicant has also objected to these requirements on the basis that the building code does not require them to have a bathroom so why extend the sewer; however it is possible that the current developer/owner may someday sell the property to a buyer who would like to add a bathroom or change the use in such a manner that would necessitate sewer service. That buyer will rightfully argue that the city should have required the improvements to have been made when the property developed. In fact, the current developer has made the same argument – “why didn't the city or prior owner make such improvements?” For this reason staff believes the code requirement should be upheld.

The applicant also claims they do not need water since the building is unstaffed. As of this date the fire department has stipulated that water must be extended for fire protection purposes. For this reason, staff believes that extension of water is absolutely mandatory in the interest of public safety.

### **Conclusion**

The applicant contends they are being asked to make public improvements that no other community has requested. It may be true in some cases, as in Overland Park's example, but that is because the improvements already existed (the developer was required to build a public sidewalk). As the Commission is aware, the city, via annexation, has inherited thousands of acres of land which are not served by roads that meet city standards or water and sewer service. That appears to be the case here and it is standard procedure to require the existing roads be brought to city standards and water and sewer infrastructure extended when properties that will use/benefit from such infrastructure are developed. At the end of the day, the public improvement requirements exist for a reason. If the property owner who benefits from/uses said improvements is not responsible for paying for them, the only alternative is the remaining taxpayers of Kansas City who do not personally benefit from the improvements.

### **RECOMMENDATION:**

City Planning & Development Department staff recommends **approval** of Case No. CD-CPC-2019-00031 and CD-CPC-2018-00229, subject to the following revisions and conditions:

#### **Revisions per Development Management Division, City Planning and Development (Zach Nelson, [Zachary.Nelson@kcmo.org](mailto:Zachary.Nelson@kcmo.org))**

1. That the applicant submits a revised site plan (Sheet C4) stating “*All parking spaces are for temporary use only and will not be used for storage purposes.*”
2. Revise the site plan (Sheet C4) to include a striped crossing strip at the entrance where the sidewalk will be located.

#### **Conditions per Development Management Division, City Planning and Development (Zach Nelson, [Zachary.Nelson@kcmo.org](mailto:Zachary.Nelson@kcmo.org))**

3. If new signage is proposed, submit a signage plan with details that demonstrate compliance with 88-445 in its entirety.

4. State purpose and acreage for all proposed tracts, if any.
5. Submit a final plat application prior to issuance of certificate of occupancy.

**Conditions per Public Works Department (Jeffrey Bryan; [Jeffrey.Bryan@kcmo.org](mailto:Jeffrey.Bryan@kcmo.org))**

6. Show the radii for the driveway access on NE 76th Street.

**Conditions per Land Development Division, City Planning and Development (Lucas Kaspar, [Lucas.Kaspar@kcmo.org](mailto:Lucas.Kaspar@kcmo.org))**

7. 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.
8. The developer shall submit plans to Land Development Division and obtain permits to construct sidewalks along the platted frontages of NE 76th Streets, and construct associated ADA ramps.
9. 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.
10. That the South half of NE 76th Street shall be improved as required by Chapter 88, to current standards, including curbs and gutters, sidewalks, street lights, relocating any utilities as may be necessary and adjusting vertical grades for the road, etc., and obtaining required permit from Land Development Division for said improvement prior to recording the plat or prior to issuance of a Building Permit, whichever occurs first.
11. That the East half of NE 76th Street shall be improved as required by Chapter 88, to current standards, including curbs and gutters, sidewalks, street lights, relocating any utilities as may be necessary and adjusting vertical grades for the road, etc., and obtaining required permit from Land Development Division for said improvement prior to recording the plat or prior to issuance of a Building Permit, whichever occurs first.
12. 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.
13. 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.
14. 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 to connect private system to the public sewer main and depending on adequacy of the receiving system, make other improvements may be required.
15. 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.
16. 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.
17. The developer shall submit a storm drainage analysis from a Missouri-licensed civil engineer to the Land Development Division, in accordance with adopted standards, including a BMP level of service analysis prior to approval and issuance of any building permits, and that the developer secure permits to construct any improvements as

required by the Land Development Division prior to issuance of any certificate of occupancy.

**Conditions per Kansas City Water Department (Nimesha Senanayake, [Nimesha.Senanayake@kcmo.org](mailto:Nimesha.Senanayake@kcmo.org))**

18. That with the approval from the Fire Hydrant Department a new fire hydrant branch extension from the existing City of Liberty Fire Hydrant servicing the 7600 N Church property will be permitted. Domestic water and sewer lines are not permitted from this connection.

**Conditions per Kansas City Fire Department (John Hastings, [John.Hastings@kcmo.org](mailto:John.Hastings@kcmo.org))**

20. Fire hydrant(s) are required within 400 feet on a fire access road following an approved route established by the Authority Having Jurisdiction (AHJ) of any exterior portion of a building. The use of existing fire hydrant(s) may be used to satisfy this requirement otherwise a private fire hydrant(s) or hydrant system may be required. This distance may be increased to 600 feet for R-3 and U occupancy(s) or the building(s) is fully protected by an approved automatic fire sprinkler system(s). (IFC-2012: § 507.5.1)
21. Existing private fire hydrants on adjacent properties shall not be considered available unless fire apparatus access roads extend between properties and easements are established to prevent obstruction of such roads. (IFC-2012 § C 104.1)

**Conditions per Parks and Recreation Department (Richard Allen, [Richard.Allen@kcmo.org](mailto:Richard.Allen@kcmo.org))**

22. The developer shall submit a streetscape plan with street tree planting plan per 88-425-03 for approval and permitting by the Parks & Recreation Department's Forestry Division prior to beginning work in the public right-of-way of NE 76th Streets, N. Flintlock Rd. and N. Church Rd.

Respectfully Submitted,



Zach Nelson  
Staff Planner