

# COMMUNITY PROJECT/REZONING

## Ordinance Fact Sheet

**Case No.** CD-CPC-2020-00108

### Brief Title

An ordinance to approve a rezoning from District R-2.5 (Residential 2.5) to District B3-2 (Community Business dash 2) on about 1 acre generally located at the northwest corner of Winner Road and Wallace Avenue, to allow for fuel sales. (CD-CPC-2020-00108)

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**Ordinance Number**

### Details

**Location:** Generally located at the northwest corner of Winner Road and Wallace Avenue

**Reason for Legislation:** Rezoning require Council approval.

#### PLAN REVIEW

The applicant is proposing to construct a convenience store with fuel sales and a drive-thru. The site has a split zoning of B3-2 on the southern lots adjacent to Winner Road, which is the majority of the site and R-2.5 which is the northern lots of the site. Due to the R-2.5 zoning, these uses are not currently permitted on the northern lots. The intent is to expand the site to allow for sufficient space for vehicles to maneuver. The Riverfront Industrial Area Plan recommends "Low Density Residential" land uses on the northern two lots and the applicant is requesting an area plan amendment in order to change the recommend land use to "Commercial". In addition, the applicant is requesting to change the zoning from District R-2.5 to District B3-2 on the two north lots. The final request is for approval of a development plan which will serve as a special use permit to allow for the proposed fuel sales.

#### Site Layout

In terms of site layout, the site plan shows a one-story 5,000 SF convenience store facing south towards Winner Road. Fuel pumps are shown to the south of the convenience store with an underground fuel tank shown to the east of the building. Vehicular access to the site is provided from Winner Road, Donnelly Avenue, and Wallace Avenue. A drive-through is also shown along the north side of the building and will allow for stacking of at least 8 vehicles. There is an auto dealership to the east and west and another convenience store with fuel sales that is kitty-corner across Winner Road to the southeast. A total of 21 parking spaces are proposed, including 2 accessible spaces. In terms of signage, a monument sign is proposed at the southwest corner of the site which will be visible from Winner Road and Donnelly Avenue. The applicant has provided a landscape plan that shows thorough landscaping throughout the site including street trees and shrubs. Staff would like to see the Juniper shrubs along the north property line be replaced with a taller shrub or tree such as an American Pillar Arborvitae or Italian Cypress species to provide more visual screening for the residences to the north.

#### Parking and Loading Standards (88-420)

A total of 24 vehicle spaces are required and a total of 29 vehicle spaces are provided. In terms of bicycle parking, a total of 3 bicycle spaces are required and provided. The applicant's request conforms to the applicable requirements of this section.

#### Landscape and Screening Standards (88-425)

Overall, the landscaping that is shown complies with the landscape and screening standards. Street trees and additional landscaping are provided and the trash enclosure is adequately screened. Staff recommends that the landscaping along the north property line be replaced with a taller shrub or tree such as an American Pillar Arborvitae or Italian Cypress species to provide more visual screening for the residences to the north.

### Positions/Recommendations

<b>Sponsors</b>	Jeffrey Williams, AICP, Director Department of City Planning & Development
<b>Programs, Departments or Groups Affected</b>	4 <sup>th</sup> District (Shields, Bunch)
<b>Applicants / Proponents</b>	<b>Applicant</b> Khalid Banday Kam Design Group, LLC 9000 E. Bannister Road Kansas City, MO 64134
	<b>City Department</b> City Planning & Development <b>Other</b>
<b>Opponents</b>	<b>Groups or Individuals</b>
	<b>Basis of Opposition</b>
<b>Staff Recommendation</b>	<input checked="" type="checkbox"/> <b>For</b>
	<input type="checkbox"/> <b>Against</b>
	<b>Reason Against</b>
<b>Board or Commission Recommendation</b>	City Plan Commission (6-1) 10-20-2020 By Aye: Allender, Baker, Beasley, Enders, Hill, Rojas; Nay: Sadowski
	<input checked="" type="checkbox"/> <b>For</b> <input type="checkbox"/> <b>Against</b> <input type="checkbox"/> <b>No Action Taken</b>
	<input type="checkbox"/> <b>For, with revisions or conditions</b> (see details column for conditions)
<b>Council Committee Actions</b>	<input type="checkbox"/> <b>Do Pass</b>
	<input type="checkbox"/> <b>Do Pass (as amended)</b>
	<input type="checkbox"/> <b>Committee Sub.</b>
	<input type="checkbox"/> <b>Without Recommendation</b>
	<input type="checkbox"/> <b>Hold</b>
	<input type="checkbox"/> <b>Do not pass</b>

**Outdoor Lighting Standards (88-430)**

A photometric plan was submitted. The site will be well lit with coverage throughout the site and will be in compliance with the lighting standards of the zoning code.

**Sign Standards (88-445)**

A signage plan was not submitted. However, a monument sign is proposed in the southwest corner of the site. It is anticipated that there will also be wall signs on the building as well. All of the proposed signage (both monument and wall signage) must comply with the signage section of the zoning and development code.

**Pedestrian Standards (88-450)**

There are existing sidewalks along the south, east, and west sides of the site. The applicant's request conforms to the applicable requirements of this section. ADA ramps are also shown along the sidewalks and in front of the convenience store.

**REZONING ANALYSIS**

In reviewing and making decisions on proposed zoning map amendments, the city planning and development director, city plan commission, and city council must consider at least the following factors:

**88-515-08-A. Conformance with adopted plans and planning policies;**

The proposed uses do not comply with the Riverfront Industrial Area Plan on the north two lots of the site. The convenience store and fuel sales are in compliance with the area plan.

**88-515-08-B. Zoning and use of nearby property;**

The majority of the uses along Winner Road are commercial. There is an existing auto dealership to the immediate east and a convenience store with fuel sales to the immediate southeast. There are some single-family homes directly to the north and west, one of which is currently zoned B3-2. Staff believes that the proposed fuel sales and drive-thru are appropriate uses for this location.

**88-515-08-C. Physical character of the area in which the subject property is located;**

The physical character of the area is a mixture of commercial and residential uses. The site is generally flat and the grade slopes gradually upward to the north.

**88-515-08-D. Whether public facilities (infrastructure) and services will be adequate to serve development allowed by the requested zoning map amendment;**

The existing public infrastructure and services provided to the site are adequate to serve the proposed restaurant use. The site is served by water, sewer, and electric.

**88-515-08-E. Suitability of the subject property for the uses to which it has been restricted under the existing zoning regulations;**

The southern lots adjacent to Winner Road are zoned B3-2 and allow for the convenience store and drive-thru outright. They require a special use permit for fuel sales. The lots to the north are zoned R-2.5 and do not permit any of the uses proposed without an area plan amendment and rezoning. The parcels that are directly adjacent to Winner Road are somewhat restrictive due to their size.

**88-515-08-F. Length of time the subject property has remained vacant as zoned;**

The site is currently being used as an auto dealership.

**88-515-08-G. The extent to which approving the rezoning will detrimentally affect nearby properties; and**

The proposed uses could potentially increase vehicular traffic and increase noise to nearby residences. Staff has recommendations for additional screening to minimize this issue. Overall, staff believes that the proposed layout and uses

will ultimately be a benefit to the nearby properties.

**88-515-08-H. The gain, if any, to the public health, safety, and welfare due to denial of the application, as compared to the hardship imposed upon the landowner, if any, as a result of denial of the application.**

The site will become more active and will provide many new street trees and additional landscaping.

**CITY PLAN COMMISSION STAFF RECOMMENDATION**

This was heard by the City Plan Commission on October 20, 2020 and at that meeting, the commission voted to recommend approval without conditions.

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<b>Policy or Program Change</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Operational Impact Assessment</b>	

**Finances**

<b>Cost &amp; Revenue Projections – Including Indirect Costs</b>	
<b>Financial Impact</b>	
<b>Funding Source(s) and</b>	

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Appropriation Account Codes	

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**Fact Sheet Prepared By:**

**Date:** 09-10-2021

Zach Nelson  
Staff Planner

**Reviewed By:**

**Date:** 09-13-2021

Joe Rexwinkle  
Division Manager  
Development Management

**Initial Application Filed:** 08-13-2020

**City Plan Commission:** 10-20-2020

**Revised Plans Filed:** NA

**Reference Numbers:**

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