



# CITY PLAN COMMISSION STAFF REPORT

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

September 18, 2024

**Project Name**  
**Gasoline and Fuel Sales**  
**Text Amendment**

**Docket # 1**

**Request**  
CD-MISC-2024-00002

**Applicant**  
Councilman Darrell Curls  
414 E. 12<sup>th</sup> Street, Kansas City, MO 64106

**Owner**  
Not Applicable

|                  |                |
|------------------|----------------|
| Location         | Citywide       |
| Area             | Not Applicable |
| Zoning           | Not Applicable |
| Council District | All            |
| County           | All            |
| School District  | All            |

**Surrounding Land Uses**  
Not Applicable

**Land Use Plan**  
Not Applicable

**Major Street Plan**  
Not Applicable

## APPROVAL PROCESS



## SUMMARY OF REQUEST + KEY POINTS

Amending Chapter 88, the Zoning and Development Code, by enacting a new section to be known as 88-347 Gasoline and Fuel Sales Standards, amending the B and M zoning district use tables and the definition of *gasoline and fuel sales*, as defined in the ordinance.

## PROJECT TIMELINE

Ordinance 240157, declaring a moratorium on the approval of new permits where the subject matter of the project is a proposed gas station, was introduced on February 1, 2024, and passed by City Council on February 8, 2024. Staff presented the first draft of the proposed amendments to the CPC on August 21, 2024. Per the CPC's direction City staff held a public town hall meeting on September 5, 2024 to present the proposed amendments and collect feedback from stakeholders.

## NEIGHBORHOOD AND CIVIC ORGANIZATIONS NOTIFIED

Mailed notice of the hearing is not required because the request is a text amendment to the Code.

## REQUIRED PUBLIC ENGAGEMENT

Public engagement as required by 88-505-12 does not apply to this request because the text amendment will be applied city-wide. City staff did host a public town hall on September 5, 2024.

## PROFESSIONAL STAFF RECOMMENDATION

Docket # Recommendation  
1 **APPROVAL**

## **ORDINANCE REVIEW**

In August of 2022, the City Council adopted the City's Climate Protection and Resiliency Plan, which included a goal of reducing greenhouse gas emissions. The City Council passed Ordinance No. 240157 on February 8, 2024, declaring a moratorium until August 8, 2024, on the approval of any new permits; including building code permits and special use permits, plan review, project plans, and zoning changes, where the subject matter of the project is a proposed gasoline and fuel station sales, provided that the moratorium shall not apply in certain circumstances. On July 18, 2024, City staff presented to the full City Council at Business Session and requested the moratorium be extended until October 7, 2024, to allow for feedback from the City Plan Commission (CPC) prior to bringing the proposed amendments before City Council for a final recommendation.

During the moratorium period, Planning staff reviewed existing standards and regulations within the Zoning and Development Code (Chapter 88) and all other applicable City ordinances which are regulated and enforced by other departments regarding gasoline and fuel sales. City Planning staff collaborated with the Kansas City Police Department (KCPD), Regulated Industries and the Office of Environmental Quality (OEQ) for input during the moratorium. Staff also reviewed relevant standards and regulations from other cities throughout the United States for national best practices.

Staff presented the first draft proposal to the CPC on August 21, 2024 and presented additional revisions at the town hall meeting on September 5, 2024. Staff incorporated feedback from the Commission, public testimony and comments from the town hall in the following revisions. Major changes from the original draft are described below:

### **88-347-01-B. – Exemptions**

- 1. New gasoline and fuel sales uses approved through the development plan process pursuant to 88-519-09-D.**

This exemption allows for a gas station to be approved with a larger development with multiple principal uses which would qualify for a development plan application. The development plan option would be in lieu of the special use permit process, and the application would be heard by the City Plan Commission and then the City Council. The proposed gas station would still need to comply with the proposed design standards found in 88-347. It is also important to note that previously approved development plans, including MPD and UR plans that call for a gas station would be exempt from the proposed regulations.

### **88-347-02-A. Location**

- 1. No such establishment shall be located within 1,500 feet of any existing gasoline or fuel sales establishment.**

Testimony from gas station operators and CPC recommended reducing the separation distances from 2,000 feet to 1,500 feet. The City of Atlanta adopted a 1,500 foot separation requirement in 2019. Please see attached maps which show the 1,500 foot separation buffer.

## **88-347-02-B. Site & Building Layout**

Staff revised the site and building layout requirements to be more flexible, especially related to transparency requirements to accommodate concerns from local operators. Staff also increased the permissible maximum lighting level to 45.0 foot-candles. A property owner or operator may seek relief from the lighting requirements through the special use permit process.

## **88-610-04-F. NONCONFORMING GASOLINE AND FUEL SALES**

- 1. Certificates of legal nonconformance issued for gasoline and fuel sales apply to all nonconforming aspects of the gasoline and fuel sales, including the separation requirements expressly established in 88-347.**
- 2. Gasoline and fuel sales operating under a certificate of legal nonconformance may expand the existing structure or construct a new structure. The expansion shall follow the special use procedures of Article 88-525 and may be approved by the board of zoning adjustment.**

The nonconforming section allows existing sites to expand or reconstruct their use through the special use permit process. This section will also permit some gasoline and fuel stations that cannot currently expand along a boulevard (due to the Boulevard and Parkway Standards) to do so through the special use permit process. The intent of this section is not only to provide options for existing operators but to also enhance and improve the physical condition of these businesses to improve the overall visual and physical impact on nearby residential properties.

## **Scope and Purpose**

The intent and scope of the proposed ordinance is to provide clear standards which promote public safety by addressing public notification, proximity from existing uses and residential (R) zoning districts, site and building layout, landscaping and screening and general operations. The proposed standards promote an environment where planning principles can maximize the quality of life for residents who live adjacent to these specific uses.

## **SPECIFIC REVIEW CRITERIA**

### **Zoning and Development Code Text Amendments (88-510-07)**

In reviewing and making decisions on zoning and development code text amendments, the City Planning and Development Director, City Plan Commission, and City Council must consider at least the following factors:

- A. Whether the proposed zoning and development Code text amendment corrects an error or inconsistency in the Zoning and Development Code or meets the challenge of a changing condition;**  
The proposed amendment to the Zoning and Development Code will address the absence of design and operational standards for gasoline and fuel sales. City Planning and Development has provided new standards to address the concentration of gasoline stations, the environmental impacts on surrounding residential neighborhoods and the integration of Crime Prevention through Environmental Design (CPTED) principles. The amendment also addresses the significance of requiring public engagement when a new gasoline and fuel sales establishment or expansion of any existing gasoline and fuel sales establishment is proposed. The proposed text amendment recommends that all property

owners within 750 feet of a proposed gasoline and fuel sales business be notified to increase public engagement as the current 300 feet requirement does not always include individuals who will be impacted by this specific use.

**B. Whether the proposed zoning and development code text amendment is consistent with adopted plans and the stated purpose of this Zoning and Development Code; and**

The proposed 1500 foot distance requirement from an existing gas station and the 200 foot buffer from residential (R) zoning districts is supported by the Climate Protection and Resiliency Plan (CPRP) which recommends development patterns that encourage density, support alternative modes of transportation, and avoid sprawl. The proposed amendments are consistent with 88-340 (Drive-Through Facilities Standards) of the Zoning and Development Code which require a buffer from (R) districts and enhanced screening. Staff also received input on the proposed design and operational standards from KCPD to codify CPTED principles. The standards are supported by the goals of the KC Spirit Playbook to promote environmental health and quality development that can mitigate and condition the impacts of sensitive uses. Staff has also recommend that all gasoline and fuel sales uses require a special use permit (SUP) to promote greater public engagement.

**C. Whether the proposed zoning and development code text amendment is in the best interests of the City as a whole.**

The proposed zoning and development code text amendment is in the best interests of the City to provide clear and concise standards to promote the public health, safety and welfare of neighboring communities. The proposed standards will ensure that trash dumpsters meet CPTED standards by having the door raised a minimum of 6 inches which allows staff to know if someone is hiding or trespassing. The proposed amendment specifies window transparency which allows staff and customers to see inside, or outside which provides natural surveillance, a core CPTED principle. Enhanced lighting standards will implement greater access control providing safer pedestrian circulation to and from entrances and exits.

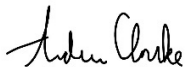
**ATTACHMENTS**

1. Draft Text Amendments (proposed draft)
2. Maps
3. Public Testimony

**PROFESSIONAL STAFF RECOMMENDATION**

City staff recommends **APPROVAL**.

Respectfully Submitted,



Andrew Clarke, AICP  
Lead Planner



# **DRAFT PROPOSED GASOLINE AND FUEL SALES STANDARDS**

## **88-347 – GASOLINE AND FUEL SALES**

### **88-347-01-A. – APPLICABILITY**

The following standards apply to gasoline and fuel sales uses in all districts. Unless expressly stated otherwise, existing gasoline and fuel sales uses shall demonstrate compliance with these standards at such time that modifications to the use, property, or building are made as set forth below.

1. New Development. Full compliance with this section is required for all new structures.
2. Enlargements and Expansions. Full compliance with this section is required for any improvements or modifications that constitute a major amendment pursuant to Section 88-525-14-A, regardless of whether the gasoline and fuel sales use holds a special use permit. Full compliance with this section is required only for the enlargement or expansion area.
3. Façade Changes. Compliance with building design and operations standards of this ordinance is required for façade changes to existing buildings.
4. Change of Use or Occupancy. Compliance with parking and loading, screening and fencing, and signage standards is required whenever the use or occupancy of a property changes.

### **88-347-01-B. – EXEMPTIONS**

1. New gasoline and fuel sales uses approved through the development plan process pursuant to 88-519-09-D.

## **88-347-02 – DESIGN STANDARDS**

### **88-347-02-A. Location**

1. No such establishment shall be located within 1,500 feet of any existing gasoline or fuel sales establishment.
2. No such establishment shall be located within 200 feet of a residential (R) zoning district.
3. Special use permit applications shall notify all property owners within 750 feet of the subject property when satisfying the public engagement requirement in accordance with 88-505-12-B.

### **88-347-02-B. Site & Building Layout**

1. All public entrances and exits shall be visible from a street.
2. Any exterior seating areas shall be located adjacent to the front or side of a building.
3. Areas intended for public access shall be clearly delineated from private areas through design elements including but not limited to landscaping, decorative fencing, and lighting.
4. Buildings shall be oriented such that any side of a building facing a street provides transparent windows across 50% of the façade area lying between 3 feet and 10 feet above adjacent outside grade.
5. Glass in ground floor windows, doors, and display windows shall be transparent or lightly tinted, maintain a visible light transmittance from both inside and outside. Mirrored or darkly tinted glass is not permitted.
6. Vehicular use areas shall be visible from the interior of the building or from adjacent streets.

### **88-347-02-C. Landscaping and Screening**

1. Garbage receptacles, dumpsters, open storage areas and/or mechanical equipment must be a minimum twenty-five (25) feet from any property zoned for detached residential uses, screened in accordance with 88-425-08, and remain in compliance with Chapter 48.
2. Dumpster enclosures shall have lockable gates. Failure to close and lock gate when not in use shall constitute a violation of this provision, pursuant to Chapter 48.
3. The dumpster enclosure gate/entrance shall be either;
  - a. Raised 6 inches to 1 foot from the ground, or
  - b. Constructed of slats with 2 inch spacing.
4. All sides and elevations of buildings or walls visible from public right-of-way or an adjacent parcel must be architecturally finished and maintained.

### **88-347-02-D. Lighting**

1. Building-mounted downlighting is required on all sides of the building accessible to pedestrians.
2. Pedestrian-scaled lighting is required along all pedestrian routes.
3. All lighting shall be controlled by photoelectric means.
4. Light levels shall be in accordance with the following standards:
  - a. Minimum lighting levels of 5.0 foot-candles shall be maintained all building entrances.
  - b. Canopy structures shall include a minimum lighting level of 10.0 foot-candles and a maximum lighting level of 45.0 foot-candles. Fuel pumps not covered by a canopy shall be lit with a minimum lighting level of 5.0 foot-candles.
  - c. Lighting under any canopy area shall use recessed fixtures.
5. Unshielded decorative lighting that causes glare, including but not limited to luminous tube (neon), string, rope, tape LED, fluorescent, or other similar lighting is prohibited unless explicitly identified on building elevations and approved through a special use permit.
6. No light pole shall exceed 22 feet in height.

### **88-347-03 – Operations**

1. Operations shall be in full compliance with all City Code, including the Zoning Ordinance, Nuisance Code, and Building Code.
2. Property Maintenance
  - a. Views of windows, building address numbers, walkways and the line of vision to the establishment from the public right-of-way, except for street trees. Street trees are permitted to be located within the line of vision.
  - b. Reasonable pruning, trimming, or other suitable and acceptable methods shall be used to control vegetation. Vegetation and landscape areas shall be maintained substantially debris-free, neat and orderly in appearance, and in healthy growing condition. Dead vegetation shall be removed or replaced.
  - c. Vegetation shall not interfere or obstruct any lighting required by this Chapter.
  - d. The passage or movement of pedestrians or vehicles on any sidewalk, driveway, parking lot, or any other area intended for the use of pedestrians or vehicles shall not be obstructed or interfered with by vegetative overgrowth.
3. Outdoor display areas shall not be located in front of windows.

### **88-805-04-N. GASOLINE AND FUEL SALES**

Uses primarily engaged in retail sales of personal automobile and vehicle fuels, including principal and accessory structures associated with fuel sales, including DC fast charging, rapid, or level 3 battery charging stations, battery exchange stations and retail electric charging of vehicles.

### **88-610-04-F. NONCONFORMING GASOLINE AND FUEL SALES**

1. Certificates of legal nonconformance issued for gasoline and fuel sales apply to all nonconforming aspects of the gasoline and fuel sales, including the separation requirements expressly established in 88-347.
2. Gasoline and fuel sales operating under a certificate of legal nonconformance may expand the existing structure or construct a new structure. The expansion shall follow the special use procedures of Article 88-525 and may be approved by the board of zoning adjustment.

| Table 120-1<br>Office, Business, and Commercial Districts Use Table |                 |      |      |      |                    |                  |
|---|-----------------|------|------|------|--------------------|------------------|
| USE GROUP<br>(refer to 88-805 Use Groups and Categories)            | ZONING DISTRICT |      |      |      |                    | Use Standards    |
| Use Category<br>>> specific use type                                | O               | B1   | B2   | B3   | B4                 |                  |
| Gasoline and Fuel Sales   | -               | S[3] | S[3] | S[3] | P[3][5]<br>S[3][5] | 88-323<br>88-347 |

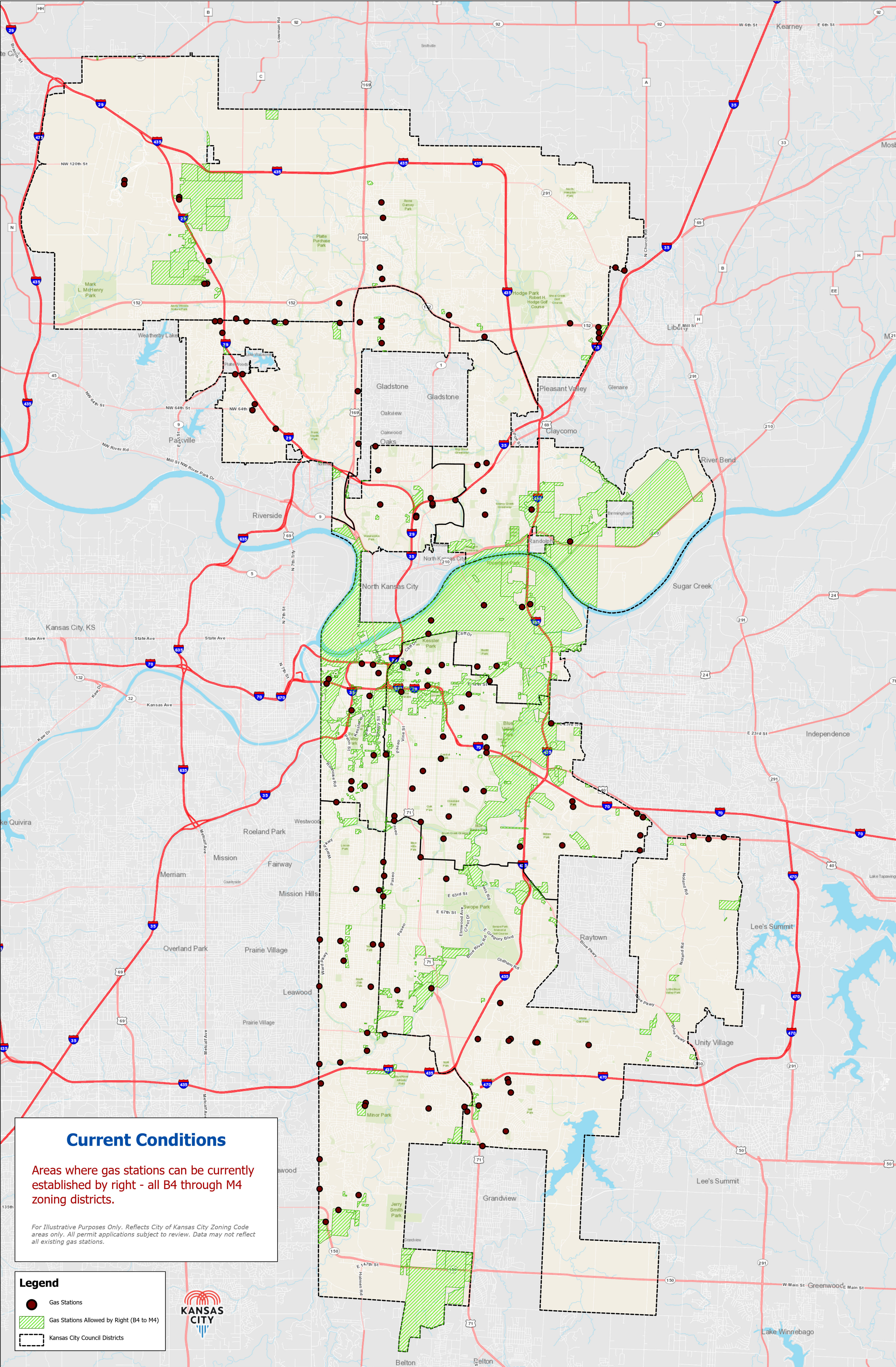
| Table 140-1<br>Manufacturing Districts Use Table         |                 |              |              |              |                  |
|--|-----------------|--------------|--------------|--------------|------------------|
| USE GROUP<br>(refer to 88-805 Use Groups and Categories) | Zoning District |              |              |              | Use Standards    |
| Use Category<br>>> specific use type                     | M1              | M2           | M3           | M4           |                  |
| Gasoline and Fuel Sales                                  | P[3]<br>S[3]    | P[3]<br>S[3] | P[3]<br>S[3] | P[3]<br>S[3] | 88-323<br>88-347 |



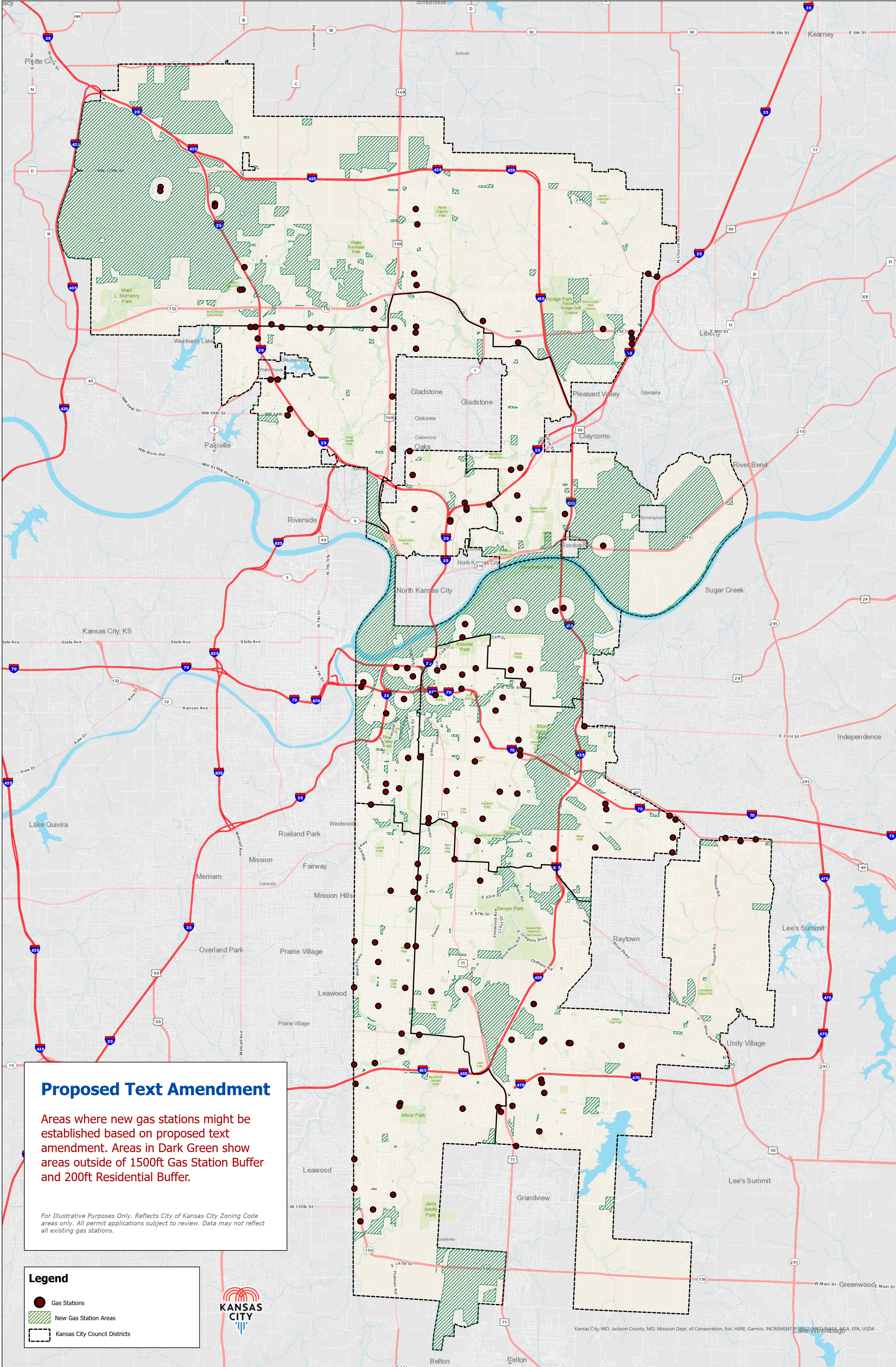




Current Conditions - Gas Stations by Right



Proposed Text Amendment





**From:** KCMO.gov <[kansasMO@enotify.visioninternet.com](mailto:kansasMO@enotify.visioninternet.com)>

**Sent:** Wednesday, September 11, 2024 11:34:07 AM

**To:** Curls, Darrell <[Darrell.Curls@kcmo.org](mailto:Darrell.Curls@kcmo.org)>

**Subject:** Gas station moratorium support from Loma Vista East, CITY OF KANSAS CITY | OFFICIAL WEBSITE

**EXTERNAL: This email originated from outside the kcmo.org organization. Use caution and examine the sender address before replying or clicking links.**

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Message submitted from the <CITY OF KANSAS CITY | OFFICIAL WEBSITE> website.

**Site Visitor Name:** Angela Clardy Forder

**Site Visitor Email:** [angela\\_clardy@yahoo.com](mailto:angela_clardy@yahoo.com)

Hello Councilman Curls,

I would like to express my firm agreement with the gas station moratorium and proposed amendments.

These changes are supported because we need to increase communication within the community about the potential for future gas stations and convenience/liquor stores.

Every day we ask ourselves... why we have SIX liquor store options in the neighborhood, but not ONE good grocery store!!

In a City as fine as Kansas City, this should not be the questions running through the minds of the families in Southeast Kansas City neighborhoods.

Please accept this as a letter of support to help with the oversaturation of gas stations in the community that lacks access to basic goods and basic human services.

Thank you for listening to the concerns of our neighborhood.

Respectfully,

Angela Clardy Forder

Loma Vista East

816.888.0328

[angela\\_clardy@yahoo.com](mailto:angela_clardy@yahoo.com)



# GASOLINE AND FUEL SALES MORATORIUM TOWN HALL

|    | NAME                 | ORGANIZATION    | EMAIL ADDRESS                | COUNCIL DISTRICT |
|----|----------------------|-----------------|------------------------------|------------------|
| 1  | Michael Miller, sec. | Assistant Ratty | mmiller@ALISTUTAT-REACTY.COM | 1                |
| 2  | Bonny Ghina          |                 | Bonny64158@yahoo.com         | 5                |
| 3  | Mary Barnett         | HMUH            | marybarnett@hotmail.com      | 5                |
| 4  | Jason Acord          | QuikTrip        | jacord@quiktrip.com          |                  |
| 5  | Keanna Thompson      | HMUH            | Mz.Keannathompson@gmail.com  | 5                |
| 6  | Greta Thompson       | HMUH            | Greta042158@gmail.com        | 5                |
| 7  |                      |                 |                              |                  |
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|    | NAME            | ORGANIZATION                               | EMAIL ADDRESS        | COUNCIL DISTRICT |
|----|-----------------|--|----------------------|------------------|
| 39 | Bobbie Proctor  | Hickman Mills United Neighbors             | bbbproctor@yahoo.com | 5th              |
| 40 | Patricia Jensen | Conse                                      | pjensen@conse.com    |                  |
| 41 | Bryan Ruoff     | 3P30 ARCHITECTS                            | bruff@3p30.com       | 122              |
| 42 | ANGELA CLARDY   | HIMUN - HICKMAN MILLS UNITED NEIGHBORHOODS | angela@himunited.org | 5                |
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|    | NAME          | ORGANIZATION                    | EMAIL ADDRESS                 | COUNCIL DISTRICT |
|----|---------------|---------------------------------|-------------------------------|------------------|
| 19 | APRIL CUSHING | Ruskin Hills                    | beforemay38@gmail.com         | 5                |
| 20 | JACOB WAGNER  | Center for Neighborhoods        | wagnerjacob@umkc.edu          | all              |
| 21 | Tony Boschers | Hunt Midwest                    | tboschers@huntmidwest.com     |                  |
| 22 | John W. Roe   | Roe Law Firm                    | jroe@theroe-law-firm.com      |                  |
| 23 | Ken Mitchell  | HMUN                            | vmitch7600@gmail.com          |                  |
| 24 | Taylor Maine  | HMUN                            | tmaine.88@gmail.com           | 5                |
| 25 | Joan Bureau   | HMUN - Palestine Cemetery Board | jbureau@comcast.net           |                  |
| 26 | Billy Davies  | Sierra Club                     | william.davies@sierraclub.org | 6                |
| 27 |               |                                 | william.davies@gmail.com      |                  |
| 28 |               |                                 |                               |                  |
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WHY ARE THE GAS STATIONS  
IN MY AREA NOT REQUIRED  
TO HAVE A PUBLIC RESTROOM  
OR TO MAINTAIN  
THE PROPERTY?

WHAT CAN BE DONE TO  
CREATE A SAFER  
ENVIRONMENT FOR  
THE STAFF + EMPLOYEES  
AT THE GAS STATIONS  
WHO ARE LEFT ALONE  
AND UNABLE TO PREVENT  
CRIME?

CAN STAND ALONE  
EV STATIONS  
WITH NO CONVENIENCE  
STORES BE SIMPLIFIED,  
AND ALLOWED?

WILL GREATER SAFETY  
MEASURES BE IMPLEMENTED  
AT EXISTING GAS  
STATIONS + CONVENIENCE  
STORES?

Why is a store that sells "Farm Bill"  
Cannabis Products, which are more dangerous  
than retail "marijuana", subject to a  
smaller locational buffer than what is  
currently proposed for retail dispensary  
businesses?  
Should the code encourage hazardous use of  
Farm Bill products vs regulated product indirectly?

Areas near homes 1,500ft  
should be enforced:

Gas Stations need to clear  
their windows

What about a  
cap on gas stations?  
Are these stranded assets  
as more EV chargers come online  
and KC tries to ~~become~~ become  
less car-dependent?

How can this policy  
~~help~~ help re-distribute  
gas stations so they  
aren't concentrated in areas  
disproportionally burdened by  
pollution, racism, & poorer air quality?

When there's a lot of crime or  
people hanging around the  
parking lot how would the  
owners be held responsible?  
Who is held accountable for the  
safety?

ARE YOU AWARE  
THAT THE  
GAS STATIONS +  
CONVENIENCE STORES  
THAT WE ALREADY  
HAVE ARE GERM FACTORIES?  
WHERE ARE THE HEALTH DEPT. STANDARDS?

How can  
police presence  
be increased  
IN SOUTHEAST  
KANSAS  
CITY?

WHY CONSIDER ANY  
NEW GAS STATIONS OR  
LIQUOR STORES ANYWHERE  
NEAR:  
REGARDLESS  
OF  
ZONING.

- BLUE RIDGE BLVD
- JAMES A. REED RD.
- E. BANNISTER RD.
- E 87th STREET
- RATTOWN ROAD

HOW WILL THE NEW  
STANDARDS BE  
IMPLEMENTED, WHEN  
WE CAN'T ENFORCE  
THE CODES + LAWS WE HAVE  
NOW?

Did you take floodplains  
into consideration for  
M zoning? Seems like  
we need buffer for  
water bodies....

PREVENT GAS  
STATIONS FROM  
HAVING GIANT SIGNS  
THAT IMPACT VISIBILITY IN  
THE NEIGHBORHOOD?

HOW CAN  
NEIGHBORHOODS  
• DENY +  
BAN SIGNS  
EX: Phillips  
66

WHY DOESN'T MAYOR  
CARE ABOUT SEKC?  
WE HAVE 6+ LIQUOR/GAS  
STATIONS TO CHOOSE FROM,  
BUT NOT ONE GOOD  
GROCERY STORE!

Regarding Safety/Environmental  
Concerns -

An Ordinance is needed for  
the existing Liquor/Gas Stations  
need to be addressed to keep  
clean.

What about underground  
tanks after the fact?

Gas Stations should  
be totally banned.

What are the impacts  
of just extending the  
moratorium?



How can we use this  
to lower car dependency?  
Meet climate plan goals?

Please refer to Patricia Jensen's  
comments. Also please use the  
exemption language for "M" District  
+ MPD's in the new ordinance. If  
in MPD has already been approved  
~~and~~ public engagement has been

a part of that process a SUP  
and another round of hearings  
is not necessary.

Tony Borchers  
Hunt Midwest

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WHAT SAFETY MEASURES WILL BE  
TAKEN FOR EXISTING GAS STATIONS  
AND CONVENIENCE STORES THAT ARE  
ALREADY NEXT TO A SCHOOL,  
PRE-SCHOOL, AND/OR  
DAYCARE?

EXAMPLE: TRUMAN ELEMENTARY -  
2 GAS STATIONS ON JAMES A. REED + BANNISTER

HOW CAN WE PREVENT  
PEOPLE FROM OPENLY  
CARRYING LARGE FIREARMS  
INTO OUR GAS STATIONS?  
BY THE TIME 911 ANSWERS  
THE CALL, THEY ARE  
GONE.

East of Blue Ridge

No more liquor / Gas Stations  
are needed.

With the many retailers,  
(Homeless Concerns Food Gas  
Stations), we have more than  
enough.