



# City of Kansas City, Missouri

## Docket Memo

Ordinance/Resolution #: 240861

Submitted Department/Preparer: City Planning

Revised 6/10/24

Docket memos are required on all ordinances initiated by a Department Director. More information can be found in [Administrative Regulation \(AR\) 4-1](#).

### Executive Summary

Amending Chapter 88, Code of Ordinances, by enacting Section 88-347, Gasoline and Fuel Sales, to establish use standards for gasoline and fuel sales; repealing Section 88-610-04, Nonconforming Uses, and enacting in lieu thereof a new section of like number and subject matter for the purpose of establishing specific nonconforming use provisions for gasoline and fuel sales; enacting Section 88-805-04-N, Gasoline and Fuel Sales, to establish a definition for the use; and repealing Section 88-120-03 Table 120-1, Office, Business and Commercial Districts Use Table, and Section 88-140-03 Table 140-1, Manufacturing Districts Use Table, and enacting in lieu thereof new tables for the purpose of referencing the use standards of Section 88-327.

### Discussion

This ordinance modifies Chapter 88 to establish standards for gasoline and fuel sales uses, in addition to establishing non-conforming use guidelines for existing gas stations.

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. The existing moratorium expires on October 7, 2024.

Staff presented 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. The CPC considered the revised amendments on September 18, 2024 and recommended approval.

Content of the proposed amendments includes:

88-347-01-B. - Exemptions

1. New gasoline and fuel sales uses approved through the development plan process pursuant to 88-517-09-D.

This exemption allows for a gas station to be approved with a larger development with multiple principal uses through 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 will still need to comply with the proposed design standards found in 88-347. Any gas station previously approved through a Development Plan, including MPD and UR plans that call for a gas station, will not be subject to these standards and will be legal nonconforming use when constructed.

#### 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 these 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 shall 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 in compliance with the design standards requirements of 88-347-B through D.

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.

On September 18, 2024 staff presented the proposed text amendment before the City Plan Commission (CPC). Staff recommended approval and the CPC recommended approval of the proposed text amendment with a vote of three (3) ayes and two (2) nays. Public testimony included a number of resident in favor of gas station regulations, especially the requirement for special use permits. Gas station

operators expressed concerns with the proposed amendments.

The CPC recommended the following revisions to the text amendment:

- Clarifying how the separation distance will be measured. Measurement language was added citing 88-820-15.
- The previous 750 feet public engagement requirement was removed from the proposal.
- Transparency requirements are only required for the front façade and the percentage level was reduced from 50% to 35%.
- No transparency requirements for the side or rear façade.
- 88-347-02-B(5) was changed to set a specific minimum visible light transmission (VLT) of 35%.
- The CPC recommended regulating interior sun control or window shades; staff did not include this recommendation due to Zoning Code enforcement concerns.
- Dumpsters shall securable or lockable gates. The original text only stated locked gates. Staff agrees with the CPC that an operator shall be able to have the option of securable or lockable gates.
- CPC recommended a minimum of 5.0 foot-candles of lighting at a dumpster.
- CPC recommended that 88-347-02-D(3) add language allowing for manual means to operate lighting. Staff did not include this recommendation as it is in conflict with CPTED principles.
- CPC recommended that staff specify outdoor display areas. 88-347-03(3) now states, "outdoor display areas (i.e. ice coolers, propane exchange lockers, display of firewood, windshield wiper fluid) shall not be located in front of windows."

## Fiscal Impact

1. Is this legislation included in the adopted budget?  Yes  No
2. What is the funding source?

No fiscal impact

3. How does the legislation affect the current fiscal year?

No fiscal impact

4. Does the legislation have a fiscal impact in future fiscal years? Please notate the difference between one-time and recurring costs.

No fiscal impact

5. Does the legislation generate revenue, leverage outside funding, or deliver a return on investment?

No fiscal impact

### **Office of Management and Budget Review**

(OMB Staff will complete this section.)

1. This legislation is supported by the general fund.  Yes  No
2. This fund has a structural imbalance.  Yes  No
3. Account string has been verified/confirmed.  Yes  No

### **Additional Discussion (if needed)**

No account string to verify as this ordinance has no fiscal impact.

## **Citywide Business Plan (CWBP) Impact**

1. View the [Adopted 2025-2029 Citywide Business Plan](#)
2. Which CWBP goal is most impacted by this legislation?  
Housing and Healthy Communities (Press tab after selecting.)
3. Which objectives are impacted by this legislation (select all that apply):
- Utilize planning approaches in neighborhoods to reduce blight, ensure sustainable housing, and improve resident wellbeing and cultural diversity.
  - Maintain and increase affordable housing supply to meet the demands of a diverse population.
  - Address the various needs of the City's most vulnerable population by working to reduce disparities.
  - Foster an inclusive environment and regional approach to spur innovative solutions to housing challenges.

- Ensure all residents have safe, accessible, quality housing by reducing barriers.
- Protect and promote healthy, active amenities such as parks and trails, play spaces, and green spaces.

## Prior Legislation

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.

## Service Level Impacts

No service level impacts are anticipated from this ordinance.

## Other Impacts

1. What will be the potential health impacts to any affected groups?  
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.
2. How have those groups been engaged and involved in the development of this ordinance?  
City staff held a town hall meeting on September 5, 2024.
3. How does this legislation contribute to a sustainable Kansas City?  
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.

4. Does this legislation create or preserve new housing units?  
No (Press tab after selecting)

Click or tap here to enter text.

Click or tap here to enter text.

5. Department staff certifies the submission of any application Affirmative Action Plans or Certificates of Compliance, Contractor Utilization Plans (CUPs), and Letters of Intent to Subcontract (LOIs) to CREO prior to, or simultaneously with, the legislation entry request in Legistar.

No - CREO's review is not applicable (Press tab after selecting)

Please provide reasoning why not:

Click or tap here to enter text.

6. Does this legislation seek to approve a contract resulting from an Invitation for Bid?

No(Press tab after selecting)

Click or tap here to enter text.

7. Does this legislation seek to approve a contract resulting from a Request for Proposal/Qualification (RFP/Q)?

No(Press tab after selecting)