

COMMUNITY PROJECT/REZONING

Ordinance Fact Sheet

Case No. CD-CPC-2020-00133

Brief Title

An ordinance to approve a development plan which also serves as a special use permit on about 1 acre in District B3-2 and District R-2.5 generally located at 8400 Winner Road, to allow for a convenience store with fuel sales and a drive-through. (CD-CPC-2020-00133)

Ordinance Number

Details

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

Reason for Legislation: Development plans 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

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

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 RECOMMENDATION

This was heard by the City Plan Commission on October 20, 2020 and at that meeting, the commission voted to recommend approval subject to the following conditions:

The following conditions are recommended by the Development Management Division of the City Planning and Development Department. For questions, contact Zach Nelson at zachary.nelson@kcmo.org.

1. Obtain a variance to allow for the proposed monument sign along Winner Road to comply with the maximum height requirement of 6 feet.

The following conditions are recommended by the Stormwater Management Division of the Water Services Department. For questions, contact Robert Davis at robert.davis@kcmo.org.

2. Stormwater management facilities, including but not limited to detention basins and BMPs, shall be privately maintained and covered by maintenance covenant(s) or easement(s) that include provisions for private maintenance.

The following conditions are recommended by the Plans Review Division of the City Planning and Development Department. For questions, contact Michael Schroeder at michael.schroeder@kcmo.org.

3. Submit complete design package for review and approval by Fire Department and City Planning and Development approval- prior to installation of Automatic Fire Sprinkler System.

The following conditions are recommended by the Plans Review Division of the City Planning and Development Department. For questions, contact Kambiz Zoraghchi at kambiz.zoraghchi@kcmo.org.

4. Dining room shall have required number of exits per Chapter 10 of International building code.
5. Provide lot combination.

The following conditions are recommended by the Water Services Department. For questions, contact Jerald Windsor at jerald.windsor@kcmo.org.

6. The developer must submit water main extension 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. (<https://www.kcwater.us/wp-content/uploads/2019/04/2018-Rules-and-Regulations-for-Water-Main-Extensions.pdf>)

[Water main is extension is required between Donnelly Ave & Wallace Ave, with FH located at or near Donnelly Ave]

Follow the KCMO Rules and Regulations for domestic water and fire service lines. (<https://www.kcwater.us/wp-content/uploads/2019/04/2018-Rules-and-Regulations-for-Water-Service-Lines.pdf>)

The following conditions are recommended by the Land Development Division of the City Planning and Development Department. For questions, contact Stacey Lowe at stacey.lowe@kcmo.org.

7. 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.
8. 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.
9. The developer shall submit verification of vertical and horizontal sight distance for the drive connection to public right-of-way to the Land Development Division and make improvements to ensure local jurisdiction and/or minimum AASHTO adequate sight distance standards are met, prior to issuance of any certificate of occupancy.
10. 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.
11. The developer shall submit a letter to the Land Development Division from a Licensed Civil Engineer, Licensed Architect, or Licensed Landscape Architect, who is registered in the State of Missouri, that identifies sidewalks, curbs, and gutters in disrepair as defined by Public Works Department's "OUT OF REPAIR CRITERIA FOR SIDEWALK, DRIVEWAY AND CURB revised 11/5/2013" and based on compliance with Chapters 56 and 64 of the Code of Ordinances for the sidewalks, curbs, and gutters where said letter shall identify the quantity and location of sidewalks, curbs, gutters that need to be constructed, repaired, or reconstructed to remedy deficiencies and/or to remove existing approaches no longer needed by this project. The developer shall secure permits to repair or reconstruct the identified sidewalks, curbs, and gutters as necessary along all development street frontages as required by the Land Development Division and prior to issuance of any certificate of occupancy permits including temporary certificate occupancy permits.
12. 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.
13. The developer shall submit a Storm Drainage analysis from a Missouri-licensed civil engineer to the Land Development Division evaluating proposed improvements and impact to drainage conditions. Since this project is within a "Combined Sewer Overflow" (CSO) district, the project shall be designed to retain rainfall of 1.5 inch depth over the entire site to simulate natural runoff conditions and reduce small storm discharge to the combined sewer system. Manage the 10-year storm and 100-year storm per currently adopted APWA standards. The analysis shall be submitted, and the developer shall secure permits to construct any improvements required by the Land Development Division prior to recording the plat.
14. 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.

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15. 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.
16. 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.

The following conditions are recommended by the Missouri Department of Transportation. For questions, contact Vernon Koch at vernon.koch@modot.mo.gov.

17. No access will be permitted off of US24 Highway in this location. All access will need to come off Donnelly Ave. and Wallace Ave.
18. The access on Donnelly Ave. and Wallace Ave. shall be moved as far north as possible. Corner clearance should be 220 feet from the nearest trough lane of US 24 Highway.
19. The curb line along US 24 Highway between Wallace Ave. and Donnelly Avenue is replaced with a minimum 6 inch barrier curb to prevent parallel parking along US 24 Highway, which currently happens.
20. Submit a traffic study.

Continued from Page 1

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

Finances

Cost & Revenue Projections – Including Indirect Costs	
Financial Impact	

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Funding Source(s) and Appropriation Account Codes	

Continued from Page 2

Joe Rexwinkle
Division Manager
Development Management

Revised Plans Filed: 07-27-21

Reference Numbers:

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