To: City Planning Commission
From: Planning and Urban Design Staff
Date: August 10, 2020
Re: Change of Zone Petition #3227 and #SP-2020-70

GENERAL INFORMATION

Applicant:
Veronica Wesselhoft

Status of Applicant:
Owner
2120 Park Drive
Kansas City, Kansas 66102

Requested Actions:
Change of Zone from C-1 Limited Business District to CP-2 Planned General Business District.

Special Use Permit to operate a used automotive dealership.

Date of Application:
June 26, 2020

Purpose:
To rezone the property and an accompanying Special Use Permit to operate a used car lot.
Property Location: 2120 Park Drive

Commission Districts: Commissioner At Large: Melissa Bynum
District Commissioner: Harold Johnson

Existing Zoning: C-1 Limited Business District

Adjacent Zoning: North: R-1(B) Single Family District
South: R-1(B) Single Family District
East: R-1(B) Single Family District
West: R-1(B) Single Family District

Adjacent Uses: North: Single family homes (across Riverview Avenue)
South: Clifton Park (across Park Drive)
East: Gas station
West: Single family homes (across South 22nd Street)

Total Tract Size: 0.39 Acre

Master Plan Designation: The City-Wide Master Plan classifies this property as Urban Residential.

Major Street Plan: The Major Street Plan classifies Park Drive as a Class C Thoroughfare and Riverview Avenue and 22nd Street are classified as Local Streets.

Required Parking: Four (4) spaces per 1,000 square feet of total floor area. The building is 2,280 square feet, so nine (9) spaces are required for customers for the existing office spaces and proposed office space required for auto sales.

Advertisement: The Wyandotte Echo – July 16, 2020
Letters to Property Owners – July 16, 2020

Public Hearing: August 10, 2020

Public Support: None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Veronica Wesselhoft, wants to rezone the property from C-1 Limited Business District to CP-2 Planned General Business District and obtain a Special Use Permit to operate a used car lot with an existing car insurance and multi-service businesses operating within the building at 2120 Park Drive.
**City Ordinance Requirements:** Article VIII Sections 27-340 – 27-765 and Article VII Sections 27-245 – 27-339

**Code Enforcement Action:** Zoning Enforcement Case #18217-00044 was opened on July 24, 2018 for suspicion of operating a used car dealer. Police call resulting in tagging multiple cars for 10-day tow.

**FACTORS TO BE CONSIDERED**

1. **Neighborhood character.**

   The neighborhood is predominantly residential in nature. It is a mix of single-family, two-family lots and a large neighborhood park (Clifton Park) south of Park Drive, with a few commercial properties in the neighborhood and a mixed-use commercial corridor a few blocks away on Central Avenue.

2. **The zoning and uses of properties nearby and the proposed use’s expected compatibility with them.**

   The immediate surrounding properties to the north and west are residential dwellings and a large neighborhood park (Clifton Park), south, across Park Drive. There is a gas station abutting the property to the east. There are other businesses zoned for greater commercial intensity (C-3) within 1,000 feet of the property located along 18th Street and Central Avenue, an established mixed-use commercial corridor. Overall, the proposed use is not compatible with the residential properties.

3. **The suitability of the property for the uses to which it has been restricted. Will removal of the restrictions detrimentally affect nearby property?**

   The property as zoned is restricted to allow sales of automotive related accessories, but not auto sales. Rezoning the property to CP-2 General Business District would allow for more intensive commercial uses other than a used car lot. Removal of the restrictions could affect nearby property because in the past, the building has operated in a capacity similar to an office building rather than a commercial or retail establishment.

4. **The length of time the property has remained vacant as zoned.**

   The property is not vacant, but is an existing building and lot currently operating as an insurance business and office space.

5. **The extent to which the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or permanently injure the appropriate use, visual quality or marketability of nearby property.**
This use is not a necessary convenience to the public, nor adds to the public welfare. Having a used car lot in the neighborhood is not often an expected or anticipated convenience for residents. The appropriate buffer between more intense uses such as C-2 General Business and C-3 Commercial Districts and single-family homes is C-0 Nonretail Business and C-1 Limited Business Districts because the performance standards restrict business hours and outside storage.

The proposed use will substantially and permanently injure the visual quality of nearby property based on the site visit by staff as there are vehicles in various states of disrepair being repaired on site directly across the street from single-family homes.

6. **The extent to which the proposed use would increase the traffic or parking demand in ways that would adversely affect road capacity, safety, or create parking problems.**

The proposed use will not increase parking demand in ways that would adversely affect road capacity, safety, or create parking problems because there are 26 spaces on site, however, there may be increased traffic to the site because ingress and egress is on South 21st Street.

7. **The degree of conformance of the proposed use to the Master Plan.**

Special Use Permits are not addressed in the Master Plan, however, car lots are a discouraged use in Urban Residential areas.

8. **The extent to which the proposed use could cause environmental harm or enhance the environment.**

The proposed use will not cause environmental harm because used car lots typically do not have issues with disposal of fluids or leaks for vehicles that infiltrate the ground water, but if on-site repair occurs as evidenced by staff’s photographs, the appropriate infrastructure (i.e. sand-oil separator) is not installed to conduct such service.

9. **The extent to which utilities and public services are available and adequate to serve the proposed use.**

   a. **Water service**

      Available

   b. **Sanitary sewer service**

      Available

   c. **Storm water control**
To be designed to meet City Code.

d. **Police**

Police service is provided by East Patrol, District #114.

e. **Fire**

Fire service is provided by Station #9.

f. **Transit**

Kansas City ATA does not provide service to this property, however there is transit service along Central Avenue, Route #102 with the closest stop approximately three (3) blocks east on 18th Street and Central Avenue.

g. **Schools**

Public education is provided by Kansas City, Kansas USD 500.

h. **Streets**

Park Drive is classified as a Class C Thoroughfare and 21st Street is classified as a Local Street. Park Drive is capable of meeting the anticipated traffic from the proposed use.

10. **The economic impact of the proposed use on the community.**

The proposed use will have a minimal economic impact on the community.

11. **The capability of the proposed use to meet applicable ordinance requirements.**

With proper plans, the proposed use is capable of meeting applicable ordinance requirements.

12. **The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner or landowners.**

The property is already zoned for limited business use; a change in intensity will have a detrimental effect on the nearby landowners and public. Since there is already two businesses on the property, the if the rezoning or Special Use Permit were denied, the landowner can still continue operations, sell the property or find another site that is more conducive for auto sales that is not in close proximity to established single family neighborhood in a C-2/CP-2 zoned or higher property.
NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on July 21, 2020. According to the applicant, there were two (2) attendees at the meeting as shown on their sign-in sheet. Neighborhood meeting minutes were not provided.

KEY ISSUES

Traffic
Compliance with the Commercial Design Guidelines and Sec. 27-594(b)(19)
Planning Engineering Comments

STAFF COMMENTS AND SUGGESTIONS

Planning and Urban Design Comments:

1. Subject to approval, a $125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department within 30 days following the Unified Government Board of Commissioners meeting.

2. It is clear that based on the staff’s photographs, on-site repairs of vehicles are occurring. A tow truck is parked on site, as well as vehicles in various states of disrepair, which is not permitted in the C-1 Limited Business District. Cease operation.

   Applicant Response: The tow truck that is parking on site as well as the other vehicles were for personal and employee use only. My son has recently purchased the tow truck and I was allowing him to park the vehicle there only (not towing vehicles to or from that location). At no time were we aware that this was not permitted and that was our negligence.

   The one-time on-site repair that was being done on the vehicle was not for business, but for personal vehicle as well as a last-minute emergency.

3. Barbed wire strands are not permitted in the C-1 Limited Business District. Remove immediately.

4. The application states between three (3) and six (6) cars will be displayed for sale, however staff cannot determine where that will be located on site because we do not have a site plan. Please provide a scaled site plan that depicts the new and pre-existing buildings, parking lot, curbs, open space, and setbacks. Be sure to include the following:
   a. Four (4) parking space for employees or customers (not for used cars) for every 1,000 square feet of commercial space. Although the land is zoned C-1, it has a commercial use and therefore is considered commercial (Code of Ordinances, Sec. 27-464(e)). More parking requirements and guidelines can be found in Sect. 27-577(e).
   b. Dimensions and building elevations of pre-existing buildings.
   c. Landscape design compliant with commercial landscaping requirements. Note that landscaping requirements shall exceed typical
code requirements (found in Sec. 27-464(g)) by seventy-five (75) percent. (Sec. 27-577(a)(5)). Full requirements can be found in the Code of Ordinances, Sec. 27-577.
d. Compliance with the sign ordinance.

Applicant Response: The applicant’s representative has submitted a site plan that depicts that layout of the building, parking lot, curbs, setbacks, and drive aisle.

5. Provide a scaled floor plan of the building, as there are multiple tenants operating inside and staff must determine the total square footage of the building, but also how much space each business tenant is using within the building.

Staff Response: The applicant did not provide a detailed floor plan.

6. The dumpster shall be within an enclosure.
7. What are the proposed days and hours of operation?

Applicant Response: Our proposed days and hours of operation are Monday through Friday from 9:00 AM to 6:00 PM and Saturdays from 10:00 AM to 3:00 PM.

Planning Engineering Comments:

A) Items that require plan revision or additional documentation before engineering can recommend approval:
   1) None.

A) Items that are conditions of approval:
   1) Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.

B) Comments that are not critical to engineering’s recommendations for this specific submittal, but may be helpful in preparing future documents:
   1) None.

STAFF RECOMMENDATION

Staff recommends that the City Planning Commission concur with the findings contained within the staff report related to Factors to be Considered and Key Issues and recommends DENIAL of Petition #3227 and #SP-2020-70 subject to all comments and suggestions outlined in this staff report summarized by the following conditions:

1) Rezoning this property to sell used cars is not the best and highest use of the property. This property abuts a gas station to the east, which is a more intense commercial use, albeit zoned C-1 Limited Business District. The building is occupied as multi-tenant office space, which has a low traffic impact and visual impact for the single-family homes adjacent to the west, across South 22nd Street. Office space is a natural
transition between greater intensive uses such as a gas station and an established single-family neighborhood;
2) The barbed wire is not permitted in C-1 and must be removed immediately;
3) Tow truck may not be parked on site;
4) No repair of vehicles is allowed on site;
5) Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit, shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27-592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request; and,
6) If this petition is recommended for approval, a $125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

ATTACHMENTS

Applicant Response Letter
Criteria for Used Car/Truck Lots and Light Automotive Service and Maintenance
Site Plan
Site Photographs Provided by Staff dated July 14, 2020

REVIEW OF INFORMATION AND SCHEDULE

<table>
<thead>
<tr>
<th>Action</th>
<th>Planning Commission</th>
<th>Unified Government Board of Commissioners</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public Hearing Rezoning</td>
<td>August 10, 2020</td>
<td>August 27, 2020</td>
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</tbody>
</table>

STAFF CONTACT: Byron Toy, AICP
btoy@wycokck.org

MOTIONS

Change of Zone

I move the Kansas City, Kansas City Planning Commission RECOMMEND DENIAL of Petition #3227, to the Unified Government Board of Commissioners as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.
OR

I move the Kansas City, Kansas City Planning Commission RECOMMEND APPROVAL of Petition #3227 to the Unified Government Board of Commissioners as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements of the Kansas City, Kansas City Planning Commission:

1. ________________________________________________________________;
2. _______________________________________________________________; And
3. ________________________________________________________________.

Special Use Permit

I move the Kansas City, Kansas City Planning Commission RECOMMEND DENIAL of Petition #SP-2020-70, to the Unified Government Board of Commissioners as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

OR

I move the Kansas City, Kansas City Planning Commission RECOMMEND APPROVAL of Petition #SP-2020-70 to the Unified Government Board of Commissioners as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements of the Kansas City, Kansas City Planning Commission:

1. ________________________________________________________________;
2. _______________________________________________________________; And
3. ________________________________________________________________.
Planning and Urban Design Comments:

In response to the comments, the tow truck that is parked on site as well as the other vehicles were personal and employee use only. My son has recently purchased the tow truck and I was allowing him to park the vehicle there only (not towing vehicles to or from that location). At no time were we aware that this was not permitted and that was our negligence.

The one-time on-site repair that was being done on the vehicle was not for business but for personal vehicle as well as a last-minute emergency.

Our proposed days and hours of operation are Monday through from 9:00am-6:00pm and Saturdays from 10:00am to 3:00 pm

We would like to be able to purchase vehicles from the auctions and sell only through an online basis with scheduled appointment. We do not wish to purchase any broke down or salvage vehicles therefore no mechanic or towing would be necessary.
2. The parcel listed is owned by the same entity.

3. The vehicles that will be parked and sold at this site will not be crashed/wrecked vehicles. All vehicles will be bought at an auction and will be running cars. No mechanic will be done at the property.

4. The vehicles will not be delivered by a truck but driven in. All cars purchased from auction will be running vehicles.

Additionally, I will only be selling the vehicles online and through scheduled appointments only.
(19) Used car/truck lots and light automotive service and maintenance only in C-2 general business district, C-3 commercial district, M-1 light industrial and industrial park district, M-2 general industrial district, and M-3 heavy industrial district subject to the following criteria:

a. Repurposing of structure(s) for used car/truck lots or light automotive service and maintenance.
   1. Upgrade parking, including striping and/or resurfacing of parking lots, if deemed necessary by staff.
   2. Landscaping, screening, and façade improvements to meet commercial design guidelines.

b. Signage.
   1. Following all permanent sign requirements under section 27-227.
   2. Following all special event display requirements under section 27-234.
   3. No display on sidewalks.

c. Façade, landscaping, and screening.
   1. For new buildings:
      i. All commercial design guidelines and district regulations shall be upheld in C-3 commercial districts including, but not limited to, the creation of quality development with respect to site planning, architectural design and landscaping.
      ii. Commercial uses in industrial districts shall be subject to commercial design guidelines.
   2. For existing structures:
      i. Such modifications as:
         A. Restoring original brick.
         B. Any necessary repair of the façade.
         C. New doors or windows if existing fixtures are in disrepair.
D. Substantial effort beyond simply painting the building is necessary. Brick structures must be cleaned, paint removed and tuck pointed.

E. For non-brick buildings in addition to paint, additional architectural embellishments such as a brick wainscot may be required.

d. **Condition of automobiles/trucks.**
   1. Automobiles/trucks available for sale, rent or lease must not be inoperable, ruined, dismantled or wrecked.

e. **Parking.**
   1. The display area shall not be placed within a required parking/paving setback area and shall not reduce the capacity of a parking lot below that required by sections 27-466 through 27-470.
   2. Parking shall be upgraded to current standards and regulations including medians, landscaping, and screening.
   3. Each automobile shall be in a striped, designated parking space.

f. **Install/repair sidewalks per Code.**

   (20) Heavy automotive/truck service, repair, and mechanics only in C-3 commercial district, M-1 light industrial and industrial park district, M-2 general industrial district, and M-3 heavy industrial district subject to the following criteria:

   a. **Repurposing of structure(s) for heavy automotive/truck service, repair, and mechanics.**
      1. Upgrade parking, including striping and/or resurfacing of parking lots, if deemed necessary by staff.
      2. Landscaping, screening, and façade improvements to meet commercial design guidelines.

   b. **Signage.**
      1. Following all permanent sign requirements under section 27-727.
      2. Following all special event display requirements under section...
3. No displays on sidewalks.

c. Façade, landscaping, and screening.

1. For new buildings:

   i. All commercial design guidelines and district regulations shall be upheld in C-3 commercial districts including, but not limited to, the creation of quality development with respect to site planning, architectural design and landscaping.

   ii. Commercial uses in industrial districts shall be subject to commercial design guidelines.

2. For existing structures:

   i. Such modifications as:

      A. Restoring original brick.

      B. Any necessary repair of the façade.

      C. New doors or windows if existing fixtures are in disrepair.

      D. Substantial effort beyond simply painting the building is necessary. Brick structures must be cleaned, paint removed and tuck pointed.

      E. For non-brick buildings in addition to paint, additional architectural embellishments such as a brick wainscot may be required.

d. Parking:

   1. Parking of the automobiles under heavy service, repair, or mechanics shall not be placed within a required parking/paving setback area and shall not reduce the capacity of a parking lot below that required by sections 27-466 through 27-470.

   2. Parking shall be upgraded to current standards and regulations including medians, landscaping, and screening.

   3. Each automobile shall be in a striped, designated parking space.

e. Install/repair sidewalks per Code.
Figure 1. Site photograph of 2120 Park Drive looking north (provided by Planning Staff).

Figure 2. Site photograph 2120 Park Drive looking northeast (provided by Planning Staff).
Figure 3. Site photograph of the parking lot at 2120 Park Drive (provided by Planning Staff).

Figure 4. Site photograph of the parking lot at 2120 Park Drive (provided by Planning Staff).