



Planning and Urban Design

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To: City Planning Commission
From: Planning and Urban Design Staff
Date: August 9, 2021
Re: Change of Zone Petition COZ2021-023

GENERAL INFORMATION

Applicant:
Ahmad Al Marbu

Status of Applicant:
Representative
Bartlett & West
544 Columbia Drive
Lawrence, KS 66049

Requested Actions:
Change of Zone from C-1 Limited Business
and R-1 Single Family Districts to CP-2
Planned General Business District.

Date of Application(s):
June 25, 2021

Purpose:
To build a convenience store/gas station and
gas canopy.

Property Location:
8919 Leavenworth Road



Commission Districts: Commissioner At-Large: Melissa Bynum
District #5 Commissioner: Michael (Mike) Kane

Existing Zoning: C-1 Limited Business and R-1 Single Family Districts

Adjacent Zoning: **North:** R-1 Single Family District
South: R-2 Two Family District
East: R-1 Single Family District
West: C-1 Limited Business and R-1 Single Family Districts

Adjacent Uses: **North:** Single family home
South: Undeveloped land
East: Single family homes
West: Parking lot and undeveloped land

Total Tract Size: 0.95 Acre

Master Plan Area: City-Wide Master Plan

Master Plan Designation: The City-Wide Master Plan designates this property as Low Density Residential, which allows single-family detached residences, institutional uses such as elementary and middle schools, small churches (less than 5,000 square feet), libraries, parks, and open space.

A Master Plan Amendment from Low Density Residential from Low Density Residential to Neighborhood Commercial is required.

Major Street Plan: The Major Street Plan classifies Leavenworth Road as a Class B Thoroughfare.

Required Parking: Sec. 27-466(e) Uses in this district require paved off-street parking at a ratio of not less than four (4) spaces per 1,000 square feet of floor area in the building. Based on the 3,425 square foot building, fourteen (14) spaces are required. Fifteen (15) spaces are provided.

Advertisement: The Wyandotte Echo – Change of Zone – July 15, 2021
Letters to Property Owners – Change of Zone – July 14, 2021

Public Hearing: August 9, 2021

Public Support: None to date.

Public Opposition: On July 23, 2021 and July 28, 2021, Staff received communication from Arthur Berbeck and Bethany Vogel,

property owners at 8910 Leavenworth Road and 8951 Leavenworth Road, respectively opposing the proposed gas station and convenience store because of excess noise from trucks and vehicles, site lighting and traffic.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Ahmad Al Marbu with Olive LLC, wants to rezone the property from C-1 Limited Business and R-1 Single Family Districts to CP-2 Planned General Business District to demolish an existing building and construct a 3,435 square foot convenience store/gas station with eight (8) fuel pumps on 0.95 acre at 8919 Leavenworth Road.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765 and Article VII Sections 27-245 – 27-339

Code Enforcement History: There is no history of violations on this property.

FACTORS TO BE CONSIDERED

1. Neighborhood character

The area is dominated by two established single-family neighborhoods to the north and east and undeveloped land to the south and west. Across 89th Terrace, to the west is a parcel that is split-zoned C-1 and R-1, which would allow limited commercial uses.

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

The zoning and uses of properties nearby are set out above. The property is split zoned with the commercial portion on the corner of North 89th Terrace and Leavenworth Road. Shifting the building's placement from the center of the site to the northwest corner and relocating the parking to the side and rear will lessen the burden of the residents along the east property line related to parking, lighting, and noise.

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 proposed site plan will detrimentally affect nearby property because most of the parking, loading and maneuvering areas are on the east side of the property, which borders the single-family neighborhood.

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

The property has been vacant since 2006.

- 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.**

The proposed use is not reasonably necessary for the convenience and welfare of the public. The applicant can build a convenience store/gas station with three (3) fuel pumps/dispensers within the C-1 Limited Business District. Constructing a gas station could substantially injure the visual quality or marketability of nearby property because of the noise, lighting and hours of operation that may be problematic for the single-family residences that are adjacent to the property.

- 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 development will increase traffic and parking demand on-site as the existing building is vacant and there is no traffic generated on the premises. North 89th Terrace is unimproved south of the driveway approach.

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

The proposed use does not conform to the City-Wide Master Plan. A Master Plan Amendment from Low Density Residential to Neighborhood Commercial is required.

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

If the owner operates the business in the manner, where there are no neighbor complaints or Property Maintenance Compliance citations, this will not be an issue. Maintaining the existing slope along the west property line is important for the aesthetics of the abutting property owner.

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

a. Water service

BPU provides water service.

b. Sanitary sewer service

UG provides sanitary sewer service.

c. Storm water control

To be designed to meet City Code.

d. Police

Police service is provided by West Patrol, District #222.

e. Fire

Fire service is provided by Fire Station #4 located at 81st Street and Leavenworth Road.

f. Transit

Kansas City ATA provide transit service in front of this property, Route 113.

g. Schools

Public education is provided by Kansas City Kansas USD 500.

h. Streets

To be designed to meet Public Works standards.

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

If the proposal is approved, the City will receive additional property and sales tax revenues because of the improvements made to the property.

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

The proposed use is capable of meeting applicable ordinance and other requirements with revisions and a Master Plan Amendment.

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

The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the landowners is minimal. If this application is denied, the owners will still have property that is able to be developed, however, not in the form they are currently proposing.

There must be a balance between the adjacent and nearby residential property owners' quality of life is protected and a vacant building and parking lot that will be demolished to build a convenience store/gas station.

PREVIOUS ACTIONS

According to the Appraiser's website, the 3,671 square foot building was constructed in 1991.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on July 23, 2021 via email and phone call.

Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Topography
Master Plan Amendment
Compliance with the Commercial Design Guidelines
Landscaping and Screening
Lighting
Noise
Traffic

STAFF COMMENTS AND SUGGESTIONS

Planning and Urban Design Comments:

General Planning:

1. A Master Plan Amendment from Low Density Residential to Neighborhood Commercial must be filed. Submit the application with the Final Development Plan.

Applicant Response: Understood.

2. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks 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.

Applicant Response: Understood.

3. Per Business Licensing Division:
 - a. If approved, tenant will need to file and maintain a current occupation tax application.

Applicant Response: Understood.

4. What are the proposed hours of operation for convenience/gas station?

Applicant Response: Daily from 6:00 AM to 11:00 PM.

5. What time will trucks fill the underground storage tanks?

Applicant Response: Typically, between 9:00 AM and 2:00 PM – a specific time can be requested.

6. Parking lot shall be repaved and striped.

Applicant Response: Provided.

7. Sec. 27-575(e)(1) The majority of all surface parking and all drive through facilities should be located to the maximum extent possible behind buildings or in the interior of a block.

Applicant Response: Provided.

8. Sec. 27-575(e)(3) Parking located between front of building and street right-of-way must provide an additional twenty (20) feet of landscaped area in addition to the required setback.

Applicant Response: Provided.

9. Sec. 27-575(e)(4) Parking must be screened from adjacent streets by walls, shrubs, trees, or design elements.

Applicant Response: Provided.

10. Sec. 27-575(d)(9) To the maximum extent possible, there shall be pedestrian circulation from the perimeter of the site to the principal customer entrance to all buildings. Within the site, there shall be pedestrian connections provided to all pedestrian activities, including transit stops, street crossings, open space, building and store entry points, and adjacent pedestrian systems.

Applicant Response: A sidewalk connection from 89th Terrace to the building will be provided.

Staff Response: A sidewalk shall extend from 89th Terrace to the secondary entrance on the west side of the building.

11. Sec. 27-575(d)(11) Internal pedestrian walkways within the parking lot or drive area must be distinguished from other surfaces.

Applicant Response: Pavement striping will be provided.

12. Sec. 27-575(d)(13) Site design should integrate and facilitate access to public transit.

Applicant Response: Sidewalk from the store to the public sidewalk will be provided.

Building Architecture:

1. Sec. 27-576(c)(1) Commercial development should take into account the architectural design of all building elevations, 360 degrees. Quality design should be expressed on all elevations of the building.

Applicant Response: Building design will meet all the design requirements. Quality materials, elements, and detailing will be on all four (4) sides of the building.

2. Sec. 27-576(c)(2) In order to break up the monotonous appearance of long facades, a building wall no more than forty-five (45) feet in length should be divided into increments of no more than forty-five (45) feet through the facades. This can be achieved through combinations of at least three (3) of the following techniques:
 - a. Divisions or breaks in materials;
 - b. Building offsets (projections, recess, niches);
 - c. Window bays;
 - d. Separate entrances and entry treatments; or
 - e. Variation in rooflines.

There is a separate entry on the west elevation and elevations indicate building offsets, although the site plan does not indicate articulation on the building. The elevations depict two (2) primary building materials, brick, and stucco.

Much of the building is true stucco, which is listed as an approved exterior building material, however, the intent of the guidelines is ensure that good design incorporates and combines design theme, building façade materials, colors, roof, and equipment.

Applicant Response: All four sides of the building will incorporate variations in approved materials, colors, rooflines, and building projects. The roof equipment will be screened on all four sides.

3. Sec. 27-575(f)(2) Building should be located in such a manner as to minimize conflicts between pedestrians and automobiles.

Applicant Response: Provided.

4. Sec. 27-575(f)(3) Buildings should be oriented primarily to the street.

The building should be orientated towards the northeast corner of the site, closer to North 89th Terrace and Leavenworth Road. The pumps and canopy could be

oriented on the west side of the building, whereas the building can be on the within twenty-five (25) feet of Leavenworth Road to comply with the CP-2 setbacks. See the redline markup of the landscape plan.

Applicant Response: The current proposed site layout is the only way the project will function. Due to the slope of the topography, the entry has to be located as far north along 89th Terrace as possible. The building has to be placed toward the south of the property to allow for enough parking and fuel truck turning radius around the pump canopy, as well as to maintain visual surveillance for staff to monitor the gas pumps.

Staff Response: The applicant seeks a deviation from the Commercial Design Guidelines regarding the location and orientation of the building, gas pumps and off-street parking in proximity to Leavenworth Road and 89th Terrace.

5. Gas canopy columns shall be wrapped in masonry.

Applicant Response: Provided.

Landscaping and Screening:

1. Keep existing full growth trees along Leavenworth Road and along the east property line.

Applicant Response: Provided.

2. All screening is to be maintained to minimize impacts of conflicting uses.

Applicant Response: Provided.

3. Sec. 27-466(g) Trees are required at not less than one (1) per 7,000 square feet of site area. Six (6) foot high architectural screening in combination with a landscaped buffer area is to be provided alongside and rear property lines common to or across an alley from residentially zoned property. The architectural screen can either be fencing or landscaping. The fence shall be comprised of wood with masonry columns every thirty-two (32) feet running.

Per Sec. 27-277(a)(5) Landscaping shall exceed the typical code requirements by a least 75 percent. The site for the proposed development is 0.95 acres, ten (10) trees are required based on Commercial Design Guidelines and exclusive of the screening requirements for the lots zoned CP-2 Planned General Business District adjacent to residentially zoned properties, street trees and trees planted within parking lot islands.

Applicant Response: Provided.

Staff Response: The privacy fence shall extend south from the northernmost parking stall along the east property line and continue west along the south property line to the edge of pavement. The masonry columns on the fence shall

match the brick on the building. Trees and shrubs shall be installed on the outside of the fence, facing the single-family homes and residential zoning.

4. Sec. 27-577(b)(1) New construction must provide at least a 25-foot landscape zone between structures and/or parking lots and all public streets and access easements forty (40) feet wide or greater. This requirement may be reduced to twelve (12) feet where there is no paving, other than a sidewalk, between a building and the right-of-way. The distance is to be measured from the public right-of-way or curblineline of a private easement.

Applicant Response: Provided.

5. Sec. 27-577(b)(2) Landscape berms and/or continuous rows of shrubs are required to screen parking from adjacent development or public streets. Shrubs used in this area must not exceed a maximum height of thirty (30) inches at maturity.

Applicant Response: Provided.

Staff Response: Install a small retaining wall (less than three and one-half feet (3-½) feet) north of the fuel tanks and plant additional shrubs and trees in the landscape buffer to screen vehicle headlights from residences across Leavenworth Road.

6. Sec. 27-577(d)(1) At least 75 percent of the length of the building foundations facing public streets, the exterior of the development, or common spaces must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers.

Applicant Response: Provided.

7. Sec. 27-577(b)(3) In general, formal, stand-alone trees are encouraged to be planted in landscape zones along major streets and medians. These trees should be planted as follows:
 - a. One tree with a minimum caliper of two (2) inches (ornamental), evergreen trees must be at least six (6) feet when planted provided for every thirty (30) feet of street easement or frontage.
 - b. Street trees should be planted no closer than fifty-five (55) feet and no more than sixty-five (65) feet apart. Groupings of ornamental trees and shrubs should be placed in between the street trees.

Applicant Response: Understood.

8. All overstory trees shall be at least two (2) inch caliper when planted. All ornamental trees shall be at least two (2) inch caliper when planted. All evergreens shall be at least six (6) feet when planted. All shrubs shall be five (5) gallons when planted.

Applicant Response: Understood.

9. All landscaping shall be irrigated.

Applicant Response: An irrigation system will be incorporated.

10. Landscaping is required to screen all parking areas and service entries. This includes perimeter parking and the trash enclosure.
 - a. All trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six (6) feet in height on all sides and designed with the gate facing away from streets or adjacent land uses. All screening materials must be well maintained at all times.

Applicant Response: Provided.

11. BPU transformer pad shall be completely screened on three (3) sides with six (6) foot junipers setback (3) feet from the pad and ten (10) feet from the door opening. Additionally, if the transformer doors open towards the parking lot, the 10-foot setback is established in the parking lot, therefore the gate/enclosure shall be constructed in front of the transformer.

Applicant Response: Provided.

12. All utility connections, this includes green electrical boxes and free-standing electrical meters must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building. Rooftop mechanical equipment shall be screened from public view the parapet.

Applicant Response: Provided.

13. Mechanical equipment or other utilities whether on the ground or mounted on the building shall be screened from public view. The screening shall either be dense landscaping with a minimum of six-foot (6) evergreens or an architectural wall constructed from the same materials as the main building.

Applicant Response: Understood.

14. Sec. 27-699(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged as to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way.

In addition to vertical glare, lighting may not cast horizontally on adjacent properties.

Applicant Response: All exterior lighting will be down directional only.

15. All lighting whether mounted on the building or installed in the parking lot shall have 90-degree cutoff fixtures. Additionally, this includes lighting installed underneath the canopy.

Applicant Response: All exterior lighting will be down directional only.

Signage:

1. Shall comply with the sign code.

Applicant Response: All signage will comply with the sign code.

Planning Engineering Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
 - 1) None
- B) 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.
- C) 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 make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommend **APPROVAL** of Petition **COZ2021-023** subject to all comments and suggestions outlined in this staff report, and summarized by the following conditions:

- 1. A Master Plan Amendment from Low Density Residential to Neighborhood Commercial must be filed. Submit the application with the Final Development Plan;**
- 2. Per Business Licensing Division:**
 - a. If approved, tenant will need to file and maintain a current occupation tax application.**
- 3. Parking lot shall be repaved and striped;**
- 4. Sec. 27-575(e)(4) Parking must be screened from adjacent streets by walls, shrubs, trees, or design elements;**
- 5. Sec. 27-575(d)(9) To the maximum extent possible, there shall be pedestrian circulation from the perimeter of the site to the principal customer entrance to all buildings. Within the site, there shall be pedestrian connections provided to all pedestrian activities, including transit stops, street crossings, open space, building and store entry points, and adjacent pedestrian systems. A sidewalk shall extend from 89th Terrace to the secondary entrance on the west side of the building;**

6. **Sec. 27-575(d)(11)** Internal pedestrian walkways within the parking lot or drive area must be distinguished from other surfaces. A hatched crosswalk shall extend from the easternmost parking space from the building northeast through the parking lot to the southernmost parking space along the east property line;
7. **Sec. 27-575(d)(13)** Site design should integrate and facilitate access to public transit;
8. Gas canopy columns shall be wrapped in masonry;
9. Keep existing full growth trees along Leavenworth Road and along the east property line;
10. All screening is to be maintained to minimize impacts of conflicting uses;
11. **Sec. 27-466(g)** Trees are required at not less than one (1) per 7,000 square feet of site area. Six (6) foot high architectural screening in combination with a landscaped buffer area is to be provided alongside and rear property lines common to or across an alley from residentially zoned property. The architectural screen can either be fencing or landscaping. The fence shall be comprised of wood with masonry columns every thirty-two (32) feet on center.

Per Sec. 27-277(a)(5) Landscaping shall exceed the typical code requirements by a least 75 percent. The site for the proposed development is 0.95 acres, ten (10) trees are required based on Commercial Design Guidelines and exclusive of the screening requirements for the lots zoned CP-2 Planned General Business District adjacent to residentially zoned properties, street trees and trees planted within parking lot islands.

The privacy fence shall extend south from the northernmost parking stall along the east property line and continue west along the south property line to the edge of pavement. The masonry columns on the fence shall match the brick on the building. Trees and shrubs shall be installed on the outside of the fence, facing the single-family homes and residential zoning;

12. **Sec. 27-577(b)(2)** Landscape berms and/or continuous rows of shrubs are required to screen parking from adjacent development or public streets. Shrubs used in this area must not exceed a maximum height of thirty (30) inches at maturity;
13. **Sec. 27-577(d)(1)** At least 75 percent of the length of the building foundations facing public streets, the exterior of the development, or common spaces must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers.
14. **Sec. 27-577(b)(3)** In general, formal, stand-alone trees are encouraged to be planted in landscape zones along major streets and medians. These trees should be planted as follows:
 - a. One tree with a minimum caliper of two (2) inches (ornamental), evergreen trees must be at least six (6) feet when planted provided for every thirty (30) feet of street easement or frontage.
 - b. Street trees should be planted no closer than fifty-five (55) feet and no more than sixty-five (65) feet apart. Groupings of ornamental trees and shrubs should be placed in between the street trees.

15. All overstory trees shall be at least two (2) inch caliper when planted. All ornamental trees shall be at least two (2) inch caliper when planted. All evergreens shall be at least six (6) feet when planted. All shrubs shall be five (5) gallons when planted.
16. All landscaping shall be irrigated.
17. Landscaping is required to screen all parking areas and service entries. This includes perimeter parking and the trash enclosure.
 - a. All trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six (6) feet in height on all sides and designed with the gate facing away from streets or adjacent land uses. All screening materials must be well maintained at all times;
18. BPU transformer pad shall be completely screened on three (3) sides with six (6) foot junipers setback (3) feet from the pad and ten (10) feet from the door opening. Additionally, if the transformer doors open towards the parking lot, the 10-foot setback is established in the parking lot, therefore the gate/enclosure shall be constructed in front of the transformer;
19. All utility connections, this includes green electrical boxes and free-standing electrical meters must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building. Rooftop mechanical equipment shall be screened from public view of the parapet;
20. Mechanical equipment or other utilities whether on the ground or mounted on the building shall be screened from public view. The screening shall either be dense landscaping with a minimum of six-foot (6) evergreens or an architectural wall constructed from the same materials as the main building;
21. Sec. 27-699(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged as to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way; In addition to vertical glare, lighting may not horizontally cast on adjacent properties;
22. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street. Additionally, this includes lighting installed underneath the canopy;
23. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design to begin this process;
24. Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, as applicable; and,

25. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks 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

Aerial Map
Zoning Map
Land Use Map
Conservation District Comments
Applicant Response Letter
Neighborhood Meeting Minutes
Site Plan
Grading Plan
Landscape Plan
Building Elevations
Site Photography provided by Staff dated July 14, 2021

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing	August 9, 2021	August 26, 2021
Rezoning		

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

MOTIONS

I move the Kansas City, Kansas City Planning Commission **RECOMMEND APPROVAL** of Petition **COZ2021-023** 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. _____.

OR

I move the Kansas City, Kansas City Planning Commission **RECOMMEND DENIAL** of Petition **COZ2021-023** 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.



Figure 1. Aerial Map of 8919 Leavenworth Road (provided by UG Maps).



Figure 2. Zoning Map of 8919 Leavenworth Road (provided by UG Maps).

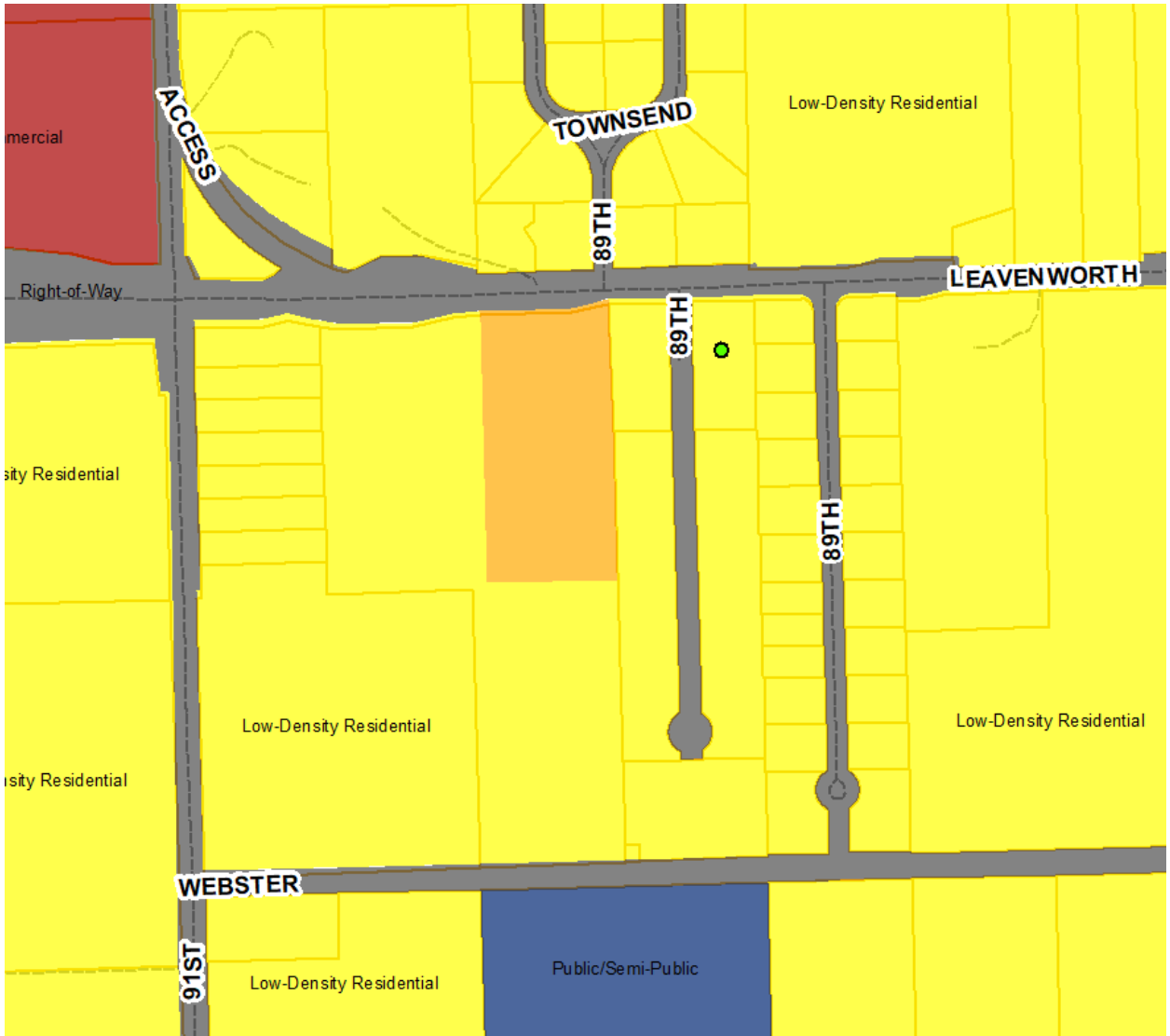


Figure 3. City-Wide Master Plan Land Use Map of 8919 Leavenworth Road (provided by Arc Map).



Wyandotte County Conservation District
1204 N. 79th Street - Kansas City, KS 66112 - Phone (913)-334-6329 -
wyco.conservaion@gmail.com

Gunnar H. Hand
Director of Planning
701 North 7th Street Rm. 423
Kansas City, KS 66101
913-573-5750

July 13, 2021

RE: COZ2021-023 Ahmad Al Marbu with Olive LLC, R-1 and C-1 to CP-2 for gas station and convenience store at 8919 Leavenworth Road

Dear Mr. Hand:

The Wyandotte County Conservation District has completed an environmental review of the: COZ2021-023 Ahmad Al Marbu with Olive LLC, R-1 and C-1 to CP-2 for gas station and convenience store at 8919 Leavenworth Road.

In addition to the site review the following reports were generated from the Wyandotte County Soil Survey to assess the limitations for development and/or natural resources concerns for this site.

MAPS AND REPORTS

Soils Map
Soils Inventory Report
Map Unit Description (Brief)
Dwellings and Small Commercial Buildings
Soil Features

In summary, the following limitations and resource concerns were noted for this plat:

- There are two major soil types identified: Knox silt loam, 7 to 12 percent slopes and Gosport-Sogn complex, 7 to 35 percent slopes. These soil types are considered highly erodible when the surface is denuded of a protective cover.
- If there is a large grading area, an Erosion Control Plan (ECP) will be needed to prevent soil erosion.
- When any grading is done, the steep area to the south needs to be protected.
- Silt fence or other protection to the east will be needed to prevent erosion onto neighbors' properties.
- When each area is graded, that area needs to be mulched and seeded to prevent any further soil loss.

Technical assistance is available from our office. Limitation maps, detail soil reports and a conservation plan can also be requested for this site from our office.

The ratings and other information in these reports are based on estimated engineering properties of the soils, on available test data and on field experience. The soil is ordinarily examined to a depth of about 6 feet. At a greater depth, additional geological investigation may be needed. The natural soils and drainage pattern may have been changed in this area due to previous urban development. Therefore, the physical composition influencing the structure of the natural soil has already been altered; however, some generalities can still be applied for these soils. On site investigation is needed for detail planning as some delineation on the maps includes soils that differ from the named soil. Soil lines may not be exact; therefore, on site investigation is needed for site specific planning.

If you have any comments or questions, please do not hesitate to call me.

Sincerely,

Cheri Miller
District Manager

enclosures

To be designed to meet Public Works standards.

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

If the proposal is approved, the City will receive additional property and sales tax revenues because of the improvements made to the property.

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

The proposed use is capable of meeting applicable ordinance and other requirements with revisions and a Master Plan Amendment.

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

The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the landowners is minimal. If this application is denied, the owners will still have property that is able to be developed, however, not in the form they are currently proposing. There must be a balance between the adjacent and nearby residential property owners' quality of life is protected and a vacant building and parking lot that will be demolished to build a convenience store/gas station.

STAFF COMMENTS AND SUGGESTIONS

Planning and Urban Design Comments:

General Planning:

1. A Master Plan Amendment from Low Density Residential to Neighborhood Commercial must be filed. Staff will check that box on the application, however, this will result in the Change of Zone petition being continued for one (1) month.
 - o Understood
2. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks 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.
 - o Understood
3. Per Business Licensing Division: a. If approved, tenant will need to file and maintain a current occupation tax application.
 - o Understood
4. What are the proposed hours of operation for convenience/gas station?

- 6am – 11pm Daily
- 5. What time will trucks fill the underground storage tanks?
 - Typically between 9am and 2pm – a specific time window can be requested
- 6. Parking lot shall be repaved and striped.
 - Provided
- 7. Sec. 27-575(e)(1) The majority of all surface parking and all drive through facilities should be located to the maximum extent possible behind buildings or in the interior of a block.
 - Provided
- 8. Sec. 27-575(e)(3) Parking located between front of building and street right-of-way must provide an additional twenty (20) feet of landscaped area in addition to the required setback.
 - Provided
- 9. Sec. 27-575(e)(4) Parking must be screened from adjacent streets by walls, shrubs, trees, or design elements.
 - Provided
- 10. Sec. 27-575(d)(9) To the maximum extent possible, there shall be pedestrian circulation from the perimeter of the site to the principal customer entrance to all buildings. Within the site, there shall be pedestrian connections provided to all pedestrian activities, including transit stops, street crossings, open space, building and store entry points, and adjacent pedestrian systems.
 - A sidewalk connection from 89th Street Terrace to the building will be provided.
- 11. Sec. 27-575(d)(11) Internal pedestrian walkways within the parking lot or drive area must be distinguished from other surfaces.
 - Pavement striping will be provided.
- 12. Sec. 27-575(d)(13) Site design should integrate and facilitate access to public transit.
 - Sidewalk from the store to the public sidewalk will be provided.

Building Architecture:

1. Sec. 27-576(c)(1) Commercial development should take into account the architectural design of all building elevations, 360 degrees. Quality design should be expressed on all elevations of the building.
 - o Building Design will meet all the design requirements. Quality materials, elements, and detailing, will be on all four sides of the building.
2. Sec. 27-576(c)(2) In order to break up the monotonous appearance of long facades, a building wall no more than forty-five (45) feet in length should be divided into increments of no more than forty-five (45) feet through the facades. This can be achieved through combinations of at least three (3) of the following techniques:
 - a. Divisions or breaks in materials;
 - b. Building offsets (projections, recess, niches);
 - c. Window bays;
 - d. Separate entrances and entry treatments; or
 - e. Variation in rooflines.
 - o Building Design will meet all the design requirements. Quality materials, elements, and detailing, will be on all four sides of the building.

There is a separate entry on the west elevation and elevations indicate building offsets, although the site plan does not indicate articulation on the building. The elevations depict two (2) primary building materials, brick, and stucco.

Much of the building is true stucco, which is listed as an approved exterior building material, however, the intent of the guidelines is ensure that good design incorporates and combines design theme, building façade materials, colors, roof, and equipment.

- o All four sides of the building will incorporate variations in approved materials, colors, rooflines, and building projects. The roof equipment will be screened on all four sides.
3. Sec. 27-575(f)(2) Building should be located in such a manner as to minimize conflicts between pedestrians and automobiles.
 - o Provided
 4. Sec. 27-575(f)(3) Buildings should be oriented primarily to the street. The building should be orientated towards the northeast corner of the site, closer to North 89th Terrace and Leavenworth Road. The pumps and canopy could be oriented on the west side of the building, whereas the building can be on the within twenty-five (25) feet of Leavenworth Road to comply with the CP-2 setbacks. See the redline markup of the landscape plan.

-
- The current proposed site layout is the only way the project will function. Due to the slope of the topography, the entry has to be located as far north along 89th Street Terrace as possible. The building has to be placed toward the south of the property to allow for enough parking and fuel truck turning radius around the pump canopy, as well as to maintain visual surveillance for staff to monitor the gas pumps.

5. Gas canopy columns shall be wrapped in masonry.

- Provided

Landscaping and Screening:

1. Keep existing full growth trees along Leavenworth Road and along the east property line.

- Provided

2. All screening is to be maintained to minimize impacts of conflicting uses.

- Provided

3. Sec. 27-466(g) Trees are required at not less than one (1) per 7,000 square feet of site area. Six (6) foot high architectural screening in combination with a landscaped buffer area is to be provided alongside and rear property lines common to or across an alley from residentially zoned property. The architectural screen can either be fencing or landscaping. The fence shall be comprised of wood with masonry columns every thirty-two (32) feet on center.

- Provided

4. Per Sec. 27-277(a)(5) Landscaping shall exceed the typical code requirements by a least 75 percent. The site for the proposed development is 0.95 acres, ten (10) trees are required based on Commercial Design Guidelines and exclusive of the screening requirements for the lots zoned CP-2 Planned General Business District adjacent to residentially zoned properties, street trees and trees planted within parking lot islands.

- Provided

5. Sec. 27-577(b)(1) New construction must provide at least a 25-foot landscape zone between structures and/or parking lots and all public streets and access easements forty (40) feet wide or greater. This requirement may be reduced to twelve (12) feet where there is no paving, other than a sidewalk, between a building and the right-of-way. The distance is to be measured from the public right-of-way or curbline of a private easement.

- Provided

6. Sec. 27-577(b)(2) Landscape berms and/or continuous rows of shrubs are required to screen parking from adjacent development or public streets. Shrubs used in this area must not exceed a maximum height of thirty (30) inches at maturity.
 - o Provided

7. Sec. 27-577(d)(1) At least 75 percent of the length of the building foundations facing public streets, the exterior of the development, or common spaces must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers.
 - o Provided

7. Sec. 27-577(b)(3) In general, formal, stand-alone trees are encouraged to be planted in landscape zones along major streets and medians. These trees should be planted as follows:
 - a. One tree with a minimum caliper of two (2) inches (ornamental), evergreen trees must be at least six (6) feet when planted provided for every thirty (30) feet of street easement or frontage.
 - b. Street trees should be planted no closer than fifty-five (55) feet and no more than sixty-five (65) feet apart. Groupings of ornamental trees and shrubs should be placed in between the street trees.
 - o Understood

8. All overstory trees shall be at least two (2) inch caliper when planted. All ornamental trees shall be at least two (2) inch caliper when planted. All evergreens shall be at least six (6) feet when planted. All shrubs shall be five (5) gallons when planted.
 - o Understood

9. All landscaping shall be irrigated.
 - o An irrigation system will be incorporated.

10. Landscaping is required to screen all parking areas and service entries. This includes perimeter parking and the trash enclosure.
 - a. All trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six (6) feet in height on all sides and designed with the gate facing away from streets or adjacent land uses. All screening materials must be well maintained at all times.
 - o Provided

11. BPU transformer pad shall be completely screened on three (3) sides with six (6) foot junipers setback (3) feet from the pad and ten (10) feet from the door opening. Additionally, if the transformer doors open towards the parking lot, the 10-foot setback is established in the parking lot, therefore the gate/enclosure shall be constructed in front of the transformer.
 - o Provided
12. All utility connections, this includes green electrical boxes and free-standing electrical meters must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building. Rooftop mechanical equipment shall be screened from public view the parapet.
 - o Provided
13. Mechanical equipment or other utilities whether on the ground or mounted on the building shall be screened from public view. The screening shall either be dense landscaping with a minimum of six-foot (6) evergreens or an architectural wall constructed from the same materials as the main building.
 - o Understood
14. Sec. 27-699(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged as to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way.

In addition to vertical glare, lighting may not horizontally cast on adjacent properties.

 - o All exterior lighting will be down directional only.
15. All lighting whether mounted on the building or installed in the parking lot shall have 90-degree cutoff fixtures. Additionally, this includes lighting installed underneath the canopy.
 - o All exterior lighting will be down directional only.

Signage:

1. Shall comply with the sign code.

- o All signage will comply with the sign code.

Planning Engineering Comments:

A) Items that require plan revision or additional documentation before engineering can recommend approval:

1) Detailed engineering comments are made by separate technical review of the plans and submitted directly to the applicant. Provide revised plans and responses in accordance with the engineering comments.

- o Provided

2) Construction plans shall meet UG standards and criteria and shall be reviewed and approved by UG prior to construction permit acquisition.

- o Understood

B) Items that are conditions of approval:

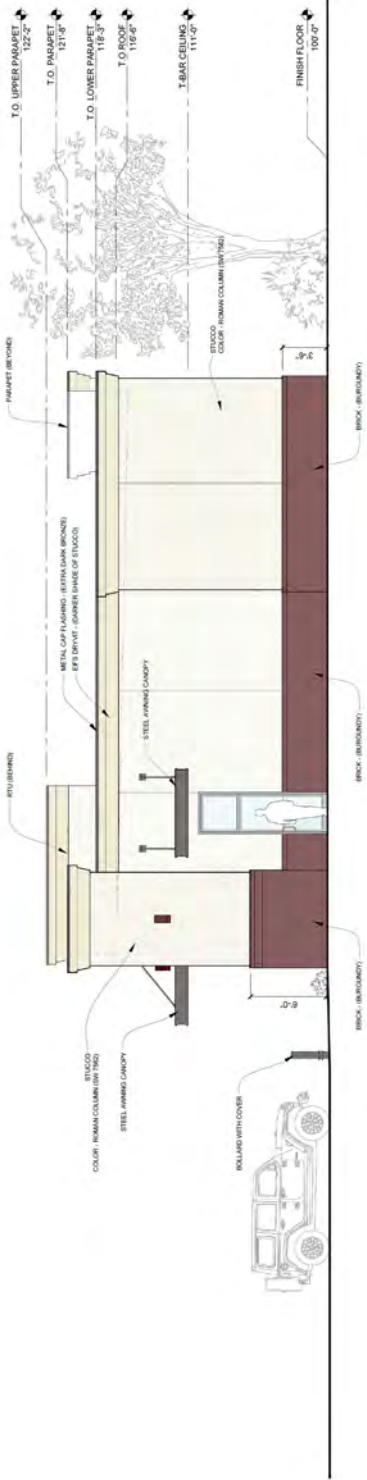
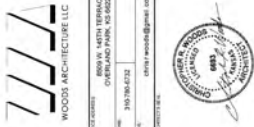
1) None

C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:

1) None

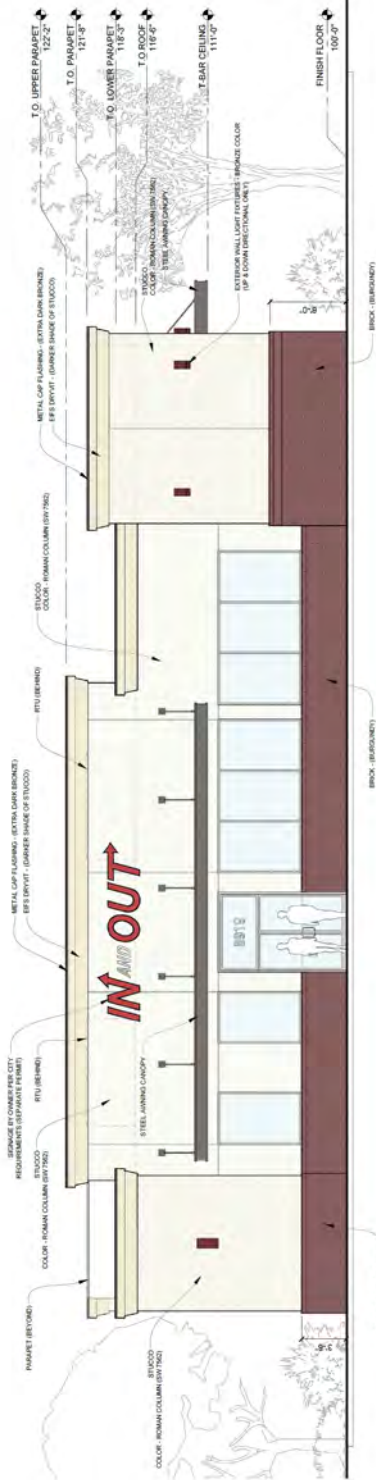
Letters to the list of neighbors provided by the UG were mailed out on July 12th, 2021. Said Letter stated that the architect and civil engineer would receive calls for questions or comments in regard to the project from Monday, July 19th, 2021 through Friday, July 23rd, 2020 from 1 pm til 6 pm.

<u>Name of Caller</u>	<u>Question or Comment</u>	<u>Response</u>
Debbie Wolcott	Distance of building to E. Property Line?	33'
	Distance from building to Leavenworth Road?	197'
	Is there sidewalk on Leavenworth Road?	Yes
	Will there be fence for screening on East property line?	Currently Not shown, Can be added
	Are there lights on back of building?	No
	Pump Canopy Location?	North of building
	Detention Pond dimensions?	72'x26' at top
Tony Puckett	Will there be fencing for screening on South Property Line?	Not Shown. Can be added



2

WEST ELEVATION
 SCALE 1/8" = 1'-0"



1

NORTH ELEVATION
 SCALE 1/8" = 1'-0"

DRC SUBMITTAL

NO.	ISSUED TO THE DRC	DATE

AMOCO - IN AND OUT
 C-STORE / GAS STATION
 8919 Leavenworth Rd.
 Kansas City, KS 66109

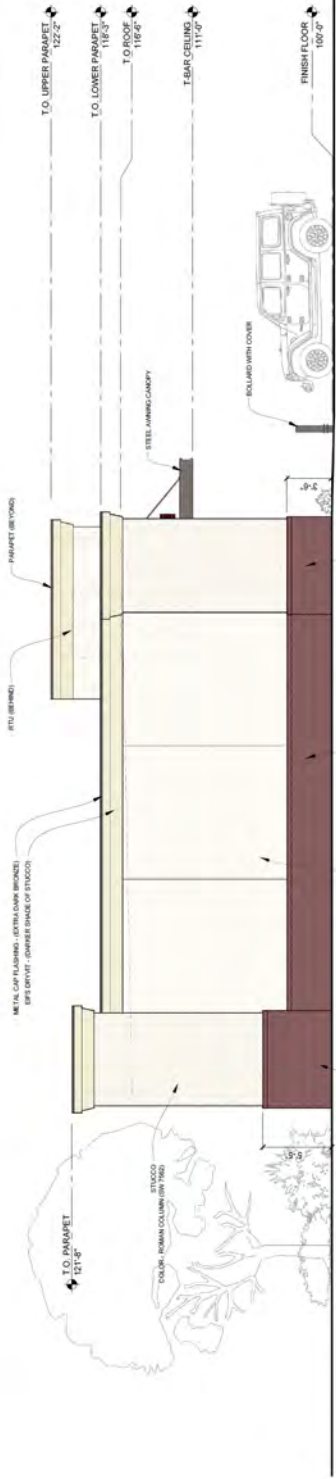
EXTERIOR ELEVATIONS

DATE OF SUBMITTAL	08-09-2021
DATE OF APPROVAL	00-00-2021
DESIGNED BY	CW
CHECKED BY	CW
AS NOTED	AS NOTED

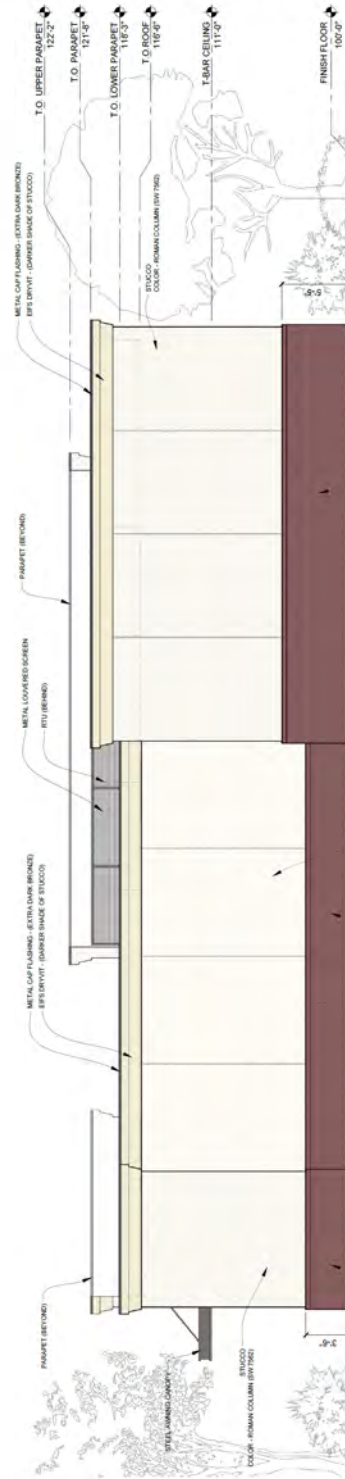
A2.1



WOODS ARCHITECTURE LLC
 8609 W. LATCH TERRACE
 OVERLAND PARK, KS 66223
 PHONE: 316.796.4232
 WWW: www.woodsarch.com



2 EAST ELEVATION
 SCALE: 1/4" = 1'-0"



1 SOUTH ELEVATION
 SCALE: 1/4" = 1'-0"

DRC SUBMITTAL
 REFERRED TO THE DRC 06/26/21

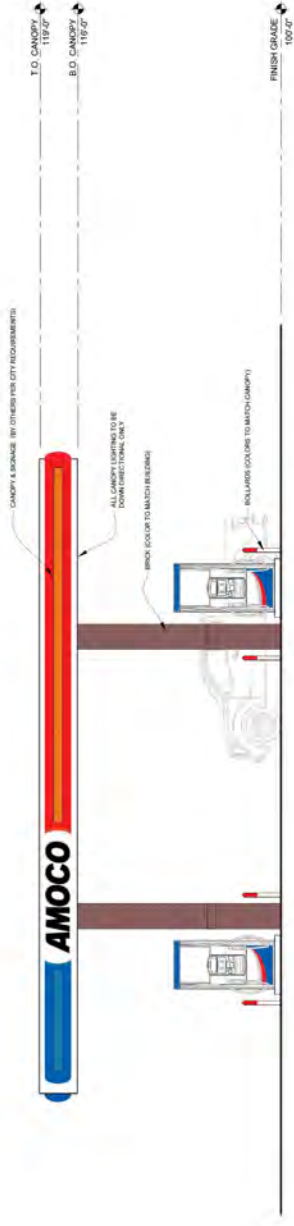
AMOCO - IN AND OUT
 C-STORE / GAS STATION
 8919 Leavenworth Rd
 Kansas City, KS 66109

PROJECT NO. 2021-001
 DATE: 05/26/21
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 APPROVED BY: [Name]

EXTERIOR ELEVATIONS

DATE FOR REVIEW: 05/26/2021
 DATE FOR PERMIT: 05/26/2021
 DRAWN BY: CW
 CHECKED BY: CW
 APPROVED BY: AS NOTED

A2.2



DRC SUBMITTAL
 ISSUED TO THE DRC 06-08-2021

AMOCO - IN AND OUT
 C-STORE / GAS STATION
 8919 Leavenworth Rd
 Kansas City, KS 66109

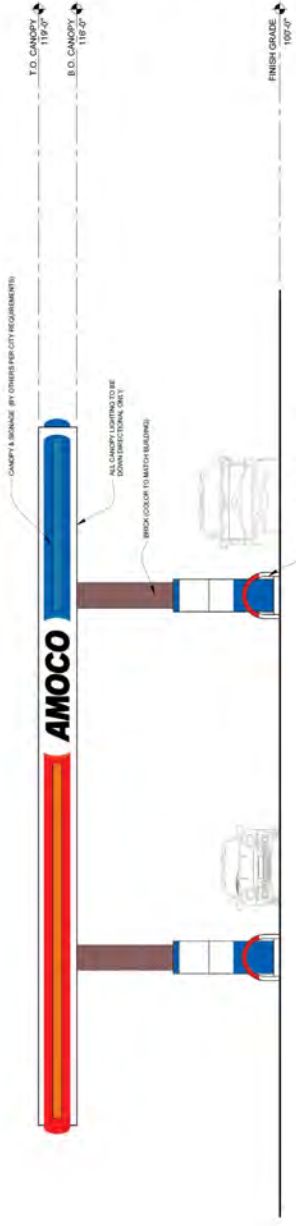
EXTERIOR ELEVATIONS

DATE FOR REVIEW: 06-08-2021
 DATE FOR SUBMIT: 06-08-2021
 DATE FOR APPROVAL: 06-09-2021
 DRAWN BY: CW
 CHECKED BY: CW
 AS NOTED

A2.3

WEST ELEVATION - CANOPY (FOR REFERENCE ONLY)
 SCALE: 1/4" = 1'-0"

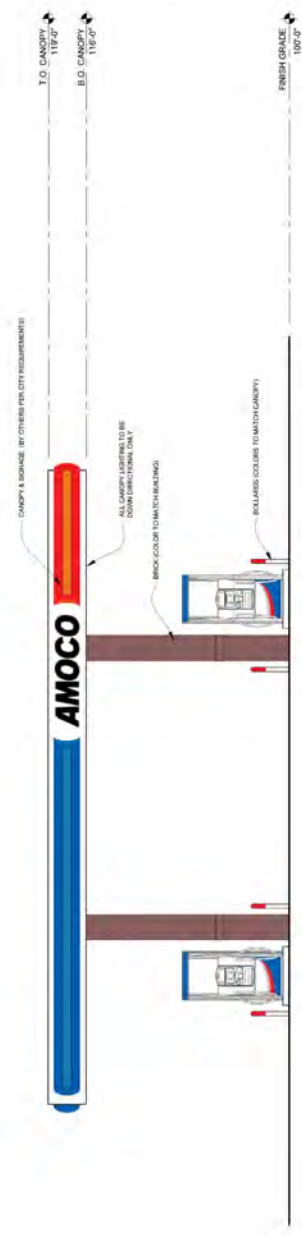
NOTE:
 1. CANOPY PANELS AND TILES TO MATCH EXISTING PANELS



NORTH ELEVATION - CANOPY (FOR REFERENCE ONLY)
 SCALE: 1/4" = 1'-0"

NOTE:
 1. CANOPY PANELS AND TILES TO MATCH EXISTING PANELS

WOODS ARCHITECTURE LLC
 1000 N. 44TH TERRACE
 OVERLAND PARK, KS 66203
 Phone: 316.784.4123
 Email: office@woodsarch.com



AMOCO - IN AND OUT
 C-STORE / GAS STATION
 8819 Leavenworth Rd
 Kansas City, KS 66109

PROJECT NO. 2021-001

DATE: 08-08-2021

DESIGNED BY: [Redacted]

CHECKED BY: [Redacted]

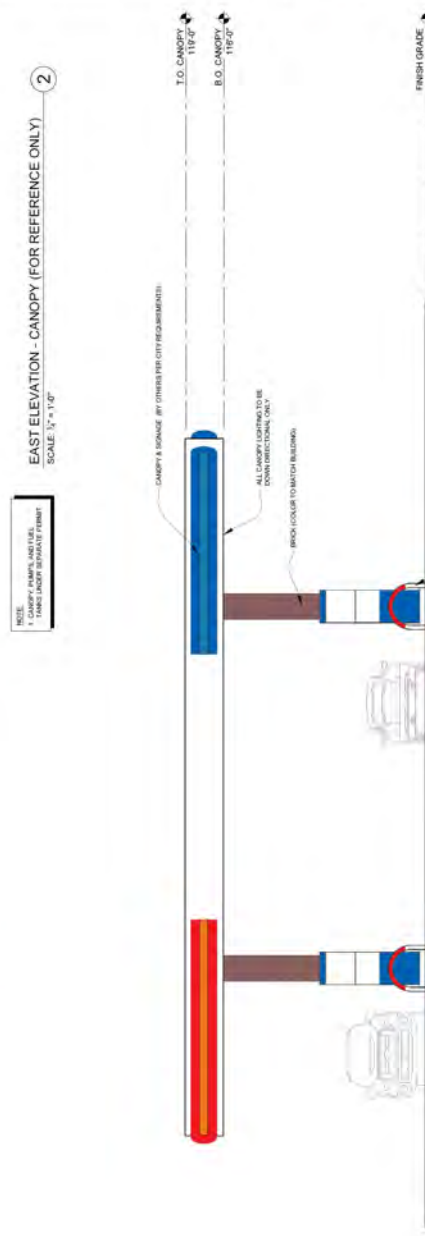
DATE: 08-08-2021

PROJECT NO. 2021-001

DATE: 08-08-2021

PROJECT NO. 2021-001

DATE: 08-08-2021



EXTERIOR ELEVATIONS

DATE: 08-08-2021

DESIGNED BY: [Redacted]

CHECKED BY: [Redacted]

DATE: 08-08-2021

PROJECT NO. 2021-001

DATE: 08-08-2021

PROJECT NO. 2021-001

DATE: 08-08-2021

A2.4



Figure 4. Site Photograph of 8919 Leavenworth Road taken on July 14, 2021 (provided by Staff).



Figure 4. Site Photograph of 8919 Leavenworth Road taken on July 14, 2021 (provided by Staff).



Figure 5. Site Photograph of 8919 Leavenworth Road taken on July 14, 2021 (provided by Staff).



Figure 6. Site Photograph of 8919 Leavenworth Road taken on July 14, 2021 (provided by Staff).