



# Urban Planning and Land Use

701 North 7<sup>th</sup> Street, Room 423  
Kansas City, Kansas 66101  
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**To:** City Planning Commission  
**From:** City Staff  
**Date:** April 9, 2018  
**Re:** **Petition #SP-2018-12**

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## GENERAL INFORMATION

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**Applicant:**  
John L. Peterson

**Status of Applicant:**  
Representative/Attorney  
748 Ann Avenue  
Kansas City, KS 66101

**Requested Action:**  
Approval of a Special Use Permit  
for automotive service

**Date of Application:**  
December 28, 2017

**Purpose:**  
To continue to operate an  
automotive service business in  
the existing building at 1110  
Merriam Lane

**Property Location:**  
1110 Merriam Lane

**Existing Zoning:** C-3 Commercial District



Aerial Map from Google Earth. Image Date: 6/10/2017

**Existing Surrounding Zoning:** **North:** R-1(B) Single Family District  
**South:** C-3 Commercial District  
**East:** C-3 Commercial District  
**West:** C-3 Commercial District

**Existing Uses:** **North:** Single Family Residences, vacant lot  
**South:** Commercial Businesses  
**East:** Commercial Building and Single Family Residences  
**West:** Commercial Businesses

**Total Tract Size:** 0.64 acre

**Master Plan Designation:** The City-Wide Master Plan and Southwest Boulevard Merriam Lane Corridor Master Plan designate this property as Business Park.

**Major Street Plan:** The City-Wide Master Plan designates Merriam Lane as a Class C Thoroughfare and 11<sup>th</sup> street as a local street.

**Advertisement:** The Wyandotte Echo – January 17, 2018  
Letters to Property Owner – January 17, 2018, January 25, 2018  
and March 29, 2018

**Public Hearings:** March 12, 2018 and April 9, 2018

**Public Opposition:** The Rosedale Development Association has expressed opposition to this application.

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## **PROPOSAL**

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*Detailed Outline of Requested Action:* This special use permit is to allow an automotive service business at 1110 Merriam Lane. The business, Modified by KC, has been operating out of the space without a special use permit or a business license. Google street view images shows a number of vehicles parked bumper to bumper in the parking lot and cars that appear to be associated with the business lining the public street.

*City Ordinance Requirements: 27-592 through 27-606*

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## **FACTORS TO BE CONSIDERED**

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### ***1. The Character of the Neighborhood.***

The property is in the Rosedale Neighborhood. It is a mixed-use, urban neighborhood with commercial, residential, and entertainment uses. Southwest Boulevard and Merriam Lane have recently received a significant public investment and have been rebuilt with new bike lanes and sidewalks. The building on this property was constructed in 2016.

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

The proposed use will likely create compatibility issues with adjacent residential uses. This is a performance automotive tuning business that involves revving engines, which creates noise issues for the surrounding neighborhood.

**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 Rosedale Development Association and other neighborhood residents and community members have expressed concern about the growing concentration of automotive uses on Merriam Lane and Southwest Boulevard. Opposition was expressed to the City Planning Commission against an automotive service business at 1066 Merriam Lane and 1010 Merriam Lane. Removal of the restrictions on automotive dealerships could detrimentally affect nearby property by creating a use that does not maximize the potential of the site and creates an undesirable aesthetic for the area. There is also potential for noise and parking issues to negatively affect the residential property adjacent to the site.

This property has great visibility on Merriam Lane and is well suited for commercial use. If the special use permit were denied, it would not prevent the building owner from renting the building for commercial uses that are allowed in the C-3 Commercial District.

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

This property was newly constructed in 2016.

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

The Southwest Boulevard Merriam Lane Corridor Master Plan and City-Wide Master Plan designates this property as Business Park District. This district allows light industrial uses and business/research parks as well as office, retail, restaurants, and other commercial and service uses. The proposed use would contradict the stated goal in the Southwest and Merriam Lane Corridor Master Plan to "provide more mixed-use development to reduce the need for automobile use and increase pedestrian and bicycle activity." (page 67)

**6. *Whether the proposed use will result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.***

The proposed use will not result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it, however, this use has created parking issues with cars parked bumper to bumper in the parking lot and on the public street.

**7. Whether 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 adjoining property.**

The proposed use is not reasonably necessary for the convenience and welfare of the public. There is already an abundance of automotive service businesses in the immediate vicinity. The proposed use could negatively affect the visual quality and marketability of the adjoining property.

**8. Whether the noise, vibration, dust, or illumination that would normally be associated with such use is of such duration and intensity as to create problems for near-by property.**

As stated above, this is a performance automotive tuning business that involves revving engines, which will likely create issues with noise. The current location is adjacent to single family residences.

The C-3 Commercial District performance standards state that no operation shall produce noise that exceeds 60dB(A) (approximately the level of a normal human conversation) at repeated intervals for a sustained length of time measured at any point on the property line.

**9. Whether the proposed use will pollute the air, land or water.**

Automotive uses could result in pollution if the business is not properly operated.

**10. Whether the use would damage or destroy an irreplaceable natural resource.**

The proposed use is not likely to damage or destroy an irreplaceable natural resource.

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

There is no gain to the public health, safety, or welfare that would result from the approval of this application. The individual landowner would still be able to use the property for commercial purposes allowed in the C-3 Commercial District.

**12. Whether the proposed use would result in overcrowding of land or cause undue concentrations of population.**

The proposed use would not result in overcrowding of the land or cause undue concentrations of population.

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## PREVIOUS ACTIONS

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This application was held over from the March 12, 2018 City Planning Commission meeting at the request of the applicant to address the comments in the staff report. The staff has not received any additional information since that meeting.

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## NEIGHBORHOOD MEETING

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The applicant held a neighborhood meeting January 30, 2018. Neighborhood residents and business owners expressed some concern with noise and overflow parking associated with the business. The minutes are attached to this staff report.

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## KEY ISSUES

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Noise  
Parking  
Neighborhood Preservation  
Master Plan goal of providing more mixed-use development to reduce the need for automobile use and increase pedestrian and bicycle activity.

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## STAFF COMMENTS AND SUGGESTIONS

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### Urban Planning and Land Use Comments:

1. How long has this business been in operation at this location without business permits or a special use permit?

**Applicant Response:** To applicant's knowledge, this business always has been officially licensed by the Unified Government and this license was again renewed in late 2017. The owners were not aware that they needed a special use permit until late in calendar year 2017.

**Staff Response:** Did the Planning Department sign off on this business license at this address? Please provide a more definitive answer.

2. Please explain why cars are parked bumper to bumper in the parking lot and along the public streets. Are these customer cars? Are they being used for parts? Are all the cars parking on and off site operable?

**Applicant Response:** As a stipulation herein, there will be no more cars parked in the parking lot bumper to bumper, but only in marked spots. These cars were not being used for parts and all cars in the lot are operable. Some cars inside the building are not operational; however, it must be emphasized that this business is not an automobile repair or body shop. It is a precision automobile enhancement business. In addition, assuming that Ron Buck, the owner of the building, obtains UG permission, he intends to build an additional parking lot directly behind the present parking lot on land he has purchased and begun

clearing. He will allow applicants to use this parking lot as needed in addition to the present parking lot.

3. How do you plan to mitigate the noise associated with performance auto tuning, especially considering that there are single family residences in the area? The C-3 Commercial District performance standards state that no operation shall produce noise that exceeds 60dB(A) (approximately the level of a normal human conversation) at repeated intervals for a sustained length of time measured at any point on the property line.

**Applicant Response:** The mitigation of the noise level will be addressed by keeping the garage door shut on premises and when a car is being test driven, it will be driven at moderate speeds until it gets away from the neighborhood up on the highway.

**Staff Response:** Applicant should testify if they uniformly obey the speed limits when testing “performance vehicles.”

4. All outside trash receptacles must be completely screened from view with architectural screening.

**Applicant Response:** No problem as to the trash receptacles and screening that will be so stipulated

5. All overhead doors shall be closed when automobiles are being serviced.

**Applicant Response:** That will be stipulated

#### **Business License Comments:**

1. Will this be for auto service only, or is there intent to also want to be an auto dealer? If approved applicant will need to file the occupation tax application with our office for the occupying business activity. If also wanting to be an auto dealer, license be also be required with the Kansas Department of Revenue

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### **STAFF RECOMMENDATION**

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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 **DENIAL** of Petition **#SP-2018-12** subject to all comments and suggestions outlined in this staff report.

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## ATTACHMENTS

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Site Plan  
Landscape Plan  
Site Photos  
Images of business on Google  
Google Street View Imagery  
Conservation District Report  
Responses to Comments  
Neighborhood Meeting Minutes

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## REVIEW OF INFORMATION AND SCHEDULE

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<u>Action</u>	<u>Planning Commission</u>	<u>Unified Government Commission</u>
Public Hearing	March 12, 2018	April 26, 2018
Special Use	Held Over April 9, 2018	

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**STAFF CONTACT:**            **Zach Flanders**  
   [zflanders@wycokck.org](mailto:zflanders@wycokck.org)

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## MOTIONS

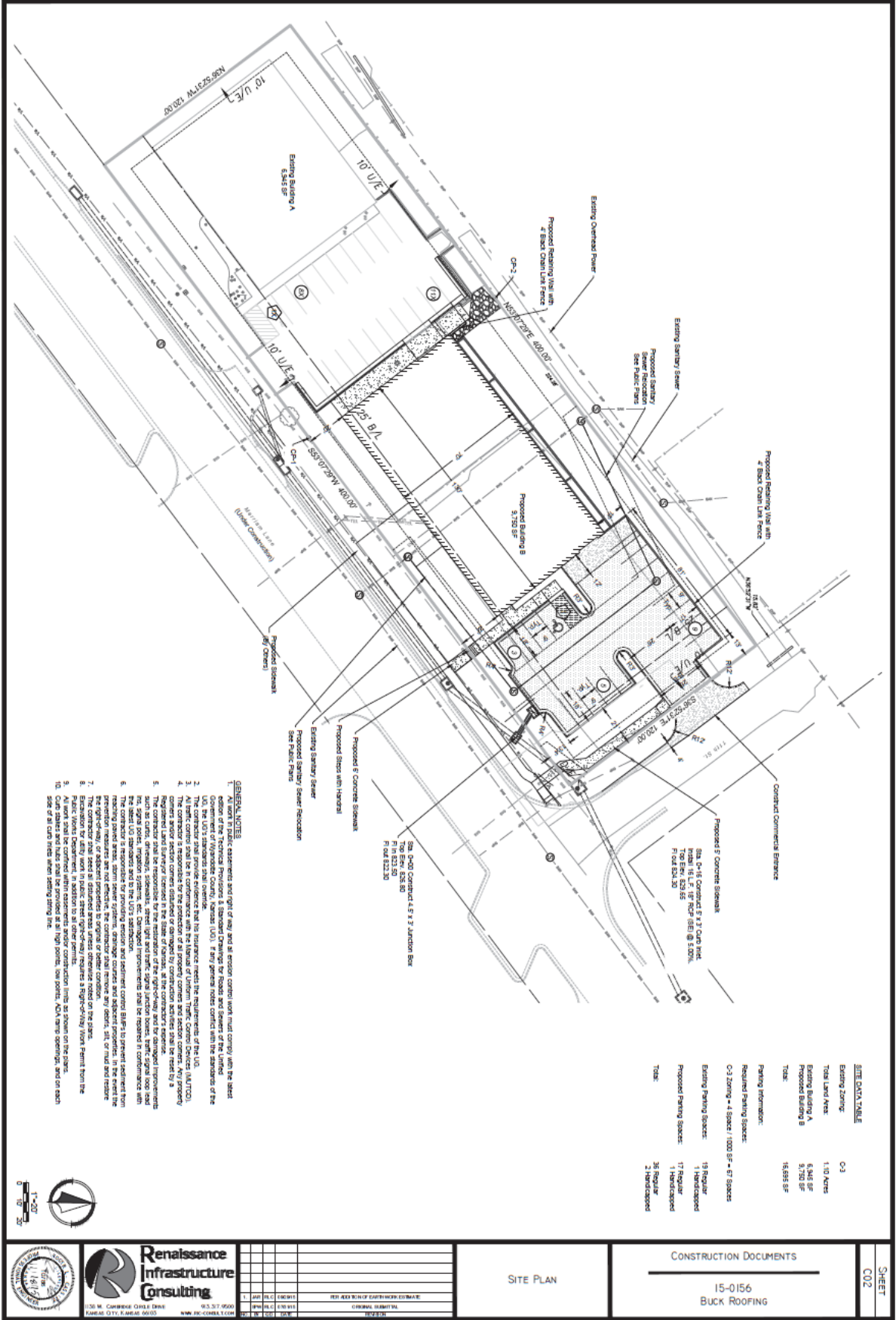
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I move the Kansas City, Kansas City Planning Commission **RECOMMEND DENIAL** of Petition **#SP-2018-12**, to the Unified Government Board of Commissioners as it is not in compliance with the City Ordinances and as it will not promote the public health, 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-2018-12** 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. \_\_\_\_\_.



- GENERAL NOTES**
1. All construction shall be in accordance with the latest edition of the Technical Provisions & Standard Drawings for Roads and Streets of the United Government of Maryland (County, Agency) (U.G.). If any provisions conflict with the standards of the U.G., the U.G. provisions shall prevail.
  2. The contractor shall provide evidence that his insurance meets the requirements of the U.G.
  3. All traffic control shall be in accordance with the Manual of Uniform Traffic Control Devices (MUTCD), current edition and any amendments thereto, as adopted by the State of Maryland.
  4. Any proposed and/or existing utility lines shown on this plan shall be verified by the contractor prior to construction. The contractor shall be responsible for any utility relocation or other utility work required for construction. The contractor shall be responsible for any utility relocation or other utility work required for construction. The contractor shall be responsible for any utility relocation or other utility work required for construction.
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  8. All work shall be completed within the specified time frame. The contractor shall be responsible for any utility relocation or other utility work required for construction.
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**SITE DATA TABLE**

Existing Zoning:	C-3
Total Land Area:	1.10 Acres
Existing Building A:	5,845 SF
Proposed Building B:	3,750 SF
<b>Total:</b>	<b>16,695 SF</b>

**Parking Information:**

Required Parking Spaces:	19 Regular
Existing Parking Spaces:	17 Regular
Proposed Parking Spaces:	1 Handicapped
<b>Total:</b>	<b>36 Regular</b>
	<b>2 Handicapped</b>



**Renaissance Infrastructure Consulting**  
 1020 N. CONROCK DRIVE  
 KAMAR CITY, KANSAS 66060  
 TEL: 913.333.0900  
 WWW.RIC-CONSULT.COM

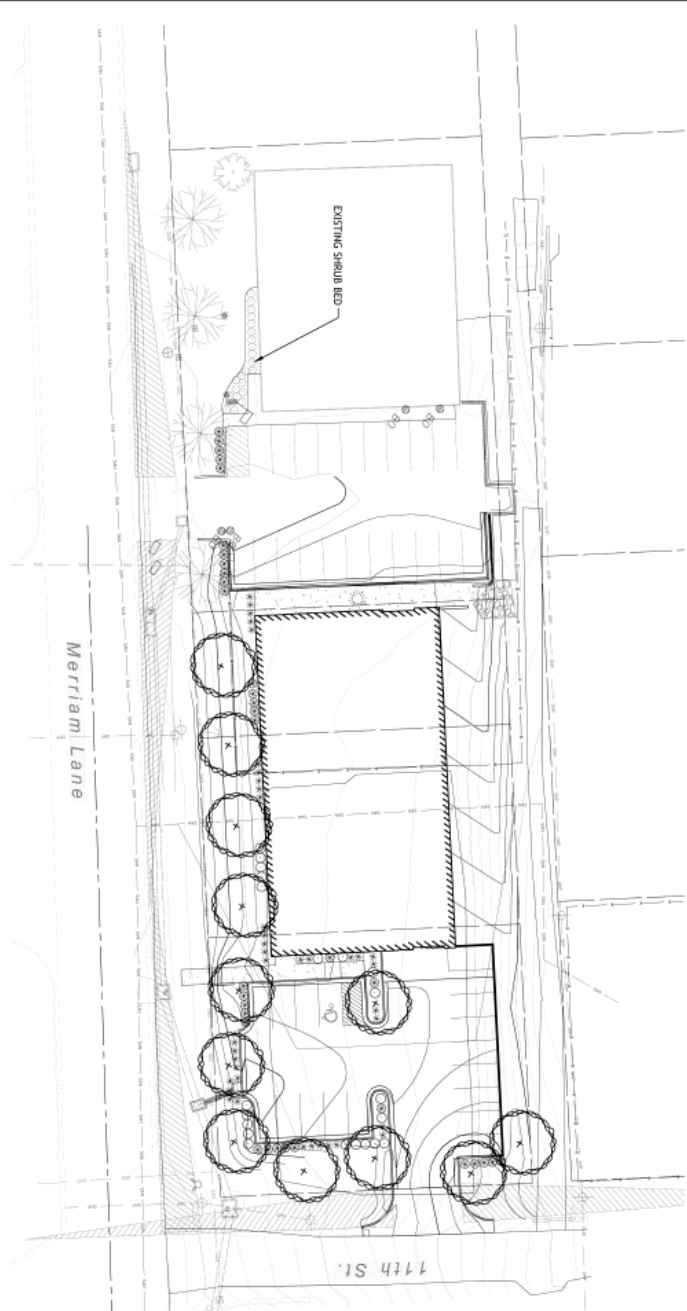
1	APP	PLC	06/01/18	FOR REVIEW OF EXISTING WORK
2	APP	PLC	06/01/18	FOR REVIEW OF EXISTING WORK
3	APP	PLC	06/01/18	FOR REVIEW OF EXISTING WORK
4	APP	PLC	06/01/18	FOR REVIEW OF EXISTING WORK
5	APP	PLC	06/01/18	FOR REVIEW OF EXISTING WORK

**SITE PLAN**

**CONSTRUCTION DOCUMENTS**  
 15-0156  
 BUCK ROOFING

SHEET  
 C02





**SITE DATA:**

EAST PROPERTY LINE	400'
REQUIRED: STREET TREES 1/20'	13
PROVIDED: EXISTING SHADE TREES	4
STREET TREES	56
SHRUBS	25
NORTH PROPERTY LINE	119'
REQUIRED: STREET TREES 1/20'	4
PROVIDED: STREET TREES	4
SHRUBS	25



\* Due to existing site constraints and proposed sight triangles, the proposed sight triangles can be met. A variance may need to be requested.

**LANDSCAPE NOTES:**

CONTRACTOR REQUIRED TO LOCATE ALL UTILITIES BEFORE INSTALLATION TO BEGIN.

Contractor shall verify all landscape material quantities and shall report any discrepancies to the Landscape Architect prior to installation.

No plant material substitutions are allow with Landscape Architect or Owners approval.

Contractor shall guarantee all landscape work and plant material for a period of one year from date of acceptance of the work by the Owner. Any plant material that dies during the first year after planting shall be replaced by the contractor during normal planting seasons.

Contractor shall be responsible for maintenance of the plants until completion of the job and acceptance by the Owner.

Landscape contractor shall provide a automatic irrigation for all turf and planting areas within the property. Irrigation system shall have it's own separate meter and valve.

All plant material shall be specimen quality stock as determined in the "American Standards For Nursery Stock" published by The American Association of Nurseryman, and perils of typical growth of the species and having a healthy, normal root system.

Sizes indicated on the plant list are the minimum, acceptable size. In no case will stems less than specified be accepted.

All shrub beds within lawn areas to receive a manufactured edge.

All shrub beds shall be mulched with 2" of Shredded cedar mulch.

All soil areas to be fertilized & sodded with a Turf-Type Tall Fescue seed blend.

All seed areas shall be hydro-seeded with a Turf-Type Tall Fescue seed blend.

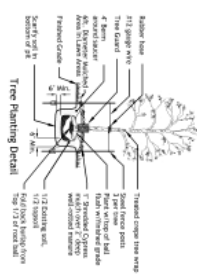
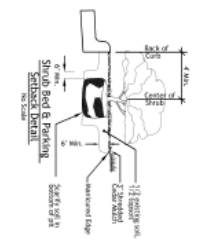
**Shrub List**

Symbol	Quantity	Common Name	Botanical Name	Size	Condition	Spacing
	41	Morning Light Maiden Grass	Miscanthus Sinensis Morning Light	3 gal.	Cont.	40x40
	33	Dwarf Winged Euonymus	Euonymus Alatus Compactus	3 gal.	Cont.	40x40
	21	Seagreen Juniper	Juniperus Chinensis 'Seagreen'	3 gal.	Cont.	40x40

**Tree List**

Symbol	Quantity	Common Name	Botanical Name	Size	Condition	Spacing
	12	October Glory Maple	Acer Rubrum October Glory	7' cal	BB	As Shown

— EXISTING TREES



**Typical Utility Box Screening Details**



**Renaissance Infrastructure Consulting**  
118 W. Cambridge Circle Drive  
Kansas City, Kansas 66102  
913.377.9500  
www.RICCONSULT.COM











Photos of Business on Google



**Google Street view images showing over capacity parking in parking lot and parking along street.**



**Wyandotte County Conservation District**  
1204 N. 79<sup>th</sup> Street - Kansas City, KS 66112 - Phone (913)-334-6329 -  
wyco.conservation@gmail.com

Rob Richardson  
Director of Planning  
701 North 7<sup>th</sup> Street Rm. 423  
Kansas City, KS 66101  
913-573-5750

January 17, 2018

RE: SP-2018-12 John L. Peterson Auto Service Shop 1110 Merriam Lane

Dear Mr. Richardson:

The Wyandotte County Conservation District, with technical assistance from the Natural Resources Conservation Service, has completed an environmental review of the special use for SP-2018-12 John L. Peterson Auto Service Shop 1110 Merriam Lane.

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)  
Soil Features

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

- There is one major soil types identified: Knox silt loam, 7 to 12 percent slopes. This soil type is considered highly erodible when the surface is denuded of a protective cover.
- This site has been paved and curbs installed. The area landscaped and looks very nice.
- Any chemical spills that might occur, need to be cleaned up immediately so it doesn't washed into the storm sewer system. The site is very close to a major stream. It is easy to contaminate the stream with spills or misuse of chemicals.
- Shrink Swell potential has been identified as a limiting factor for the development of dwellings. Shrinking and swelling can cause damage to



buildings, roads and other structures and to plant roots. Special design commonly is needed.

Technical assistance is available from our office. Limitation maps, detail soils 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 has 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 delineations on the maps include 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

**APPLICANT'S RESPONSES TO STAFF COMMENTS AND SUGGESTIONS**  
**Within the February 12, 2018 Memo from UG Urban Planning and Land Use**  
**Re: Petition #SP-2018-12**

**Applicant's responses to Urban Planning and Land Use Comments:**

1. To applicant's knowledge, this business always has been officially licensed by the Unified Government and this license was again renewed in late 2017. The owners were not aware that they needed a special use permit until late in calendar year 2017.
2. As a stipulation herein, there will be no more cars parked in the parking lot bumper to bumper, but only in the marked slots. These cars were not being used for parts and all cars in the lot are operable. Some cars inside the building are not operational; however, it must be emphasized that this business is not an automobile repair or body shop. It is a precision automobile enhancement business. In addition, assuming that Ron Buck, the owner of the building, obtains UG permission, he intends to build an additional parking lot directly behind the present parking lot on land he has purchased and begun clearing. He will allow applicants to use this parking lot as needed in addition to the present parking lot.
3. The mitigation of the noise level will be addressed by keeping the garage door shut on premises and when a car is being test driven, it will be driven at moderate speeds until it gets away from the neighborhood up on the highway.
4. No problem as to the trash receptacles and screening that will be so stipulated.
5. That will be stipulated.
6. That will be stipulated.

**Applicant's responses to Public Works Comments:**

A-1) The details of auto services to be provided are precision enhancement of operational vehicles. It is not intended that any vehicle will remain on the premises for any extended length of time and no changes are necessary to the building for the intended use.

A-2) Once in a while, there will be oil and fluid changes made; however, applicant always has contracted with a separate company, Saf-T Kleen, to safely remove any used oil and lubricant products. There will be no lubricant products emitted into any drainage on the premises.


A-3) There will be no wrecked vehicles worked on or stored on the site.

A-4) By the time this Response has been prepared, hopefully applicant will have had an opportunity to meet with engineering, public works and staff to explain its response to this particular comment.

**Applicant's responses to Business License Comments:**

1. Again, this is an auto enhancement service only and there is absolutely no intention to be an auto dealer.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "John L. Peterson".

John L. Peterson, P.A.  
Applicant

**JOHN L. PETERSON, P.A.**  
Attorney at Law  
748 Ann Avenue Kansas City, KS 66101  
(913) 371-1930, Ext. 118 Fax (913) 371-0147  
pete@jlpetersonlaw.com

February 7, 2018

Zachary Flanders  
c/o Urban Planning & Land Use  
Unified Government of WyCo/KCK  
Municipal Office Bldg.  
701 N. Seventh St, Ste. 423  
Kansas City, KS 66101

Via email only: zflanders@wycokck.org

Re: Application #SP-2018-12

Dear Zach:

A Neighborhood Meeting was held in this matter on January 30, 2018, at my office at 748 Ann, Kansas City, KS. It was called to order at 4:10 pm. A list of the attendees is attached.

Ryan Charlton is one of the owners of the applicant business and tenant of Buck Roofing. Naturally, I was present and there were three other individuals in attendance:

- Bonnie Meadows, 2525 S. 12<sup>th</sup> St., KCK, seemed more interested in the house adjacent to 1110 Merriam Lane, and who purchased it, than any concern for my clients' business. She did mention that parking is sometimes a problem and the noise factor also is a concern. However, given the fact that her property is quite a distance from the business, I think she may be confusing some of her "noise complaint" with normal traffic on Merriam Lane.
- Braden Castaner is the owner of another roofing company at 1119 Merriam Lane. His only concern is to ensure that our employees do NOT park in front of his business on Merriam Lane - which they do not do - and we would so stipulate.

- That leaves only Erin Stryka, executive director of the Rosedale Development Association. I had visited with her at her office the week prior to our Neighborhood Meeting. She explained to me that her association automatically objects to any automobile business on Merriam Lane regardless of the individual nuances, advantages and disadvantages of the business. Their objection, as she explained is akin to an "across the board" objection, regardless of the facts of each individual case.

The meeting was adjourned at 4:40 pm; I kept notes of the meeting. Very shortly, we will be addressing the concerns raised in the preliminary staff report and I will be calling you for a meeting to discuss same.

As always, I thank you and your office for your courtesies and cooperation.

With kindest personal regards, I remain

Sincerely,



John L. Peterson

JLP/cp

Enclosures

cc: Rob Richardson via email only: rrichardson@wycokck.org  
Janet Parker via email only: jparker@wycokck.org  
Ryan Charlton and Chad Charlton via email only: ryan@mkcperformance.com