



Planning and Urban Design

701 North 7th Street, Room 423
Kansas City, Kansas 66101
Email: planninginfo@wycokck.org

Phone: (913) 573-5750
Fax: (913) 573-5796
www.wycokck.org/planning

To: City Planning Commission
From: Planning and Urban Design Staff
Date: September 13, 2021
Re: **SP2021-034**

GENERAL INFORMATION

Applicant:
Attif Abbas

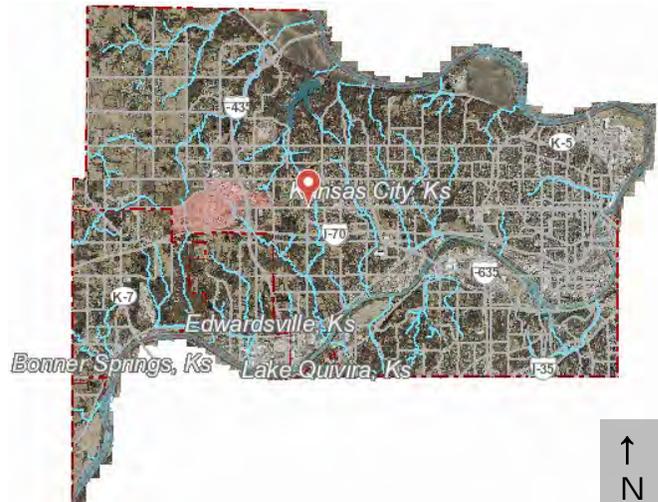
Status of Applicant:
Representative
Zayn Commercial, LLC
8537 State Avenue
Kansas City, Kansas 66112

Requested Action:
Approval of a Special Use Permit.

Date of Application:
March 18, 2021

Purpose:
Special Use Permit for a liquor store.

Property Location:
8537 State Avenue
Kansas City, Kansas 66112



Commission District:	Commissioner At Large: Tom Burroughs District #7 Commissioner: Jim Walters
Existing Zoning:	C-1 Limited Business District
Adjacent Zoning:	North: CP-1 Planned Limited Business District South: C-1 Limited Business District East: R-1 Single Family District West: C-1 Limited Business District
Adjacent Uses:	North: Vacant commercial lot South: Vacant commercial lot East: Vacant residential lot West: Commercial building
Total Tract Size:	0.77 Acre
Master Area Plan:	The subject property is not within an Area Master Plan.
Master Plan Designation:	The City-Wide Master Plan designates this property as Mixed-Use. Mixed Use allows for specialty retail, restaurants, convenience retail such as banks, drug stores, etc., professional and office services, institutions, parks, and mixed-density residential uses.
Major Street Plan:	The Major Street Plan classifies State Avenue as a Class A Thoroughfare.
Required Parking:	Section 27-464(e) requires paved off-street parking spaces at a ratio of not less than four (4) spaces per 1,000 square feet of floor area in the building. The applicant must provide a parking plan to determine if the parking requirement is met.
Advertisement:	<u>The Wyandotte Echo</u> – April 15, 2021, May 20, 2021, and August 19, 2021 Letters to Property Owners – April 16, 2021, May 21, 2021, and August 20, 2021
Public Hearing:	September 13, 2021
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Attif Abbas with Zayn Commercial, LLC, is requesting a Special Use Permit for the sale of liquor at a convenience store and gas station.

City Ordinance Requirements: Article VIII Sections 27-592 through 27-606

Code Enforcement History: There are no outstanding Notices of Violation attached to this property. The subject property has been previously cited by Code Enforcement:

- May 7, 2020 - Environment/Weed
- September 18, 2019 - Weeds, 14-Day Abatement
- August 23, 2019 - Weeds, 14-Day Abatement

FACTORS TO BE CONSIDERED

1. *The Character of the Neighborhood.*

The subject property is within the Victory Hills Statistical Neighborhood and within the Stony Point/Hunters Glen Neighborhood Group. The property is located along State Avenue, a Class A Thoroughfare. The neighborhood is just east of the Legends/Speedway Area; the properties along State Avenue are predominately—if not exclusively—designated Mixed-Use by the City-wide Master Plan and commercially zoned.

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

Nearby uses to the north, south, and west are all commercial. The use to the east is residential, but the property is vacant. There are residential properties further south and southeast of the subject property, but these residential properties are separated from the subject property by at least one (1) parcel.

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

A convenience store is a common commercial type to sell alcoholic beverages. Although the subject property is not adjacent to any residences, it is in close proximity to several residential properties.

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

The property is currently a gas station and convenience store.

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

Special Use Permits are not addressed in the City-Wide Master Plan. According to the City-Wide Master Plan, the Mixed-Use land use designation should be

located at major arterial intersections and integrate complimentary uses of retail, offices, small businesses, and mixed-use residential. Specialty retail is encouraged, and auto-centric businesses are discouraged. While the totality of current and proposed uses do not fully conform to “specialty retail” nor “auto-centric business”, there are aspects of each found within the property’s uses. These uses affect the level of conformity to the City-Wide Master Plan. While there is a type of liquor store that could be considered “specialty”, such stores are typically exclusively dedicated to the sale of alcoholic beverages and complimentary non-alcoholic drinks, foods, and spices. A liquor store located within the boundaries of a gas station almost certainly does not meet this definition. Therefore, Staff cannot conclude that the proposed use is a use encouraged by the Mixed-Use land use designation. Furthermore, a gas station is by definition an auto-centric business, as the common gas station arrangement involves automobiles driving up and pumping gas. The convenience store portion of the property is not necessarily auto-centric, but the site design of the store building and the gas pumps visually indicate that the expected customer base will arrive in private vehicles, not on foot, bike, or public transportation. The proposed use is not explicitly encouraged by its respective land use designation in the City-Wide Master Plan, and it will join several uses that already do not conform to the vision and principles established by the Mixed-Use designation. In summary, the proposed use shows little conformance to the Master Plan.

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 applicant is presumably requesting a Special Use Permit for liquor sales because they have determined that it will be profitable. While profitability could come from an increase in the amount purchased per customer, it is more likely that such profitability will come from an increase in the number customers. Given the distinct possibility (and desire) for an increase in total customers and the fact that the site is designed to be accessed primarily by vehicle, an increase in on-site traffic and parking needs will also increase. It is unclear if the applicant requires more parking, because a site plan of the current parking lot has not been provided.

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.*

A liquor store is not reasonably necessary for the convenience and welfare of the public. In the past, other liquor stores have faced opposition from residential neighbors who have claimed that adding a liquor store use will substantially or permanently injure the appropriate use, visual quality, or marketability of their adjoining properties.

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.*

While there is already some noise and vibration from vehicles that is normally associated with a gas station, adding a liquor store use will not increase these conditions. Noise from customers and additional illumination from parked cars, however, could increase. Therefore, measures such as landscape and other screening of parking spaces is required in order to mitigate the noise and lights that may reach other properties, especially residential properties.

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

There are several pollution-related issues with a gas station, but no additional pollution-related issues for a liquor sales use being added to a pre-existing gas station and convenience store.

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

There are no irreplaceable natural resources that would be damaged by the proposed uses in a pre-existing building in a built-out commercial area with no proposed expansion of the building's footprint. There is a stand of trees and a creek in the rear yard of the property. If the applicant is proposing to expand the footprint of the building, then staff will have to review the increased impermeable surface area and make a revised assessment.

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

A liquor store is not reasonably necessary for the convenience and welfare of the public because there is little relative gain to the public health, safety, and welfare went compared to the hardships that may be imposed on the nearby individual landowner or landowners. The applicant must reach out to and work with nearby residents in order to create goodwill between the parties and form a working relationship that can allow for a liquor store to operate while still preserving the quiet enjoyment of the residential property owners.

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

As noted, before, a reasonable outcome of the addition of liquor sales is an increase in customer traffic. It is unclear if the applicant requires more parking in order to avoid overcrowding of the land or undue concentrations of population, because a site plan of the current parking lot has not been provided.

PREVIOUS ACTIONS

N/A

NEIGHBORHOOD MEETING

The applicant allowed the neighbors to contact them through April 26, 2021, via email or phone. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant (see the Attachments section of this report).

KEY ISSUES

Commercial Development Guidelines Overlay District
Landscaping and Screening
Lights
Mixed-Use Design Guidelines
Noise
Parking
Pedestrian Access

STAFF COMMENTS AND SUGGESTIONS

Planning and Urban Design Comments:

General:

- 1) Provide a floor plan of the convenience store. Is the convenience store building being expanded or is there a new building to be constructed?

Staff Response: A floor plan has been submitted to Staff and can be found in the Attachments section of this report. The floor plan appears to indicate that the liquor store will be a separate building.

- 2) Provide photographs of the property.

Staff Response: Site photos have been submitted to Staff and can be found in the "Attachments" section of this report.

- 3) Per Section 27-464(c)(5), a maximum of three (3) vehicle fuel pumps may be provided where convenience food products are sold in a building having at least 1,000 square feet devoted to such convenience sales. Provide a floor plan that demonstrates at least 1,000 square feet of space in the convenience store dedicated to non-alcoholic products.

Applicant Response: The convenience store is separate from the proposed liquor store.

- 4) Outside signage suggests that liquor and alcohol is already being sold on the property. Is the applicant currently selling or has the applicant previously sold

liquor on the property? Does the applicant have a license to sell alcohol through the Kansas Department of Revenue Alcoholic Beverage Control?

Applicant Response: The convenience store has a current CMB license that why we have signs outside.

- 5) Per Section 27-593(b)(18), liquor stores with a minimum separation distance of 1,300 feet between any new liquor store location and any existing or proposed liquor store location, church, school, or public park. These distances are to be measured from the nearest property lines of each location.

Applicant Response: I am not sure if there is a church, school or a public park within 1300ft of the property but there was a liquor store previously at this location so I was told that I would be grand fathered in.

- 6) The applicant must provide a landscape plan that demonstrates satisfaction of the following requirements:
- a. Per Section 27-464(g), a reasonable amount of landscaping is required on all projects in this district, with emphasis being placed on screening or otherwise softening the visual impact of parking or unsightly areas. Such features shall be depicted on a properly prepared plan. Trees are required at not less than one per 7,000 square feet of site area. Six (6)-foot high architectural or landscape screening is to be provided along all side and rear property lines common to or across an alley from residentially zoned property.
 - b. Per Section 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 30 inches at maturity.
 - c. Per Section 27-577(b)(3), stand-alone trees are encouraged to be planted in landscape zones along major streets and medians. These trees should be planted as follows:
 - i. One (1) tree with a minimum caliper of two (2) inches (ornamental evergreen trees must be at least six (6) feet tall when planted) provided for every 30 feet of street easement or frontage.
 - ii. Street trees should be planted no closer than 55 feet and no more than 65 feet apart. Groupings of ornamental trees and shrubs should be placed in between the street trees.
 - d. Per Section 27-577(c):
 - i. Unity of design should be achieved by repetition of certain plant varieties and other materials and by coordination with other landscaping where appropriate.
 - ii. Plant selection should be appropriate to planting zone, hydrozone, specific site conditions, and ability to provide year-round ornamental value.
 - iii. The choices, placement, and scale of plants should relate to the architectural and site design of the project. Plantings should be used to screen, accent focal points and entries, to contrast with or reinforce building design, to break up expanses of paving or wall, to

define on-site circulation, to provide seasonal interest, and to provide shade.

- iv. Landscape and streetscape design should be used to enhance the frontage of primary roadways.
- e. Per Section 27-577(c)(4), landscape areas located between commercial districts and residential districts must provide 100 percent sight-obscuring year-round buffer using plant material or a combination of fence, berm and plant material. The subject property is adjacent with a parcel zoned R-1 to the east; the east boundary of the subject property must be properly landscaped.
- f. Per Section 27-577(d):
 - i. At least 75 percent (%) of the length of 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.
 - ii. Planting must be massed and scaled as appropriate for the entryway size and space.
 - iii. Landscaping should breakdown in scale and increase in detail, color, and variety to mark entryways into developments.

Applicant Response: Answer to your question should be answered on Monday with the floor and elevation plans.

Staff Response: The applicant has failed to provide a landscape plan.

- 7) The stand of trees and creek in the rear of the rear of the property must be preserved and protected from damage or destruction via future development or from effects of operation of the property.

Applicant Response: Answer to your question should be answered on Monday with the floor and elevation plans.

Staff Response: None of the applicant's submitted documents shows any sign of preserving the southern stand of trees. The applicant must submit a landscape plan.

- 8) According to Sec. 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.

Applicant Response: Answer to your question should be answered on Monday with the floor and elevation plans.

Staff Response: The subject property is not in compliance with the Sign Code. The applicant must submit a sign plan demonstrating compliance with Sections 27-720 through 27-739 of the Code of Ordinances.

City-Wide Master Plan Mixed-Use Design Guidelines:

The following requirements are found in the Mixed-Use Design Guidelines for property designated Mixed-Use by the City-Wide Master Plan. This list has been abridged from the full set of design guidelines in order to reasonably accommodate the fact that there is a pre-existing building and gas pumps and that an additional use is being requested, rather than an entirely new building being constructed.

- 1) Where buildings are set back from the right of way, the open areas should be enhanced and used as public spaces such as a plaza or courtyard.
- 2) On-site parking will be located behind the buildings. Any additional parking added to the site, whether required or not, should be positioned behind or to the side of the convenience store.
- 3) Landscape is required to screen all parking areas and service entries. Provide a site plan that demonstrates satisfactory landscaping of all parking and service areas.
- 4) Trees are required in the public right-of-way along streets, at a minimum of one (1) shade tree every forty (40) feet.
- 5) Commercial uses shall be permitted one (1) wall sign and one (1) monument sign.
- 6) Freestanding pole/pylon signs are not permitted.
- 7) Signs should be made of high quality and durable materials such as concrete, brick, stone, metal panels or heavy-weight plastic panels. Materials such as plywood or painted masonry are not permitted.
- 8) The size and look of the sign shall be governed by the Sign Chapter of the Unified Government Zoning Code. The applicant or Development Review Board may create more restrictive regulation. Less restrictive regulation may only be approved by the Unified Government Board of Commissioners through a separate Special Use Permit.

Commercial Development Guidelines Overlay District:

Per Section 27-574(a), the commercial design guidelines are applicable to all commercial and office development, including all districts beginning with a "C" designation such as C-0, C-1, C-2 and C-3. The subject property is zoned C-1 Limited Business District.

- 1) Circulation
 - a. Per Section 27-575(d)(9), there shall be pedestrian circulation from the perimeter of the site to the principal customer entrance to all buildings.

- b. Per Section 27-575(d)(10), sidewalks in front of buildings must be designed to accommodate pedestrian activity both for that use and for movement between uses.
- c. Per Section 27-575(d)(11), internal pedestrian walkways within parking lot or drive area must be distinguished from other surfaces.
- d. Per Section 27-575(d)(12), pedestrian connections must be clearly defined in a combination of two (2) or more of the following ways: six (6)-inch vertical curb, trellis, special railing, special paving, low seat wall or other architectural features, pedestrian scale lighting, traffic calming devices.

2) Parking

- a. The requirements of the parking lot will depend on the quantity and location of parking spaces as demonstrated on the parking plan, as well as the use-based parking requirements of Section 27-668. Provide a parking plan for the property, demonstrating all required parking spaces, dimensions, and other required features such as parking lot islands and vegetative buffers.
- b. Per Section 27-464(e), uses in a CP-1 District require four (4) parking spaces for every 1,000 square feet of building space. What is the footprint of the proposed building?
- c. Per Section 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. An additional parking required should be located on the sides, or preferably in the rear of the convenience store building.
- d. Per Section 27-575(e)(2), pedestrian walkways through the parking area to building entrances should be clearly marked.
- e. Per Section 27-575(e)(3), parking located between front of building and street right-of-way must provide an additional 20 feet of landscaped area in addition to the required setback.
- f. Per Section 27-575(e)(4), parking must be screened from adjacent streets by walls, shrubs, trees, or other design elements.
- g. Per Section 27-575(e)(5), parking lot curb cuts must be designed and minimized to reduce conflicts between pedestrians and automobiles.

3) Building Elements

- a. Per Section 27-575(f)(1), there should be a designated walkway or clear pathway to the main entrance of a building so that pedestrians are not required to walk through parking lots. Provide a revised site plan demonstrating a designated pedestrian walkway from the public sidewalk to the entrance of the store.
- b. Per Section 27-575(f)(2), buildings should be located in such a manner as to minimize conflicts between pedestrians and automobiles.
- c. Per Section 27-575(f)(3), buildings should be oriented primarily to the street.
- d. Per Section 27-575(f)(4), retail shops at street level should have direct access to and from the sidewalk.
- e. Per Section 27-575(f)(5), entrances should be easily identifiable as primary points of access to buildings.

- 4) Outdoor Storage Areas and Mechanical Equipment
 - a. Per Section 27-575(g)(1), masonry screen walls are required to provide 100 percent opaque screening to public views of loading and service areas from other properties or public streets.
 - b. Per Section 27-575(g)(2), service areas and docking facilities should be located to the side or rear of the building away from public streets and main circulation and drives when possible.
 - c. Per Section 27-575(g)(3), 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.

- 5) Landscaping
 - a. Per Section 27-464(g), a reasonable amount of landscaping is required on all projects in this district, with emphasis being placed on screening or otherwise softening the visual impact of parking or unsightly areas. Such features shall be depicted on a properly prepared plan. Trees are required at not less than one per 7,000 square feet of site area. Six (6)-foot high architectural or landscape screening is to be provided along all side and rear property lines common to or across an alley from residentially zoned property. The applicant must provide a landscape plan demonstrating the location and type of all trees and screening shrubbery.
 - b. Per section 27-577(a)(5), landscaping shall exceed the typical code requirements by at least 75 percent. The subject parcel is 0.77 acre, or approximately 33,541 square feet. $(33,541/7,000)*1.75 = 8.4$; therefore, the applicant must submit a landscape plan that demonstrates at least nine (9) trees on the property, not including any tree required by parking lot standards.

- 6) Alcoholic liquor, CMB, non-alcoholic malt beverage, and any other goods or services may be sold in a retail liquor store. Lottery tickets and cigarette and tobacco products with proper licensure may be sold in a retail liquor store. Sales of other goods and services must not exceed 20% of total gross sales. The 20% excludes lottery, CMB and cigarette and tobacco product sales.

- 7) There appears to a collection bin on the property. Per Section 27-612(7), collection facilities are permitted for clothing or recycling provided:
 - a. The facilities are located at within 20 feet of the rear property line, or as far from a public street as the site design will allow.
 - b. Does not create a significant lack of parking.
 - c. Dumpster style recycling facilities must be screened on three sides.
 - d. Overflow dumping around the facility is not allowed.
 - e. Facilities must remain neatly painted. Facilities that are damaged, rusty or significantly faded paint are not permitted.

Licensing and Publication:

- 1) Does the applicant have a Business License/Occupational Tax Receipt from the Unified Government?
- 2) The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved.
- 3) The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations.
- 4) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Urban Planning and Land Use Department (check made payable to the Unified Treasurer) immediately 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.

Planning Engineer 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) 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

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 **SP2021-034** subject to all comments and suggestions outlined in this staff report, and summarized by the following conditions:

- 1) **The applicant has not met all landscaping requirements. The applicant must submit a revised landscaping plan by September 22, 2021 that addresses the following:**
 - a. **Per Section 27-464(g), a reasonable amount of landscaping is required on all projects in this district, with emphasis being placed on screening or otherwise softening the visual impact of parking or unsightly areas. Such features shall be depicted on a properly prepared plan. Six (6)-foot high architectural or landscape screening is to be provided along all side and rear property lines common to or across an alley from residentially zoned property.**
 - b. **Per Section 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 30 inches at maturity.**
 - c. **Per Section 27-577(c):**
 - i. **The choices, placement, and scale of plants should relate to the architectural and site design of the project. Plantings should be used to screen, accent focal points and entries, to contrast with or reinforce building design, to break up expanses of paving or wall, to define on-site circulation, to provide seasonal interest, and to provide shade.**
 - ii. **Landscape and streetscape design should be used to enhance the frontage of primary roadways.**
 - d. **Per Section 27-577(c)(4), landscape areas located between commercial districts and residential districts must provide 100 percent sight-obscuring year-round buffer using plant material or a combination of fence, berm and plant material.**
 - e. **Per Section 27-577(d):**
 - i. **At least 75 percent (%) of the length of 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.**
 - ii. **Landscaping should breakdown in scale and increase in detail, color, and variety to mark entryways into developments.**
 - f. **Per the Mixed-Use Design Guidelines in the City-Wide Master Plan, all parking areas and service entries must be screened. Provide a site plan that demonstrates satisfactory landscaping of all parking and service areas.**
 - g. **Per the Mixed-Use Design Guidelines in the City-Wide Master Plan, trees are required in the public right-of-way along streets, at a minimum of one (1) shade tree every forty (40) feet. Two (2) additional trees need to be demonstrated in a revised landscape plan;**
 - h. **Per section 27-577(a)(5), landscaping shall exceed the typical code requirements by at least 75 percent. The subject parcel is 0.77 acre, or approximately 33,541 square feet. $(33,541/7,000)*1.75 = 8.4$; therefore, the applicant must submit a landscape plan that**

- demonstrates at least nine (9) trees on the property, not including any tree required by parking lot standards;
- 2) Per the Commercial Development Guidelines Overlay District, the following regulations must be either met or a deviation from such regulations must be approved by the City Planning Commission:
- a. Per Section 27-575(d)(9), there shall be pedestrian circulation from the perimeter of the site to the principal customer entrance to all buildings;
 - b. Per Section 27-575(d)(10), sidewalks in front of buildings must be designed to accommodate pedestrian activity both for that use and for movement between uses;
 - c. Per Section 27-575(d)(11), internal pedestrian walkways within parking lot or drive area must be distinguished from other surfaces;
 - d. Per Section 27-575(d)(12), pedestrian connections must be clearly defined in a combination of two (2) or more of the following ways: six (6)-inch vertical curb, trellis, special railing, special paving, low seat wall or other architectural features, pedestrian scale lighting, traffic calming devices;
 - e. Per Section 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. An additional parking required should be located on the sides, or preferably in the rear of the convenience store building;
 - f. Per Section 27-575(e)(2), pedestrian walkways through the parking area to building entrances should be clearly marked;
 - g. Per Section 27-575(e)(3), parking located between front of building and street right-of-way must provide an additional 20 feet of landscaped area in addition to the required setback;
 - h. Per Section 27-575(e)(4), parking must be screened from adjacent streets by walls, shrubs, trees, or other design elements;
 - i. Per Section 27-575(f)(1), there should be a designated walkway or clear pathway to the main entrance of a building so that pedestrians are not required to walk through parking lots;
 - j. Per Section 27-575(f)(5), entrances should be easily identifiable as primary points of access to buildings;
 - k. Per Section 27-575(g)(1), masonry screen walls are required to provide 100 percent opaque screening to public views of loading and service areas from other properties or public streets;
 - l. Per Section 27-575(g)(2), service areas and docking facilities should be located to the side or rear of the building away from public streets and main circulation and drives when possible;
 - m. Per Section 27-575(g)(3), 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;

- 3) **Alcoholic liquor, CMB, non-alcoholic malt beverage, and any other goods or services may be sold in a retail liquor store. Lottery tickets and cigarette and tobacco products with proper licensure may be sold in a retail liquor store. Sales of other goods and services must not exceed 20% of total gross sales. The 20% excludes lottery, CMB and cigarette and tobacco product sales;**
- 4) **There appears to a collection bin on the property. Per Section 27-612(7), collection facilities are permitted for clothing or recycling provided:
 - a. **The facilities are located at within 20 feet of the rear property line, or as far from a public street as the site design will allow.**
 - b. **Does not create a significant lack of parking.**
 - c. **Dumpster style recycling facilities must be screened on three sides.**
 - d. **Overflow dumping around the facility is not allowed.**
 - e. **Facilities must remain neatly painted. Facilities that are damaged, rusty or significantly faded paint are not permitted;****
- 5) **The subject property is adjacent to a residentially zoned property to the east. The entire eastern boundary of the subject property that is adjacent to the residentially zoned property must be completely screened by planted or existing trees;**
- 6) **In order to reduce the impact, the proposed development will have on the surrounding environment and nature of the land, all existing trees must remain, except for those trees that the applicant has explicitly marked on submitted documents to be removed;**
- 7) **Applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;**
- 8) **The following sign regulations from the Mixed-Use Design Guidelines in the City-Wide Master Plan must be met as the applicant applies for sign permits:
 - a. **Per the Mixed-Use Design Guidelines of the City-Wide Master Plan, commercial uses shall be permitted one (1) wall sign and one (1) monument sign;**
 - b. **Freestanding pole/pylon signs are not permitted;**
 - c. **Signs should be made of high quality and durable materials such as concrete, brick, stone, metal panels or heavy-weight plastic panels. Materials such as plywood or painted masonry are not permitted;**
 - d. **The size and look of the sign shall be governed by the Sign Chapter of the Unified Government Zoning Code. The applicant or Development Review Board may create more restrictive regulation. Less restrictive regulation may only be approved by the Unified Government Board of Commissioners through a separate Special Use Permit;****
- 9) **The subject property is not in compliance with the Sign Code. The applicant must submit a sign plan demonstrating compliance with Sections 27-720 through 27-739 of the Code of Ordinances;**
- 10) **The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any**

application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;

- 11) The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations; and,
- 12) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Urban Planning and Land Use Department (check made payable to the Unified Treasurer) immediately 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

Land Use Map
Aerial Map
Zoning Map
Photos of the Property Provided by Staff, Dated April 21, 2021
Photos of the Property Submitted by the Applicant
Site Plans Submitted by the Applicant
Landscape Plan Submitted by the Applicant
Mixed-Use Design Guidelines, City-Wide Master Plan
Commercial Development Guidelines Overlay District Ordinances
Neighborhood Meeting Materials, Dated April 26, 2021

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Unified Government Commission</u>
Public Hearing		
Special Use	September 13, 2021	September 30, 2021

STAFF CONTACT: **Michael Farley**
 mfarley@wycokck.org

MOTIONS

I move the Kansas City, Kansas City Planning Commission recommend **APPROVAL** of Petition **SP2021-034** 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

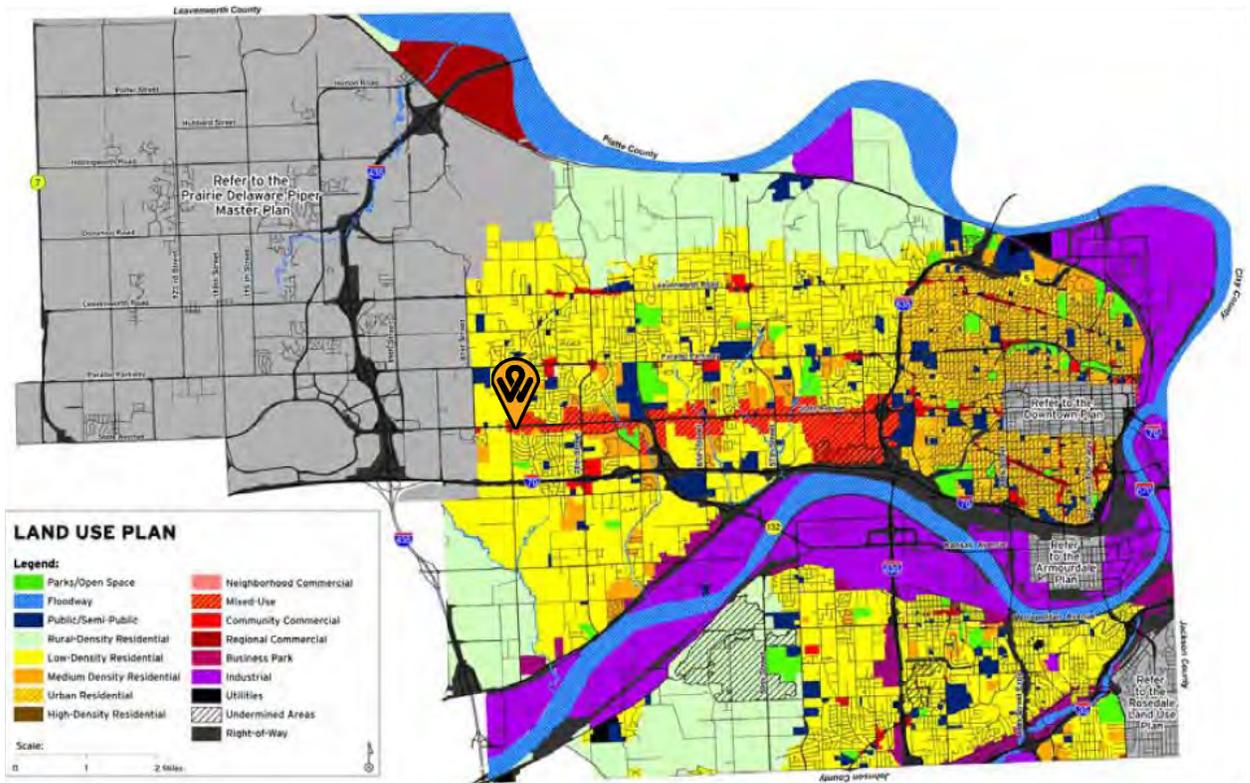
of City Staff all comments contained in the Staff Report, and the following additional requirements of the Kansas City, Kansas City Planning Commission:

1. _____;
2. _____; And
3. _____.

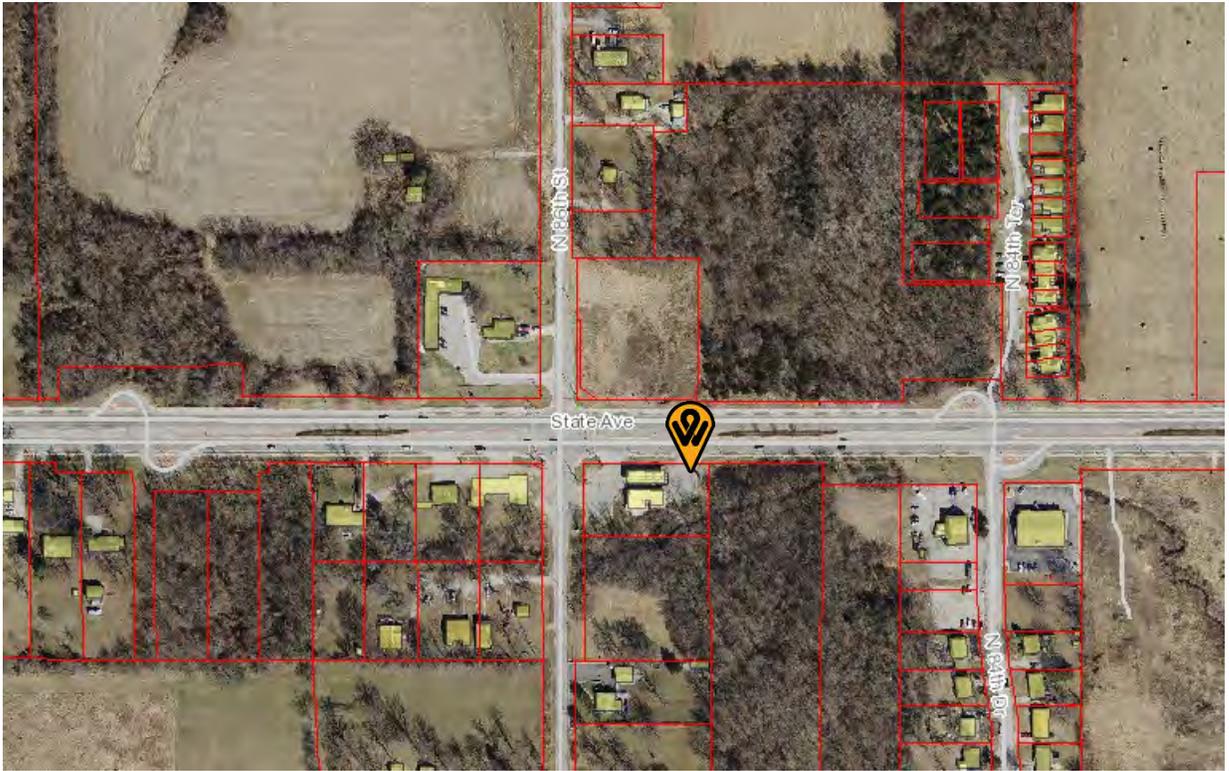
OR

I move the Kansas City, Kansas City Planning Commission **RECOMMEND DENIAL** of Petition **SP2021-034**, 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.

LAND USE MAP



AERIAL MAP



ZONING MAP



PHOTOS OF THE PROPERTY PROVIDED BY STAFF, DATED APRIL 16, 2021



Above: View of the front of the convenience store, facing south.

Right: The designated ADA parking space does not meet the minimum dimensions (9' x 18'). The southern parking needs to be restriped in order to properly provide an ADA-compliant parking space. This may result in the loss of one (1) parking space from the southern parking area.



PHOTOS OF THE PROPERTY PROVIDED BY STAFF, DATED APRIL 16, 2021, CONT.



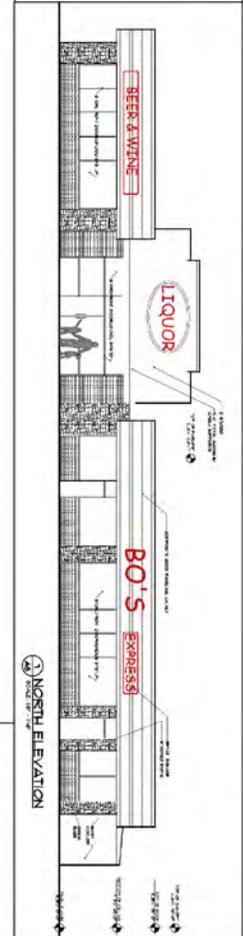
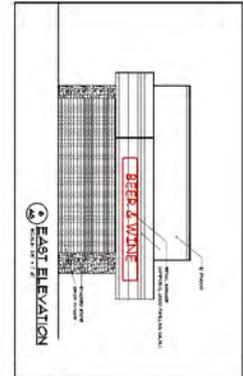
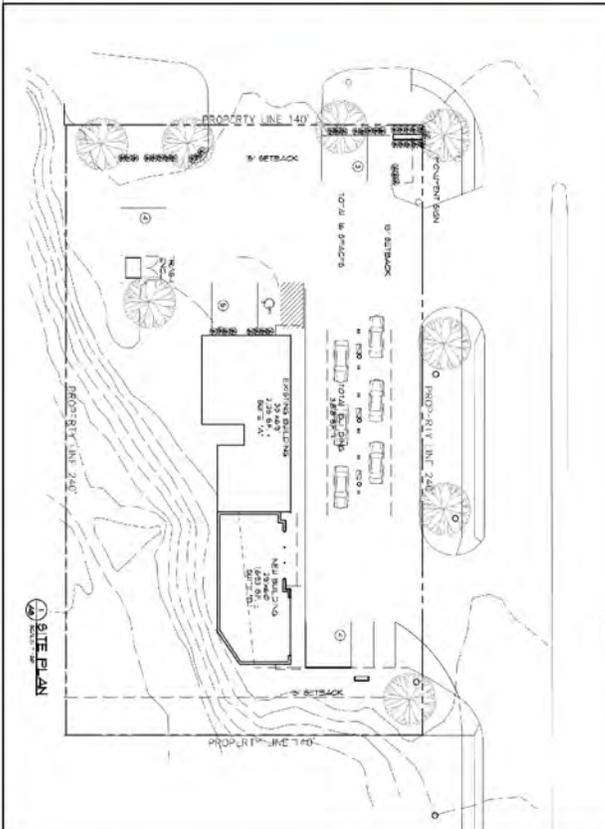
Examples of Sign Code violations on the property. All property violations, including Sign Code violations, must be addressed before the Special Use Permit can be published.



PHOTOS OF THE PROPERTY SUBMITTED BY THE APPLICANT



SITE PLANS SUBMITTED BY THE APPLICANT



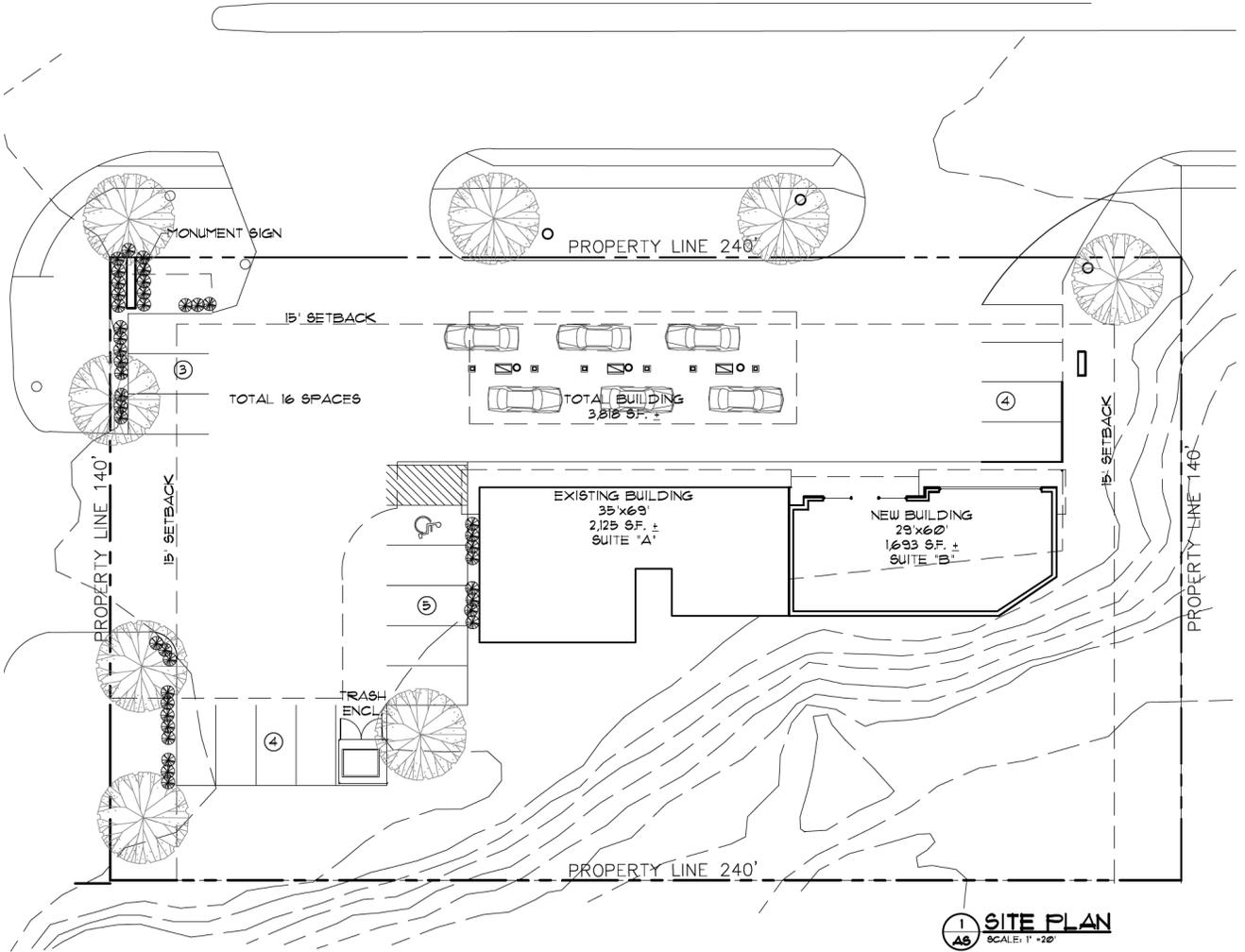
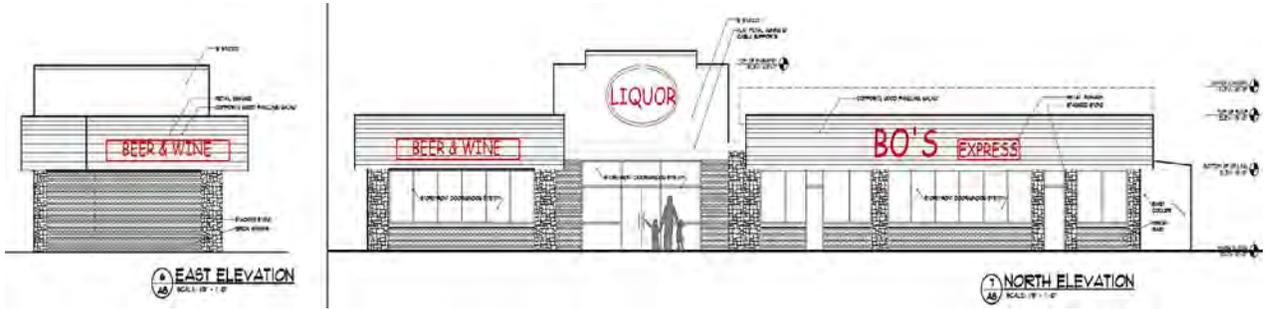
PROJECT INFORMATION
 8537 STATE AVENUE, SUITE 100
 KANSAS CITY, MISSOURI 64114
 PROJECT NO. 2021-034
 DATE: 09/13/2021
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 APPROVED BY: [Name]

AS1

SULLIVAN PALMER ARCHITECTS

PRELIMINARY DESIGN CONVENIENCE STORE RENOVATION
 8537 STATE AVENUE, KANSAS CITY, KANSAS

SITE PLANS SUBMITTED BY THE APPLICANT, CONT.



PROJECT INFORMATION:

BUILDING ADDRESS:

8537 STATE AVENUE, KANSAS CITY, KS.

BUILDING OWNER:

ZAYN COMMERCIALS, LLC
8537 STATE AVENUE
KANSAS CITY, KS.

CODE ITEMS:

2018 INTERNATIONAL BUILDING CODE
2018 INTERNATIONAL MECHANICAL CODE
2018 UNIFORM PLUMBING CODE
2017 NATIONAL ELECTRIC CODE
2018 INTERNATIONAL FIRE CODE
ANSI-A117.1 ACCESSIBILITY

SITE DATA:

EXISTING ZONING: C-1
LANDSCAPE AREA: 3,017 S.F. (NON-PARKING)
SITE AREA: 33,600 S.F.
SITE PARKING 16 STALLS (OFF SITE @ 1000 S 25TH)

BUILDING DATA:

EXISTING BUILDING AREA: 2,125 S.F.
NEW BUILDING AREA: 1,693 S.F.
TOTAL BUILDING AREA: 3,818 S.F.

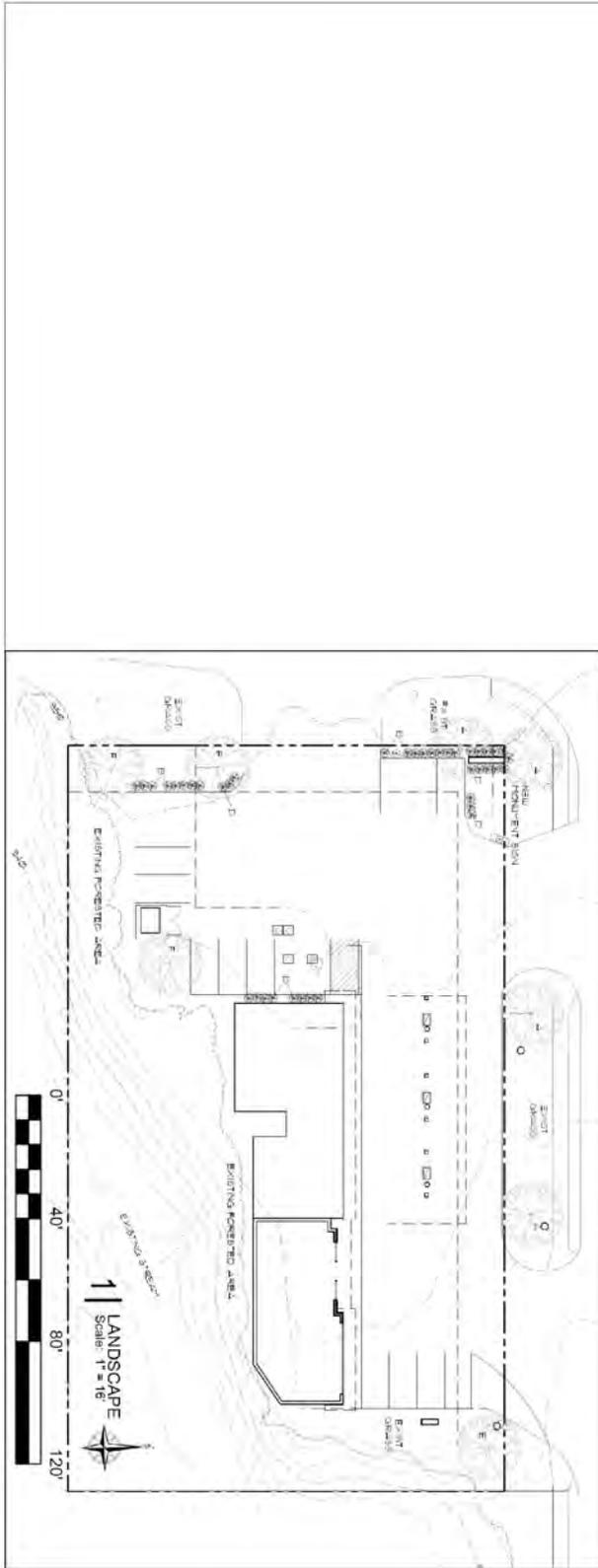
LEGAL DESCRIPTION

MUPT NW $\frac{1}{4}$ ± TRACT SPLIT TRACT 1 2020R-19728

BUILDING USE:

RETAIL-SERVICE STATION

LANDSCAPE PLAN SUBMITTED BY THE APPLICANT



LANDSCAPE SCHEDULE

KEY COMMON NAME	BOTANICAL NAME	QUANTITY	SIZE
A. ALTHAM BLADE PALM	ALTERNANANNA SPERMATOPHYTES	1	10" GAL. PER
B. SPANISH SHURB	DIABOLIA BICOLOR	3	5 GALLON
C. JAPANESE HOLY	ALY CRENATA GREEN LIGHTER	9	5 GALLON
D. JAPANESE YEW	TAXUS XIPHOIDA	9	5 GALLON
E. REDBUD	CECILIA CANADENSIS	1	47" CAL. PER
F. SULTAN OAK	QUERCUS PHellos	2	10" CAL. PER



ASS2

Revision

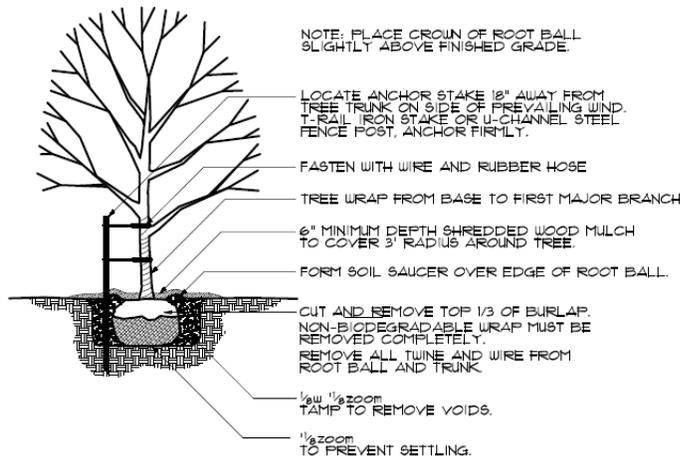
1	
2	
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SULLIVAN PALMER ARCHITECTS

PRELIMINARY DESIGN CONVENIENCE STORE RENOVATION
8537 STATE AVENUE, KANSAS CITY, KANSAS

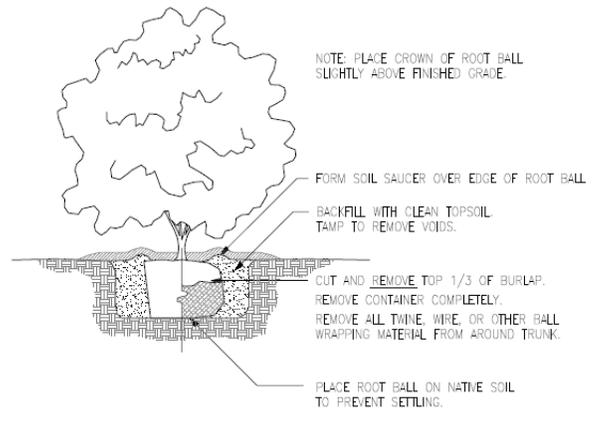


LANDSCAPE SCHEDULE			
KEY COMMON NAME	BOTANICAL NAME	QUANTITY	SIZE
A AUTUMN BLAZE MAPLE	ACER FREMANII JEFFSRED		2 1/2" CALIPER
B BURNING BUSH	QUERCUS BICOLOR		5 GALLON
C JAPANESE HOLLY	LLEX CRENATA GREEN LUSTER		5 GALLON
D JAPANESE YEW	TAXUS XMEDIA		5 GALLON
E REDBUD	CERCIS CANADENSIS		1 1/2" CALIPER
F WILLOW OAK	QUERCUS PHELLOS		2 1/2" CALIPER
G			



TREE PLANTING DETAIL

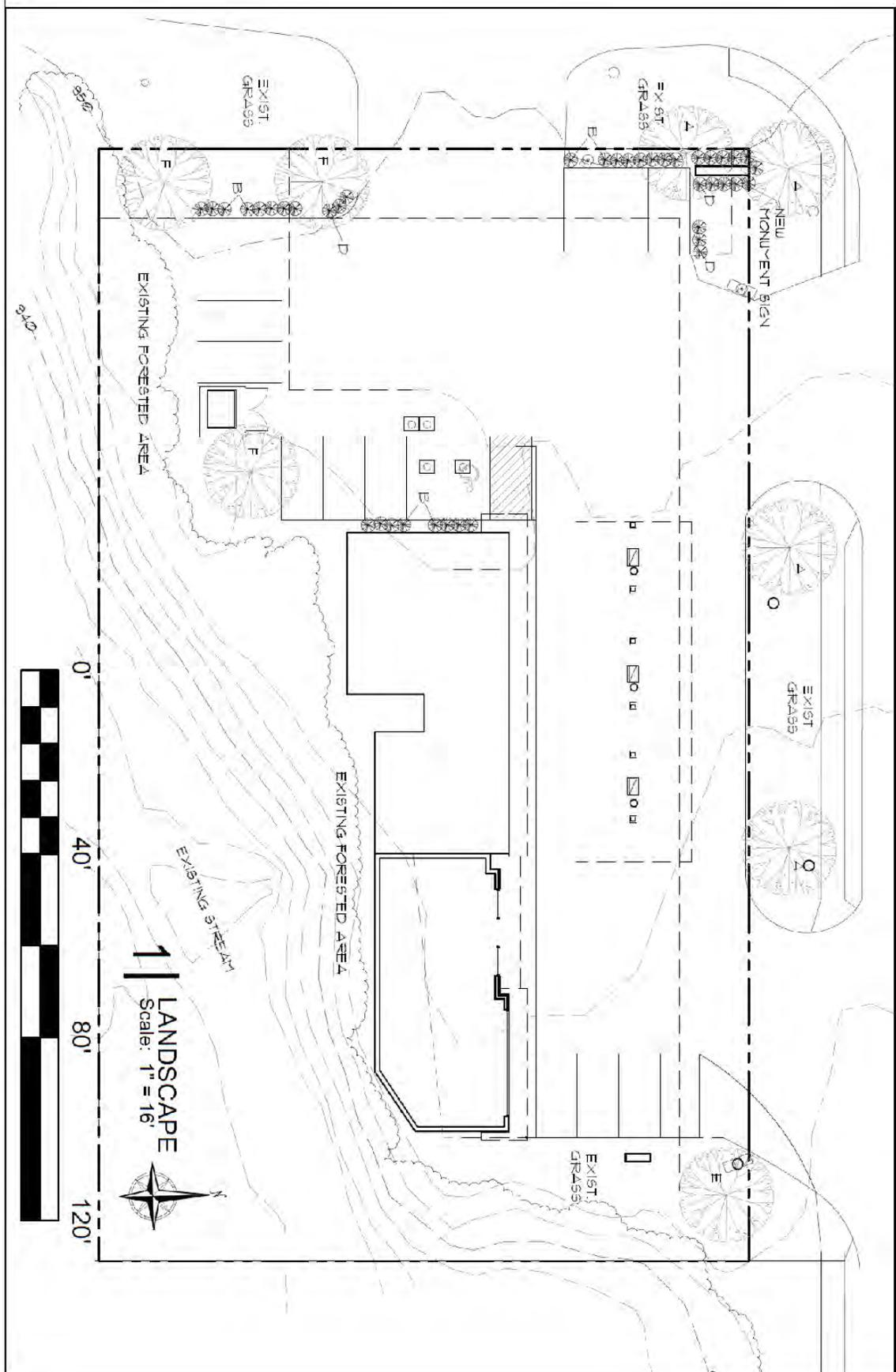
NO SCALE



SHRUB PLANTING DETAIL

NO SCALE

LANDSCAPE PLAN SUBMITTED BY THE APPLICANT, CONT.



Mixed-Use Design Guidelines

The following design guidelines apply to all new mixed-use developments.

- Each development will have an identifiable center that includes defined “people places” for residents, shoppers, workers and visitors to gather, interact and recreate.
- Housing choices will be provided by offering a diversity of product types and price points to meet the needs of multiple demographic groups.
- Transit connections and facilities will be included within the overall design of the site. Development densities for commercial, office and residential uses will be greater within these areas to encourage transit use.
- Streets within these areas will be designed to be low-speed and bicycle and pedestrian friendly through provision of wide sidewalks and pedestrian amenities such as street trees, landscaping, benches, trash receptacles, etc.
- When practical, parking requirements should be decreased within these areas to encourage transit ridership.
- Auto-oriented uses such as drive-through restaurants and banks will be discouraged.
- A minimum of 75% of buildings should have a zero foot setback.
- Primary building facades should be parallel to the sidewalk.
- Where buildings are set back from the right-of-way, the open areas should be enhanced and used as public spaces such as a plaza or courtyard.
- The frontage of all mixed-use buildings should include pedestrian-oriented elements such as:
 - Transparent display windows
 - Outdoor seating for dining areas
 - Public art and pedestrian amenities such as fountains, benches, etc.
- On-site parking will be located behind the buildings.
- In multi-tenant, single-story buildings, each use should have at least one ground floor entrance directly visible and accessible from the street.
- In multi-tenant, multi-story buildings, at least one, lobby entrance at the ground floor should be provided having direct visibility and access from the street.
- Landscape is required to screen all parking areas and service entries.
- Trees are required in the public right-of-way along streets, at a minimum of one (1) shade tree every forty (40) feet.



City-Wide Master Plan

UNIFIED GOVERNMENT OF WYANDOTTE COUNTY / KANSAS CITY, KANSAS

MIXED-USE DESIGN GUIDELINES, CITY-WIDE MASTER PLAN, CONT.



- Buffers will be provided as a necessary transition when a mixed-use development is located adjacent to an existing lower-intensity or higher-intensity use and/or when fronting a highway or expressway by one or a combination of the following:
 - Establish a 22-foot landscape easement for a 3-foot berm and a row of evergreen trees every thirty (30) feet and a row of three (3) gallon evergreen shrubs every four (4) feet on center.
 - Establish a 16-foot landscape easement for a 2-foot berm and a row of evergreen trees every thirty (30) feet.
 - Establish a 10 foot landscape easement for a 6-foot high solid wood fence or masonry wall and a row of evergreen trees every thirty (30) feet.
 - The applicant submits a landscape plan that adequately addresses softening the development, buffering traffic sound, headlight glare, and identifies how the landscaping would be maintained and who is responsible for that maintenance.
- High quality masonry building materials approved for this district are stone, brick, cast stone and stucco. Synthetic stone, such as pre-manufactured fiberglass, cultured stone, or glass-fiber reinforced concrete is permitted, provided that it is identical in appearance and of equal or greater durability to natural stone. These masonry materials shall be required on 65% of the sum total of all building façades, except single-family houses, which shall have 25% of the sum total of all façades.
- Stucco in a mixed-use development shall mean traditional stucco or gypsum concrete/plaster materials with a smooth sand finish. Cement board siding may be used to fulfill the masonry requirement but the percentage of masonry becomes 100% excluding trim. Exterior Insulation and Finish Systems (EIFS) or pre-manufactured panels are not permitted.
- All accessory units and garages shall be constructed from the same materials as the main structure.
- Commercial uses shall be permitted one (1) wall sign and one (1) monument sign. Within a development, consolidation of signage is highly encouraged.
- Freestanding pole/pylon signs are not permitted.
- Signs should be made of high quality and durable materials such as concrete, brick, stone, metal panels or heavy-weight plastic panels. Materials such as plywood or painted masonry are not permitted.
- Low-scale signs such as wall signs, awning signs and building signs should be used for retail and office uses.
- The size and look of the sign shall be governed by the Sign Chapter of the Unified Government Zoning Code. The applicant or Development Review Board may create more restrictive regulation. Less restrictive regulation may only be approved by the Unified Government Board of Commissioners through a separate Special Use Permit.

COMMERCIAL DEVELOPMENT GUIDELINES OVERLAY DISTRICT ORDINANCES

UNIFIED GOVERNMENT CODE OF ORDINANCES, CHAPTER 27 - Planning and Development, ARTICLE VIII - Zoning, DIVISION 5 - Overlay Districts, SUBDIVISION IV - Commercial Development Guidelines Overlay District

Sec. 27-573. - Purpose and intent.

The commercial design guidelines are intended to provide definitions and descriptions of acceptable design in specified areas of both the county and the city. These guidelines are established to accomplish the following goals:

- (1) Relate development to surrounding community;
- (2) Provide direction for the creation of quality development with respect to site planning, architectural design, and landscaping;
- (3) Ensure quality design that reflects community identity and sense of place;
- (4) Support property values in new development and redevelopment; and
- (5) Implement the long-range vision of the community.

Sec. 27-574. - Boundaries and application.

(a) The commercial design guidelines are applicable to all commercial and office development within the boundaries identified on the map (see appendix "A"). Commercial design includes all districts beginning with a "C" designation such as C-O, C-I, C-2 and C-3. This includes those commercial and office areas located west of 94th Street.

(b) The commercial design guidelines shall apply to all new development within the area described in subsection (a) of this section. The guidelines shall apply to existing development when changes (renovation, restoration, modification, addition, or retrofit, collectively referred to as rehabilitation) are proposed to a structure or a site that will exceed 50 percent of the current appraised value of the structure or site, as established by the county. Rehabilitation costs shall be aggregated over a five year period to determine whether the development is subject to these guidelines.

(c) Rehabilitation projects shall conform to these guidelines to the greatest extent possible, and shall provide written explanations for each area of noncompliance.

(d) Design solutions proposed as an alternative to these requirements may be considered by the planning commission provided that such alternative design furthers the purposes and intent of this subdivision and does not result in design that would otherwise violate the terms of the regulations contained in this subdivision.

(e) Design review will be provided as follows:

Application	Review	Appeal
Rezoning	Planning Commission	Board of Commissioners
Special Use Permit	Planning Commission	Board of Commissioners
Development Plan (without rezoning) DRC process	Director Urban Planning	Planning Commission
Development plan with rezoning	Planning Commission	Board of Commissioners
Alternative design	Planning Commission	Board of Commissioners

(f) Where there is conflict between the terms of this subdivision and other regulatory provisions applicable in the land development process, the more strict regulations will apply.

Sec. 27-575. - Site character.

(a) Intent. To encourage on-site and off-site compatibility of development while considering the relationship between site design and the existing environment. Site character includes consideration of: physical and natural features of land; building placement; vehicular access; circulation and parking; pedestrian access; preservation and buffering of views; surrounding development; and community character.

- (1) Development should be sited in a manner consistent with, and be appropriate for, many of the existing conditions of the site.
- (2) Parking and circulation should account for pedestrians, bicycles and vehicles.
- (3) Building and street layout should define a cohesive development.

(b) General layout.

- (1) Multi-lot or multibuilding developments shall be designed as unified projects with a sense of place reflected through development layout and architectural design.
- (2) Linear or strip development is discouraged, including linear open-air centers or strip centers, either of which front parking lots.

COMMERCIAL DEVELOPMENT GUIDELINES OVERLAY DISTRICT ORDINANCES, CONT.

(3) Large retail establishments (big box) are subject to these guidelines with the following specific requirements:

- a. All big box developments shall include at least three retail establishments located in a complex that is planned and managed as a single unit.
- b. No more than 80 percent of the off-street parking may be located in the front of the development if more than 80 percent is in front then the number of landscape islands will be increased by 50 percent.
- c. At least two sides (the two sides that are projected to have the highest level of pedestrian activity) of a big box store (of more than 120,000 square feet) shall include customer entryways. Additional stores located within the development shall also have clearly marked entryways. The entryways shall be defined with at least three of the following features:
 1. Canopy or portico;
 2. Overhangs;
 3. Recesses/projections;
 4. Raised cornice parapets over doors;
 5. Peaked roof forms;
 6. Arches;
 7. Outdoor patios;
 8. Display windows;
 9. Architectural details such as tile work or moldings that are integrated into the building or structure;
 10. Integral planters or wing walls that incorporate landscaped areas and/or places for seating.

(c) Grading and drainage.

- (1) Where possible, new development should maintain the natural topography of the existing site. Extensive grading (more than 70 percent of the site) or unusual site improvements are strongly discouraged.
- (2) Site drainage patterns shall be designed to prevent surface drainage from collecting on and/or flowing across pedestrian areas.
- (3) Use of stepped retaining walls is where necessary along public streets and other visible areas of the site to reduce the steepness of manmade slopes and to provide pockets or terraces for revegetation and landscaping. Every wall over six feet in height must be "stepped." Four feet of terrace is required for every eight feet of wall.
- (4) Detention ponds should not be contained within a lot or parcel that contains a building site. One detention area may be required to serve multiple lots.
- (5) Detention ponds should be designed as a project amenity.

(d) Circulation.

- (1) Projects must be designed to minimize any increased traffic use of neighborhood streets.
- (2) Curb-cuts should be minimized and concentrated at mid-block.
- (3) A sense of entry or arrival shall be created at primary entryways into the development. Building placement, landscaping, gates, entry monuments, specialty lighting, and other design elements can be used to create this design effect.
- (4) Driveway configuration and design should be determined based on the size of development and capacity of streets. For example, a large, traffic-generating development with a multi-neighborhood drawing radius should provide significantly more driveway space for ingress and egress with turn lanes than a smaller, neighborhood-oriented development.
- (5) The number of external entrances should be consistent with existing or anticipated design of adjacent streets.
- (6) To reduce the need for multiple street access points and to allow for the potential future reduction of driveways consistent with access management principles, access points and driveways must be planned and shared between properties, with access easements noted on plats or other recorded document.

COMMERCIAL DEVELOPMENT GUIDELINES OVERLAY DISTRICT ORDINANCES, CONT.

- (7) There shall be a hierarchy of internal circulation beginning with site access from the public street.
 - a. Access driveways shall feed into driving lanes which shall divide into parking lanes and parking areas.
 - b. There shall be limited access to driveways, which shall be provided from driving lanes, not parking areas, wherever possible.
 - c. Circulation patterns within parking areas shall be defined by curbs and landscaped islands.
 - d. Where possible, groups of buildings should be serviced by dedicated service access lanes.
- (8) Internal vehicular, bicycle and pedestrian circulation must connect in a manner obvious to users.
- (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.
- (10) Sidewalks in front of buildings must be designed to accommodate pedestrian activity both for that use and for movement between uses. This may include cafe seating and outdoor sales pursuant to the chapter 32, article III.
- (11) Internal pedestrian walkways within parking lot or drive area must be distinguished from other surfaces.
- (12) Pedestrian connections must be clearly defined in a combination of two or more of the following ways:
 - a. Six-inch vertical curb.
 - b. Trellis.
 - c. Special railing.
 - d. Bollards.
 - e. Special paving.
 - f. Low seat wall or other architectural features.
 - g. Pedestrian scale lighting.
 - h. Traffic calming devices.
- (13) Site design should integrate and facilitate access to public transit.
- (14) Sidewalks that are within reasonable proximity to an identified trail system should connect to that system and accommodate the uses anticipated on the trail (e.g., pedestrian, bicycle).

(e) Parking.

- (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.
- (2) Pedestrian walkways through the parking area to building entrances should be clearly marked pursuant to this subdivision.
- (3) Parking located between front of building and street right-of-way must provide an additional 20 feet of landscaped area in addition to the required setback.
- (4) Parking must be screened from adjacent streets by walls, shrubs, trees, or other design elements.
- (5) Parking lot curb cuts must be designed and minimized to reduce conflicts between pedestrians and automobiles.
- (6) Accessible parking must be provided according to unified government requirements.
- (7) Dead-end parking without a designated turn-around area should be avoided and shall not be permitted on any new projects that are not infill or redevelopment.
- (8) Parking should be divided into blocks of 40 to 50 spaces. Where this is not easily defined, groups of 20 spaces should be divided by a landscape island at least the size of one stall.
- (9) Structured parking, as follows:
 - a. Structured parking adjacent to a street shall provide an active front with pedestrian-oriented uses.
 - b. Structured parking shall integrate with adjacent buildings using similar materials, alignments, and architectural finishes.
- (10) Cart corrals should be low-profile, created with pavement (e.g., curbs), may include a bollard to deflect parking, and should have low-profile identification signs, no taller than four feet.

(f) Building elements.

- (1) There should be a designated walkway or clear pathway to the main entrance of a building so that pedestrians are not required to walk through parking lots.
- (2) Buildings should be located in such a manner as to minimize conflicts between pedestrians and automobiles.
- (3) Buildings should be oriented primarily to the street.

COMMERCIAL DEVELOPMENT GUIDELINES OVERLAY DISTRICT ORDINANCES, CONT.

- (4) Retail shops at street level should have direct access to and from the sidewalk.
 - (5) Entrances should be easily identifiable as primary points of access to buildings.
 - (6) Corner buildings at gateways or prominent intersections shall be designed to emphasize the gateway or intersection location. This may include major architectural expression in the facade roof form and/or massing, such as:
 - a. Larger bulk;
 - b. Tower forms;
 - c. Peaked roofs; and/or
 - d. Over-sized windows.
 - (7) Pad sites shall be clustered together to define street edges and entry points or to enclose and create interesting places between buildings, such as public outdoor seating, landscaped areas, or other focal points.
 - (8) Buildings, walls, trees, topography, and other site features shall be oriented and arranged to define circulation areas and lend a human scale to the development.
 - (9) Shared parking between adjacent or closely related developments is strongly encouraged, provided each development complies with unified government parking requirements.
- (g) Outdoor storage areas/mechanical equipment.
- (1) Masonry screen walls are required to provide 100 percent opaque screening to public views of loading and service areas from other properties or public streets.
 - (2) Service areas and docking facilities should be located to the side or rear of the building away from public streets and main circulation and drives when possible.
 - (3) 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 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.

Sec. 27-576. - Architectural design.

- (a) Intent. It is the intent of this section to create and enhance community image through thoughtful design development. This section is intended to ensure that:
- (1) Design relates buildings to each other and to the community.
 - (2) Good design incorporates and combines design theme, building facade materials, colors, roof, and equipment.
 - (3) Similar to site design, building design at street level must be oriented to people and cars.
- (b) Overall design.
- (1) Architectural design shall create or contribute to uniqueness or sense of a specific place.
 - (2) Building elevation design determinations must consider the character of the surrounding architecture and neighborhood and incorporated design elements that further reflect or enhance community character. Where community character is difficult to determine, planning staff will work with the applicant to identify any relevant features.
- (c) Building facade.
- (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 a building.
 - (2) In order to break up the monotonous appearance of long facades, a building wall no more than 45 feet in length should be divided into increments of no more than 45 feet through articulation of the facade. This can be achieved through combinations of at least three of the following techniques:
 - a. Divisions or breaks in materials;
 - b. Building offsets (projections, recesses, niches);
 - c. Window bays;
 - d. Separate entrances and entry treatment; or
 - e. Variation in rooflines.
 - (3) The scale of individual building facade components should relate to one another and the human scale, particularly at street level.
- (d) Design theme.
- (1) A single building development with multiple buildings must maintain a consistent style/architectural theme. Architectural design building materials, colors, forms, roof style and detailing should all work together to express consistent design. This includes all pads within a retail development, as well as gasoline pump canopies or other accessory structures.

COMMERCIAL DEVELOPMENT GUIDELINES OVERLAY DISTRICT ORDINANCES, CONT.

(2) Large buildings adjacent to small buildings should consider and incorporate architectural design elements and details such that the scale of the larger building appears compatible with that of the smaller building.

(3) The composition of a building more than three stories tall shall include a clearly recognizable base, middle, and top. The base of a building should be weightier in appearance than the rest of the building. This can be accomplished with use of heavier, larger, or darker building materials. The top of the building may include, among other things, cornice treatments, sloping roof, or stepped parapets.

(4) Buildings in a grouped development should approximately align horizontally in their main architectural elements, windows, sills, cornices, banding, etc., although these lines may be carried from building to building by different elements.

(5) A single, large dominant building mass shall be avoided. Changes in mass should be related to entrances, the integral structure, and/or the organization of spaces and activities.

(6) Building elements must not function as signage. The appearance of "franchise architecture" where buildings function as signage is discouraged. Incorporation of franchise or business design elements unique or symbolic or a particular business must be unobtrusive and secondary to the overall architectural design.

(7) New primary structures that express a standardized corporate identity shall incorporate at least three of the following elements to create a facade and building design similar to those on an existing primary structure visible from the new primary structure and located within 500 feet of the new primary structure. Significant departures from "off-the-shelf" buildings, either locally or by national chains, may be required to meet this standard.

- a. A similar roofline or roof material.
- b. Similar facade colors and materials.
- c. Similar pedestrian entry locations and entryway architecture.
- d. Similar amounts of glazing on facades visible from the public street.

(8) Accessory structures must incorporate matching design and materials of the primary building.

(e) Building materials.

(1) Building materials must be durable, economically maintained, and of a quality that will retain its appearance over time, including but not limited to: natural or synthetic stone, brick, stucco, integrally-colored, textured, or glazed concrete masonry units, high quality prestressed concrete systems, cementitious siding (hardy board), or glass. The director may approve other high-quality materials.

- a. Building design should avoid large expanses of highly reflective surfaces and mirror glass exterior walls.
- b. Highly tinted glass or glass tinted in unnatural colors should be avoided.

(2) Exterior building materials shall not include the following:

- a. Split shakes, rough sawn, or board and batten wood;
- b. Vinyl siding;
- c. Smooth-faced grey concrete block, painted or stained concrete block, tilt-up concrete panels;
- d. Field painted or prefinished corrugated metal siding;
- e. Standard single-tee or double-tee concrete systems; or
- f. EIFS at the ground level or comprising more than 15 percent of any facade.

(3) Exterior building material must be continued down to within nine inches of finished grade on any elevation. Exterior masonry materials must be continued to the top of grade.

(4) All building facades shall be at least 50 percent masonry. Cementitious siding may be used to meet 50 percent of the total masonry requirement.

(f) Building color.

(1) Color should be used to tie building elements together.

(2) All building projections shall match or complement in color the permanent color of the surface from which they project.

(3) Intense, bright, black, or fluorescent colors shall be used sparingly and only as accents.

(g) Building roof.

(1) Buildings should have a defined top. This can be accomplished with cornices, caps, parapets, or roofs.

(2) Three-dimensional rooftops are encouraged. Variation in roofline is suggested to reduce the scale of large buildings.

(3) Sloped roofs or canopies shall be covered with high quality roofing material such as approved by the director. Metal roofing is preferred, especially for small articulations. Asphalt is discouraged and wood roofing materials are prohibited.

COMMERCIAL DEVELOPMENT GUIDELINES OVERLAY DISTRICT ORDINANCES, CONT.

(h) Windows.

(1) For new construction, windows, windows with awnings, and covered pedestrian walkways should total at least 60 percent of the building frontage along public streets or parking lots. Windows should be for display purposes or to allow viewing both into and out of the interior. Exceptions may be made for individual tenants in excess of 20,000 square feet gross floor area or the rear elevation of a building that backs up to a public street, where the window percentage should be 25 percent of the linear building frontage.

(2) Reflective or mirrored glass for use as windows is prohibited, unless determined otherwise by the director. Clear glass shall be used for storefronts, windows, and doors. Window painting, signage, or view blocking techniques are not permitted.

(i) Auto-oriented uses. Drive-up and drive-through facilities, order stations, pick-up windows, bank teller windows, money machines, etc., shall be located on the side or rear of primary structures to minimize views from public streets. Drive-up and drive-through lanes should be not located between the front of the primary structure and the adjacent streets or sidewalks. Drive up facilities including drive lanes shall not be located within 150 feet of an existing residential structure, all means available should be taken to minimize the impact on adjacent residential structures.

(j) Phasing of improvements. If a center is to be built in phases, each phase shall include an appropriate share of the proposed streets and circulation system, landscaping and outdoor spaces, screening, and other site and architectural amenities of the entire project. The extent of these improvements shall be determined for each phase of a specific project at the time of project development approval, and may not be based solely upon a proportional or equal share of the entire site. Requirements for a phased project may include off-site improvements to accommodate the necessary public infrastructure to adequately screen the site.

Sec. 27-577. - Landscaping and screening.

(a) Findings and intent. Landscaping offers many benefits including providing color and shade, buffering wind, sun, and bad views, and reducing glare. Landscaping also integrates structures and uses with the site while reducing the visual impact of development on adjacent uses.

(1) Landscaping is important to completing the design picture.

(2) Landscaping is a working component of the development, serving to screen, buffer, soften, and energize the buildings, streets, and parking.

(3) Landscaping identifies street frontage and maintains character for rights-of-way.

(4) Landscaping is an on-going requirement for healthy development.

(5) Landscaping shall exceed the typical code requirements by at least 75 percent.

(b) Streets and drives.

(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 40 feet wide or greater. This requirement may be reduced to 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 curblin of a private easement.

(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 30 inches at maturity.

(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 inches (ornamental) evergreen trees must be at least six feet tall when planted) provided for every 30 feet of street easement or frontage.

b. Street trees should be planted no closer than 55 feet and no more than 65 feet apart. Groupings of ornamental trees and shrubs should be placed in between the street trees.

(c) Design.

(1) Unity of design should be achieved by repetition of certain plant varieties and other materials and by coordination with other landscaping where appropriate.

(2) Plant selection should be appropriate to planting zone, hydrozone, specific site conditions, and ability to provide year-round ornamental value.

(3) The choices, placement, and scale of plants should relate to the architectural and site design of the project. Plantings should be used to screen, accent focal points and entries, to contrast with or reinforce building design, to break up expanses of paving or wall, to define on-site circulation, to provide seasonal interest, and to provide shade.

COMMERCIAL DEVELOPMENT GUIDELINES OVERLAY DISTRICT ORDINANCES, CONT.

(4) Landscape areas located between commercial districts and residential districts must provide 100 percent sight-obscuring year-round buffer using plant material or a combination of fence, berm and plant material.

(5) Landscape and streetscape design should be used to enhance the frontage of primary roadways.

(d) Buildings.

(1) At least 75 percent of the length of 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.

(2) Planting must be massed and scaled as appropriate for the entryway size and space.

(3) Landscaping should breakdown in scale and increase in detail, color, and variety to mark entryways into developments.

(e) Parking.

(1) Parking lot landscaping must be used to minimize the expansive appearance of parking lots, provide shaded parking areas, and mitigate any negative acoustic impacts of motor vehicles.

(2) Parking lot landscaping should reinforce pedestrian and vehicular circulation, especially parking lot entrances, end of driving aisles, and pedestrian walkways leading through parking lots.

(3) Groups of parking of between 40 and 50 spaces must be separated by a ten-foot wide landscaped median or berm, or pedestrian walkway within a landscaped median.

(4) Parking areas that cannot be grouped must include one landscaped island the size of one stall separating each 20 spaces.

(5) The primary landscaping material used in parking lots must be trees that provide shade or are capable of providing shade at maturity. Shrubbery, hedges and other planting materials may be used to complement the tree landscaping, but shall not be the sole means of landscaping.

(f) Maintenance.

(1) All new development landscaping must be irrigated with an automatic system approved by the planning department. Rehabilitation development must either have an irrigation system or a watering plan.

(2) Plants that die must be replaced as quickly as possible, but in no event longer than four months.

(g) Phasing. The first phase of construction should include perimeter landscaping, entry drives, and detention ponds. Future phases must indicate interim landscaping.

Sec. 27-578. - Crime prevention through environmental design (CPTED).

(a) Territoriality. Territoriality is a concept that clearly delineates private space from semipublic and public spaces, and creates a sense of ownership. Ownership thereby creates an environment where appearance of such strangers and intruders stand out and are more easily identified through:

(1) The enhanced feeling of legitimate ownership by reinforcing existing natural surveillance and natural access control strategies with additional symbolic or social ones.

(2) The design of space to allow for its continued use and intended purpose.

(3) The use of pavement treatments, landscaping, art, signage, screening and fences define and outline ownership of space.

(b) Natural surveillance. Natural surveillance is a design concept directed primarily at keeping intruders under observation. Provision of natural surveillance helps to create environments where there is plenty of opportunity for people engaged in their normal behavior to observe the space around them. Areas can be designed so they are more easily observed through:

(1) Design and placement of physical features to maximize visibility. This will include building orientation, windows, entrances and exits, parking lots, refuse containers, walkways, guard gates, landscape trees and shrubs, use of fences or walls, signage and other physical obstructions.

(2) Placement of persons or activities to maximize surveillance possibilities.

(3) Minimum maintained lighting standards that provide for nighttime illumination of parking lots, walkways, entrances, exits and related areas to promote a safe environment.

(c) Access control. Access control is a design concept directed primarily at decreasing criminal accessibility.

Provision of natural access control limits access and increases natural surveillance to restrict criminal intrusion, especially into areas where they will not be easily observed. When present, intruders are more readily recognized through:

(1) The use of sidewalks, pavement, gates, lighting and landscaping to clearly guide the public to and from entrances and exists.

(2) The use of gates, fences, walls, landscaping and lighting to prevent or discourage public access to or from dark or unmonitored areas.

COMMERCIAL DEVELOPMENT GUIDELINES OVERLAY DISTRICT ORDINANCES, CONT.

(d) Activity support. Activity support is the presence of activity planned for the space. Activity support involves placing activity where the individuals engaged in an activity will become part of the natural surveillance system. Examples include:

- (1) Place safe activities in areas that will discourage would be offenders, to increase the natural surveillance of these activities and the perception of safety for normal users, and the perception of risk for offenders.
 - (2) Place high risk activities in safer locations to overcome the vulnerability of these activities by using natural surveillance and access control of the safe area.
 - (3) Locate gathering areas in locations that provide for natural surveillance and access control or in locations away from the view of would-be offenders.
 - (4) Improve the scheduling of space to allow for effective use and appropriate intensity of accepted behaviors.
- (e) Maintenance. Proper maintenance of landscaping, lighting treatment and other features can facilitate the principles of CPTED, territorial reinforcement, natural surveillance and natural access control. Functions include:
- (1) Proper maintenance of lighting fixtures to prescribed standards.
 - (2) Landscaping which is maintained at prescribed standards.
 - (3) Minimizing the conflicts between surveillance and landscaping as the ground cover, shrubs and trees mature.

Date: April 20, 2021

SUBJECT: Neighborhood Meeting

I/We have filed an application with the Department of Urban Planning and Land Use # SP2021-034. The purpose of this special use permit is for a Liquor License at the following address: 8537 State Ave Kansas City, Kansas 66112.

Due to Covid-19 we will not have an in-person meeting. If you have any comments/questions/concerns please email me attif111@gmail.com or call me (773)962-1948. I look forward to hearing from you.

Sincerely,

Attif Abbas
8537 State Ave, KCK 66112
(773) 962-1948

Neighborhood Meeting

I, Attif Abbas sent out letters via USPS mail to all neighbors on the list provided to me. In the letters I provided my phone number and email address for anyone to contact me with any questions/comments/concerns. At this time April 26, 2021 no one as contacted me.

Thank You,



Attif Abbas
(773)962-1948