



Development Management Division

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STAFF REPORT

March 6, 2018

(16a & b & c)

RE:

- a) Case No. 653-S-2**
- b) Case No. 14887-P-1**
- c) Case No. 14887-SU**

APPLICANT/ AGENT:

Riad Baghdadi
RB Architecture
10107 W 105th Street
Overland Park, KS 66217

OWNER:

Choudry Inc.
7505 Ozark Rd
Kansas City, MO 64129

LOCATION:

3701 St. John Ave - Generally located at the southeast corner of St. John Avenue and Monroe Avenue

AREA:

About 0.25 acres

ZONING:

B3-2, R-2.5

REQUESTS:

a) Case No. 653-S-2 - About 0.12 acres located at 3709 St. John Avenue, to consider an amendment to the Truman Plaza Area Plan from Residential Urban Low Density to Commercial.

b) Case No. 14887-P-1 – A request to rezone approximately 0.12 acres located at 3709 St. John Avenue from District R-2.5 (Residential 2.5) to District B3-2 (Community Business dash 2).

c) Case No. 14887-SU - To consider approval of a special use permit on about 0.3 acres in District B3-2 (Community Business dash 2) and District R-2.5 (Residential 2.5) generally located at the southeast corner of St. John Avenue and Monroe Avenue, to allow for fuel sales.

**SURROUNDING
LAND USE:**

North – single family residential

South – single family residential

East – single family residential

West – commercial, single family residential

LAND USE PLAN: The Truman Plaza Area Plan, adopted in January 2012 by resolution 110976, is the plan of record for this location. The plan recommends mixed-use neighborhood uses and the proposal is inconsistent with the future land use plan.

MAJOR STREET PLAN: No adjacent streets.

PREVIOUS CASES:
No previous case history at this location.

EXISTING CONDITIONS:
The subject site is located at the southeast corner of St. John Avenue and Monroe Avenue. It is zoned primarily B3-2 with the exception of the southern 1/5th of the site, which is zoned R-2.5. The property is currently developed with a midcentury style convenience store (without fuel sales) and parking lot. The convenience store building comprises approximately one-third of the site. The remainder is paved. Vehicular access is provided by two curb cuts – both on St. John Avenue.

The intersection of St. John and Monroe is zoned B3-2 and is developed with commercial and residential structures. The subject site is immediately adjacent to single family residential structures and R-2.5 zoning on the east and south sides.

PLAN REVIEW & ANALYSIS:
The applicant is requesting a Special Use Permit to allow for the addition of a canopy and three islands (6 gas pumps) to an existing convenience store. Gasoline and fuel sales are permitted in the B3-2 zoning district with a Special Use Permit. The new canopy and pumps will be added to the existing parking lot which is located to the north of the store.

The plan proposes a canopy and three pumps evenly spaced beneath the canopy. The canopy will be supported by six posts. The canopy will be 64' by 16' and will be 16' tall. The posts will be metal and the canopy will be aluminum.

The plan shows one 25' wide curb cut and one 24' wide curb cut. Traffic is to enter from both of the proposed curb cuts on the north side of the site. The width of the curb cuts will allow for entry/exit from both curb cuts.

Fueling trucks will access the site via the western curb cut on St. John Ave. Trucks will exit the site using the eastern curb cut on St. John Ave. When filling the underground tank, the gas truck will at a minimum block three of the sixteen parking spaces.

The northernmost pumps show approximately 18' between the northern curb and the canopy southern parking curb which is adequate space to allow for a passing lane and a drive aisle. The plan shows approximately 26 feet between the southern pumps and the parking adjacent to the store. A minimum of 15' is required for a two-way drive and an additional 10' are needed for cars at the pump.

A dumpster enclosure is provided on the east side of the existing store and short-term bicycle parking is provided on the west side of the site. The short-term bicycle parking is shown on the sidewalk north of the building. Long-term bicycle parking is proposed within the convenience store. The dumpster enclosure shall be constructed of the same materials as the convenience store building. The code requires 1 parking space per fuel pump (6 pumps) and the proposal shows sixteen parking spaces, one of which is ADA accessible parking.

Landscaping and screening requirements are established in chapter 88-425. A landscape buffer is shown on the north side of the site in between the curb cuts. The applicant is proposing a 42" tall wrought iron fence to act as an additional buffer. The wrought iron fence extends to the northwest corner of the site and along the west side of the site. The buffer along St. John Ave. and Monroe Ave. both appear to be approximately 5 feet wide. Code requires 10 feet of width and a variance is necessary.

A 10 foot buffer with existing shrubs is shown between the vehicular use area and the residential property to the south. A privacy fence shall be installed on the southern portion of the west property line and the south property line to provide additional screening from the residential zoning districts. There is no direct pedestrian access to the store from the public sidewalks, which is a requirement.

The development requires the addition of street trees on St. John Avenue and Monroe Avenue. A total of seven Red Cedar street trees are proposed, all located on the north side of the property along St. John Avenue. Four additional trees, two Red Oak and two Eastern Redbud, are located on the southeast corner of the site, east of the building and trash enclosure. Staff has concerns about the species of trees and the location. Street trees are required along Monroe Ave. Six Rose Verbena shrubs and six Karlie Fountain Grass shrubs are also shown along the north property line in between the street trees. The street trees must be approved by the City Forester.

No signage plan has been submitted. The applicant stated that gas prices will be displayed on the canopy and no freestanding signage will be added. Google street view images show several banner signs on the building and on the fence along the east property line. These signs shall be removed and a signage plan shall be submitted prior to any building permits.

The property is zoned B3-2. The Zoning and Development Codes states the following:

B3, Community Business

The primary purpose of the B3, Community Business district is to accommodate a broad range of retail and service uses, often in the physical form of shopping centers or larger buildings than found in the B1 and B2 districts. In addition to accommodating development with a different physical form than typically found in B1 and B2 districts, the B3 district is also intended to accommodate some types of destination-oriented commercial uses that draw from a larger trade area than the types of neighborhood-serving uses found in B1 and B2 districts. The B3 district is primarily intended to be applied to large sites that have primary access to major streets. It may also be used along smaller streets to accommodate retail and service use types that are not allowed in B1 and B2 districts.

Although allowed through the approval of a Special Use Permit, staff believes the proposed use is too intense for the site, intersection and neighborhood. Both St. John Avenue and Monroe Avenue are two-way two lane streets. There are no stop lights at any of the nearby intersections. The intersection is located in an established residential neighborhood and is immediately adjacent to single family residential uses. Additionally, staff has found the site to have too little space to accommodate three gas pumps, drive aisles and parking. The lack of adequate space affects the circulation of the site, mainly due to the required drive aisle width in addition to 10' for cars parked at the pump. It also appears possible that cars backing out of spaces in front of the store will have insufficient space to maneuver before hitting a car parked at the pump. Staff also believes that the current layout does not allow for an adequate turn radius for a fueling truck. A turning template was not provided to staff. The fueling trucks will also increase truck traffic by adding the gas pumps. If approved, staff recommends that the curb cuts be reoriented to allow for a wider turn radius for fueling. The existing building accommodates a large portion of the site.

JURISDICTION: Chapter 88-120; 88-525-09

Chapter 88-120 (Table 120-1): Gasoline and Fuel Sales are allowed within District B3-2 subject to a special use permit.

Special Use Permits must be found to be in conformance with five criteria in Chapter 88-525-09. Those items include:

- A. Complies with all applicable standards of the zoning and development code; *Several variances required.*
- B. Is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of the neighborhood or community; *This use is more intense than the existing use and has the potential to significantly increase traffic. The site is nearby many single family residences.*
- C. Is compatible with the character of the surrounding area in terms of site planning and building scale and project; *The existing site is not large enough to accommodate required improvements such as buffering on the west, north and east sides. The proposed gas pumps and canopy would be out of character with the area.*
- D. Is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; *The applicant has not indicated hours of operation. Late hours could have a negative impact on the adjacent residential properties. The applicant should clarify this prior to Board of Zoning Adjustment.*
- E. Will not have a significant adverse impact on pedestrian safety or comfort. *A gas station could increase vehicular traffic and truck traffic in the area. Two curb cuts create two opportunities for pedestrians to come in contact with cars. There is no direct pedestrian access to the store from the public sidewalks, which is a requirement.*

In summary, the site's constraints preclude the ability to meet several code requirements (parking lot buffer/setback, parking lot screening, drive aisle width, landscape buffer along east property line, and pedestrian connections). Furthermore,

the fuel pumps and canopy are out of character with the residential nature of the area. Staff finds the proposed use to be inappropriate given the number and extent of variances which would be necessary due to the site's constraints and due to the incompatibility with the character of the area and therefore we recommend denial. Staff is providing conditions should the Plan Commission wish to recommend approval.

RECOMMENDATIONS:

This Special Use Permit was reviewed by the Development Review Committee on November 16, 2017.

- a) The City Planning and Development Department staff recommends denial of **Case No. 653-S-2** changing the recommended land use designation on about 012 acres from Residential Urban Low Density to Commercial.
- b) The City Planning and Development Department staff recommends denial of **Case No. 14887-P-1** rezoning the property located at 3709 St. John Avenue from District R-2.5 (Residential 2.5) to District B3-2 (Community Business dash 2).
- c) The City Planning and Development Department staff recommends denial of **Case No. 14887-SU** generally located at the southeast corner of St. John Avenue and Monroe Avenue consisting of approximately 0.3 acres, to allow for fuel sales.

Should the City Plan Commission decide to move forward with this case, City Planning and Development Staff recommends the following conditions of approval based on the application, plans and documents provided prior to the hearing:

1. That two (2) collated, stapled and folded copies (and a CD containing a pdf file, a georeferenced monochromatic TIF file, and CAD/GIS compatible layer of the site plan boundary referenced to the Missouri state plan coordinate system) of (a revised drawing /all listed sheets), revised as noted, be approved by the Development Management staff (15th Floor, City Hall) prior to Board of Zoning Adjustment consideration showing:

Plan corrections a-f per City Planning & Development, Development Management Division (Zach Nelson, zachary.nelson@kcmo.org)

- a. A signage plan that meets the requirement of Chapter 88-445 in its entirety.
- b. A revised landscape plan showing street trees along Monroe Avenue and St. John Avenue.
- c. A revised site plan showing reorientation of curb cuts to allow for a wider turn radius for fueling trucks.
- d. A six foot tall privacy fence on the south property line and the east property line.
- e. Provide a turning template.
- f. Revise street trees to show an overstory deciduous tree species for all street trees.

**Condition 1-2 per City Planning & Development, Development Management Division
(Zach Nelson, zachary.nelson@kcmo.org)**

1. That the developer obtain approval from the Board of Zoning Adjustment for a Special Use Permit and all necessary variances prior to issuance of Building Permit.
2. Approval of a street tree planting plan from the City Forester prior to issuance of any permits.

Respectfully submitted,



Zach Nelson
Planner