

CITY PLAN COMMISSION STAFF REPORT

City of Kansas City, Missouri
City Planning & Development Department
www.kcmo.gov/cpc

August 15, 2023

230827

Project Name Marion Park Convenience Store

Docket #4

Requests

- **4.1** CD-CPC-2023-00057 Area Plan Amendment
- **4.2** CD-CPC-2023-00049 Rezoning UR to B2-2
- **4.3** CD-CPC-2023-00058 UR Plan Amendment

Applicant

Doug Stone Lewis Rice

Owner

Moussa Sobaiti

Location 9520 Marion Park Dr **Area** About 7 acres

Zoning UR Council District 5th

County Jackson School District Hickman Mills

Surrounding Land Uses

North: Undeveloped, Zoned UR South: Undeveloped, Zoned UR East: Commercial, Zoned B2-2 West: Undeveloped, Zoned UR

Major Street Plan

The City's Major Street Plan identifies East Bannister Road as a Thoroughfare with 4 lanes at this location

Land Use Plan

The Hickman Mills Area Plan recommends Office/Residential uses for the subject property.

APPROVAL PROCESS



PROJECT TIMELINE

The application for the subject request was filed on March 26, 2023. Scheduling deviations from 2022 Cycle C have occurred due to additional applications needed to be applied for by the applicant.

NEIGHBORHOOD AND CIVIC ORGANIZATIONS NOTIFIED

There are no Neighborhood Associations tied to the subject site.

REQUIRED PUBLIC ENGAGEMENT

Public engagement as required by 88-505-12 applies to this request. Applicant hosted a meeting on July 5, 2023. A summary of the meeting is attached to the staff report, see Attachment #3.

EXISTING CONDITIONS

The subject site is currently undeveloped. It is within the existing Hickman Mills Corridor Urban Redevelopment Plan area. Land to the north, west, and south is currently undeveloped and located within the same UR Plan area. To the east is commercial development zoned B2-2 which includes the existing Home Depot. A regulated stream is located on the western side of the parcel.

SUMMARY OF REQUEST + KEY POINTS

The applicant is seeking approval of a UR Plan Amendment to remove the subject site from the UR Plan Area, Rezoning from UR to B2-2, Area Plan Amendment from Office/Residential to Mixed Use Community in current District UR on about 7 acres generally located at the southwest corner of East Bannister Road and Marion Park Drive.

CONTROLLING CASE

Case No. 6817-URD-17 – On March 2, 2000 an amendment to a previously approved redevelopment plan in District URD (Urban Redevelopment District) so as to delete 11.7 acres generally located at 96th Street and Marion Park Drive.

PROFESSIONAL STAFF RECOMMENDATION

Docket #4.1 Recommendation: **Approval**Docket #4.2 Recommendation: **Approval**Docket #4.3 Recommendation: **Approval**

RELEVANT CASES

Case No. 6552-P-8 -- Ordinance 60451 passed in January of 1987 rezoned 11.8 acres from District CP2 (Local Planned Business Center) to District C3a1p (Intermediate Business, Low Buildings, Limited District) and approved a development plan for 145,000 sq. ft. of office/showroom/warehouse space.

Case No. 6552-P-9 -- Final plan approved by City Plan Commission in March of 1987.

Case No. SD0258 -- Final Plat of Bannister Square Business Center was approved by City Council Ordinance 61289 on July 23, 1987 to allow creation of one lot.

Case No. 6552-P-11 -- City Plan Commission on December 1, 1987 approved a revised final plan to allow erection of a freestanding sign to identify the center.

Case No. 6552-P-12 -- City Council Ordinance 62223 passed in March of 1988 amended the plan to delete the required side yard along the southern property line, to allow additional parking to be provided.

Case No. 6552-P-13 -- Final plan reapproved by City Plan Commission on May 17, 1988.

Case No. SD0258A -- Final Plat of Bannister Square Business Center, Replat to subdivide the 11.7 acre site into seven lots for sale of individual buildings was approved by City Council Ordinance 65059 on January 4, 1990.

Case No. 6817-URD-13 -- City Council Ordinance 940020 passed February 3, 1994 rezoned approximately 325 acres generally bound by Bannister Road on the north, Interstate 435 and U.S. Highway 71 on the west, Interstate 470 on the south, and the west boundary of the Mooreland/Hillcrest Heights subdivision on the east from numerous zoning districts to District URD and approved a preliminary development plan for 1,584,000 sq. ft. of office, research and development, laboratory, and commercial office/warehouse space. The 11.8 site currently under consideration is located in the extreme northeast corner of the urban redevelopment plan, north of the Hoechst Marion Roussel (formerly Marion Merrell Dow) site.

Case No. 422-S -- The Hickman Mills Tax Increment Financing Plan was approved by City Council Ordinance on November 25, 1992. Upon the 11.7 acre subject site, the plan proposed construction of six office/warehouse structures.

Case No. 6817-URD-15 – Ordinance 961235 passed in October of 1996 amended the development plan on 11.7 acres to permit an increase in square footage, revision of the number and placement of structures, and reduce the setback from Interstate 435.

Case No. 6817-URD-16 – City Plan Commission recommended approval of a request to delete 3.75 acres located on the west side of Hickman Mills Drive and north of Interstate 470 from the URD District. The property was then rezoned (Case No. 8530-P-1) to District M1p, its prior zoning, and a plan was approved to permit construction of an office/warehouse development.

REZONING REVIEW

The applicant is proposing a request to rezone 7 acres from District UR (Urban Redevelopment) to District B2-2. This rezoning will allow for the applicant to pursue a Special Use Permit for the creation of a Fuel Station. The project site is a vacant parcel which has been undeveloped since 1996. The current UR plan requires that the site be utilized for an office building. This UR plan was approved in 2000 and was tied to the Hoechst Marion Roussel development within the Hickman Mills Redevelopment Plan. The proposed rezoning does not require an accompanying plan. Rezoning this parcel is compatible with adjacent properties which have existing commercial uses.

The applicant is also proposing an Area Plan Amendment to bring the area plan into conformance. The current future land use of the site is Office/Residential. The applicant is proposing to amend the plan to be Mixed-Use Community which is in line with the properties to the east. This future land use would allow a mixture of commercial and/or residential and would not prohibit redevelopment of the site in the future.

SPECIFIC REVIEW CRITERIA

Zoning and Development Code Map Amendments, <u>REZONINGS</u> (88-515-08)

In reviewing and making decisions on proposed zoning map amendments, the City Planning and Development Director, City Plan Commission, and City Council must consider at least the following factors:

A. Conformance with adopted plans and planning policies;

This proposal is not consistent with the future land use plan which necessitates the accompanying Area Plan Amendment.

B. Zoning and use of nearby property;

Properties to the east of the subject site are zoned B2-2 which is the desired zoning district of the applicant. Properties to the north and south are zoned UR, allowing for a mixture of commercial, office, and industrial uses. West of the subject site is Highway 71 which serves as a physical barrier from any residential uses.

C. Physical character of the area in which the subject property is located;

Adjacent properties consist mainly of commercial uses, with Cabinets To Go and The Home Depot directly across Marion Park Drive to the east. Land to the north and south is currently undeveloped. The proposed rezoning is not expected to change the physical character of the area.

D. Whether public facilities (infrastructure) and services will be adequate to serve development allowed by the requested zoning map amendment;

There is existing public infrastructure serving the site. Utilities and infrastructure will be brought to City Standards when any development is proposed.

E. Suitability of the subject property for the use to which it has been restricted under the existing zoning regulations;

The current zoning designation is Urban Redevelopment (UR). The proposed rezoning will change the zoning to B2-2. The land was previously restricted to only that of office use. The UR plan no longer has Tax Incentives that the applicant is pursuing. The removal of this site from the UR plan and subsequent rezoning will allow for the lot to be developed with uses allowed under B2.

- F. Length of time the subject property has remained vacant as zoned;
 - A single-family home was demolished in 1996. To the best of our knowledge the land has been vacant since.
- **G.** The extent to which approving the rezoning will detrimentally affect nearby properties; and The rezoning is not expected to detrimentally affect nearby properties.
- H. The gain, if any, to the public health, safety, and welfare due to denial of the application, as compared to the hardship imposed upon the landowner, if any, as a result of denial of the application.

A denial of the application is not expected to provide any gain to the public health, safety, and welfare.

ATTACHMENTS

- 1. Conditions Report
- 2. Applicants Submittal
- 3. Public Engagement Materials

PROFESSIONAL STAFF RECOMMENDATION

City staff recommends the following:

Docket #4.1 Recommendation: Approval
Docket #4.2 Recommendation: Approval
Docket #4.3 Recommendation: Approval

Respectfully Submitted,

Matthew Barnes

Planner



CITY PLANNING & DEVELOPMENT

Public Meeting Summary Form

Project Case # CD-SUP-2023-00017 CD-CPC-2023-00049, CD-CPC-2023-00057

and CD-CPC-2023-00058

Meeting Date: July 5, 2023

Meeting Location: South Patrol Division Station, 9701 Marion Park Drive

Kansas City, MO 64137

Meeting Time (include start and end time): Start 7 pm, end approximately 8 pm

Additional Comments (optional):

No opposition to the project itself was expressed. There were questions regarding (a) the developer's other operations (we gave them the info, but advised that this is a much smaller facility than the client's facility in Edgerton), (b) security and prevention of human trafficking (we will have video cameras outside), (c) opportunities for an internal kiosk or other facility to share information and history of Hickman Mills and Three Trails (we are willing to work toward that), (d) opportunities for some exterior place-making signage for "Hickman Mills" (OK with us, subject to City approval), (e) confirmation that there will not be a pylon sign, (f) confirmation that no tax incentives are being sought, (g) whether there will be rules and limitations on leaving the truck trailer and driving the truck cab away (we will look into this but do not intend to do so), (h) whether there will be inside seating in the restaurant (yes), and (i) whether there will be EV charging stations (we will look into that).

CD-SUP-2023-00017, CD-CPC-2023-00049, CD-CPC-2023-00057 and CD-CPC-2023-00058 (On the Go Project, 9600 Elmwood, KCMO)

ATTENDEE LIST

In Person

Sandy Sexton

Carol McClure

John Sharp

Jerry Darter

Margie Haugh

Bob Ludlow

Nola Wood

Beth Boerger

Anita Winders

Darrell Curls

Reginald Silvers

On Zoom

Tim Cushing

April Cushing

Tim Henry

Teresa Edens

Michael Caughron

John Campbell

Patty Burney

Doug Stone (Developer team)

Dan Finn (Developer team)

Judd Clausen (Developer team)

David Anderson (Developer team)

CASE NUMBER

CD-CPC-2023-00649

ADDRESS OR LOCATION_

9520 Marion Park Dr.

AFFIDAVIT OF SIGN POSTING
STATE OF KANSAS
COUNTY OF Johnson
I, Jupp D. Cutus same being duly sworn upon my oath and being of sound mind
That I am the
(Print Name)
(Print Name)
(Signature)
Subscribed and sworn to before me this 31 day of July 2023.
Notary Public NOTARY PUBLIC-State of Kansas SHELIA EWING My Appt. Exp. 5/6-28

Said sign shall be furnished by the City to the applicant and the applicant shall firmly affix and attach the sign to a wood or metal backing or frame. The sign shall be posted in a fashion visible from a public right-of-way or public place, shall not be further than ten (10) feet from the property line exclusive of the public right-of-way and shall be posted in a manner that the bottom portion of the sign is no further than eighteen (18) inches from the ground. The applicant shall file an affidavit prior to the public hearing stating that said sign has been posted according to these regulations.

All or part of the following subdivisions: "BANNISTER SQUARE BUSINESS CENTER REPLAT", "MARION INDUSTRIAL PARK", "MARION INDUSTRIAL PARK 2ND PLAT", "KEMBLE ACRES", "HICKMAN BUSINESS CENTER", "KRAMER INDUSTRIAL PARK", "BANNISTER STOR-ALL", "A & A ACRES", "KING'S ROSE HILL SUBDIVISION", "HOLMES PARK", "REPLAT OF HOLMES PARK", "SHOWBIZ PIZZA PLACE", AND "RESURVEY OF PARCELS 2 AND 3 VENTURE CENTER", all subdivisions according to the recorded plats thereof, including the following streets, drives, avenues, highways, and alleys: Marion Park Drive, 103rd Street, Hickman Mills Drive, Interstate 470, U.S. Highway No. 71, Interstate 435, Woodfield Drive, Cypress Avenue, 95th Street Terrace, 96th Street, King's Highway, Elmwood Avenue, and the alleys in Blocks 1 and 3, Holmes Park, as said streets, drives, avenues, highways, and alleys are now established and the right of way of the Burlington Northern Railroad (formerly the St. Louis and San Francisco Railroad), together with other lands situated in Section 26, Township 48, Range 33, and in Section 35, Township 48, Range 33, all in Kansas City, Jackson county, Missouri, and lying generally south of Bannister Road; north of Interstate 470 and easterly of U.S. Highway No. 71.

The boundary of the redevelopment area is more specifically described as beginning at the northeast corner of Lot 1, "BANNISTER SQUARE BUSINESS CENTER REPLAT"; thence south along the east line of said Lot 1 and along the east line of Lot 3 in said "BANNISTER SQUARE BUSINESS CENTER REPLAT11, a distance of 439 feet; thence in a southerly and southwesterly direction along the east line of said Lot 3 and along a curve to the right, tangent to the last described course and having a radius of 300.00 feet, an arc distance of 176 feet to the southeast corner of said Lot 3, said corner also being on the north line of the Southwest 1/4 of the Southeast 1/4 of Section 26, Township 48, Range 33; thence east 120 feet to the northeast corner of said 1/4 1/4 Section; thence south along the east line of said 1/4 1/4 Section and along the east line of the West 1/2 of the Northeast 1/4 of Section 35, Township 48, Range 33 and along the southerly prolongation thereof, a distance of 3991 feet to a point on the south right of way line of 103rd Street, as now established; thence east along said south right of way line, a distance of 491 feet, more or less, to the northwest corner of "SLEEPY HOLLOW", a subdivision in said city, county and state; thence the following courses along the westerly boundary lines of said "SLEEPY HOLLOW" subdivision; south 844 feet, east 200 feet, south 390 feet, southwesterly 91 feet, west 572 feet, south 30 feet, west 141 feet to a point on the easterly right of way line of Hickman Mills Drive, as now established: thence southeasterly 461 feet to the southwest corner of said "SLEEPY HOLLOWS" subdivision; thence westerly, departing from said subdivision boundary along the northerly right of way line of Interstate Route 470, as now established: 100 feet, more or less, to a point on the westerly right of way line of said Hickman Mills Drive, said point also being opposite and 209 feet northerly of Station 47+85 of the right of way base line of the eastbound lanes of said Interstate 470, as now established; thence westerly along the last said right of way line, 440 feet, more or less, to a point on the westerly right of way line of the Burlington Northern Railroad that is opposite and 30 feet northerly of station 43+55 of said right of way base line; thence northwesterly 795 feet, more or less, to a point opposite and so feet northeasterly of station 35+51.26 of said right of way base line; thence northwesterly, parallel with said

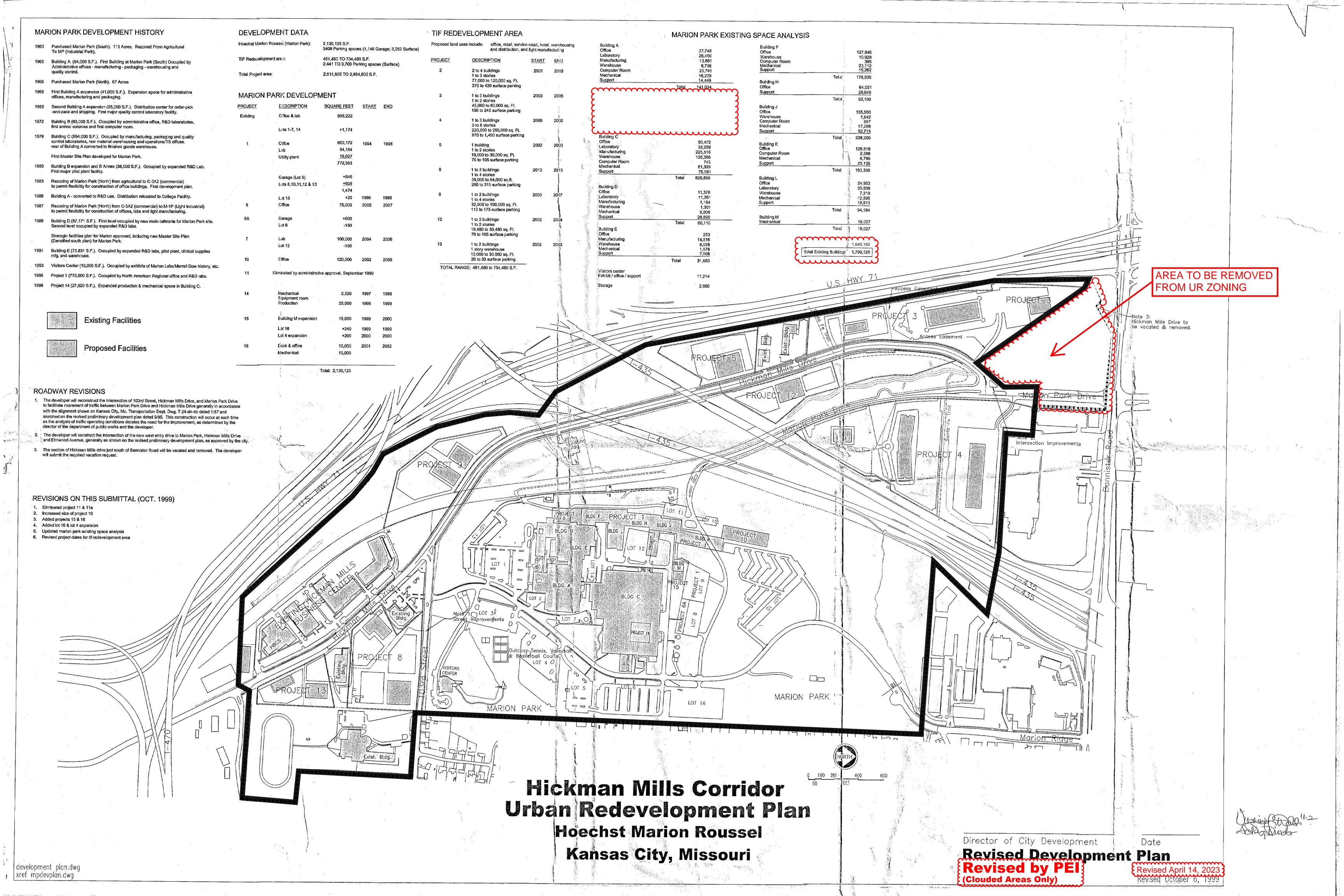
right of way base line, a distance of 818 feet; thence in a northwesterly direction along a curve to the left, tangent to the last described course having a radius of 1483 feet, an arc distance of 355 feet; thence in a northwesterly and northerly direction along a curve to the right having a radius of 1637 feet, an arc distance of 1500 feet, more or less, to the intersection of the westerly right of way line of said Hickman Mills Drive and the prolongation of the easterly right of way line of Interstate 435, as now established; thence North 660 West, a distance of 245 feet: thence North 23"30' West, a distance of 660 feet; thence North 35° West, a distance of 165 feet, more or less, to a point on the southerly prolongation of the easterly right of way line of U.S. Highway No. 71, as now established; thence northerly along said prolongation and along the last said right of way line, a distance of 720 feet to a jog in said right of way line: thence west along said jog, a distance of 23 feet; thence northerly along the last said right of way line, a distance of 1420 feet to an angle point; thence northerly along said right of way line, a distance of 140 feet to an angle point; thence northerly along said right of way line, a distance of 52 feet; thence northerly along the last said right of way line, a distance of 270 feet to an angle point on the southerly right of way line of Woodfield Drive, as now established; thence westerly along a jog in said easterly right of way line, along a curve to the left having a radius of 180.00 feet, an arc distance of 46 feet; thence northerly along said right of way line, a distance of 50 feet to an angle point in said easterly right of way line that is opposite and 143 feet east of Station 404+09 of the right of way base line of said U.S. Highway No. 71; thence north along said right of way line, a distance of 695 feet to an angle point therein that is opposite and 293 feet east of station 410+95 of said right of way base line; thence westerly along said right of way line, a distance of 49 feet to an angle point therein that is opposite and 248 feet east of Station 411+16 of said right of way base line; thence northerly along said right of way line, a distance of 80 feet to a point on the southerly right of way line of Bannister Road; thence northeasterly along last said right of way line, a distance of 135 feet; thence southeasterly along said southerly right of way line, a distance of 140 feet; thence northeasterly along said right of way line and along the prolongation thereof, a distance of 180 feet to the point of intersection of the south right of way line of Bannister Road and the northeasterly right of way line of the Burlington Northern Railroad; thence easterly along said south right of way line, a distance of 80 feet; thence northeasterly along said south right of way line, a distance of 45 feet; thence easterly along said south right of way line, a distance of 400 feet; thence easterly, a distance of 80 feet to a point on the east right of way line of Hickman Mills Drive extension, as now established; thence south along the last said right of way line, a distance of 580 feet; thence southwesterly along the last said right of way line, a distance of 87 feet to a point on the west line of Lot 2, "SHOWBIZ PIZZA PLACE", a subdivision in said city, county, and state: thence south along the last said west line, a distance of 130 feet to the southwest corner of the last said Lot 2, said point also being the northwest corner of Parcel 2, "RESURVEY OF PARCELS 2 AND 3, VENTURE CENTER": thence east along the north line of said Parcel 2: a distance of 1125 feet to the northeast corner thereof: thence easterly, a distance of 545 feet to the northerlymost corner of Lot 6, 11 BANNISTER SQUARE BUSINESS CENTER REPLAT", a subdivision in said city, county, and state; thence southeasterly 166 feet to an angle point in the north line of Lot 4 in the last said subdivision; thence east along the north lines of Lots 4 and 2 in the last said subdivision, a distance of 440 feet to a

point on the west line of Lot 1 in the last said subdivision; thence north 18 o feet to the northwest corner of the last said Lot 1; thence east, a distance of 267 feet to the point of beginning, except that part thereof in public thoroughfares.

EXCEPT:

All that part of the Southwest Quarter of Section 26, Township 48 North, Range 33 West, in the City of Kansas City, Jackson County, Missouri, being more particularly described by Scott G Chrisman, RLS-2594, on March 24, 2023, for project 210432, as follows:

Commencing at the Northwest corner of the Northwest Quarter of the Southwest Quarter of said Section 26; thence S 86°45'39" E, along the North line of the Southwest Quarter of said Section 26, a distance of feet, 625.36 feet; thence S 3°14'21" W, a distance of 201.47 feet, to a point on the Southerly Right-of-Way line of State Route W, also known as Bannister Road, and the Easterly Right-of-Way line of Hickman Mills Drive, as now established, said point also being the Point of Beginning; thence along the South Right-of-way line, of said State Route W, also known as Bannister Road for the following seven (7) courses; thence N 55°59'03" E, a distance of 50.81 feet; thence S 39°16'10" E, a distance of 152.14 feet; thence N 54°16'14" E, a distance of 41.23 feet; thence N 39°40'12" W, a distance of 150.49 feet; thence N 56°54'03" E, a distance of 104.31 feet; thence S 86°39'56" E, a distance of 403.59 feet; thence S 31°17'06" E, a distance of 72.26 feet, to a point on the Westerly Right-of-Way line of Marion Park Drive, as now established; thence along said Westerly Right-of-Way line of said Marion Park Drive, for the following two (2) courses; thence S 1°30'04" W, a distance of 695.92 feet; thence Southerly on a curve to the right, said curve being tangent to the last described course and having a radius of 64.66 feet, an arc distance of 1.95 feet; thence N 88°22'42" W, a distance of 51.26 feet; thence S 10°48'39" E, a distance of 69.57 feet, to a point on the Northerly, and Easterly Right-of-Way line of Hickman Mills Drive, as now established; thence along said Northerly and Easterly Right-of-Way line for the following six (6) courses; thence Southwesterly on a curve to the right, said curve having an initial tangent bearing of S 38°47'59" W, a radius of 560.00 feet, and an arc distance of 2.30 feet; thence S 39°16'03" W, a distance of 128.11 feet; thence N 10°48'39" W, a distance of 182.92 feet; thence S 79°19'28" W, a distance of 89.40 feet; thence Northwesterly on a curve to the left, said curve having an initial tangent bearing of N 10°40'32" W, a radius of 1176.28 feet, and an arc distance of 477.71 feet; thence N 33°56'39" W, a distance of 290.71 feet, to a point on the South Right-of-Way line of said State Route W, also known as Bannister Road, and the Point of Beginning, containing 319,755 square feet or 7.3406 acres, more or less.



Legal Description

All that part of the Southwest Quarter of Section 26, Township 48 North, Range 33 West, in the City of Kansas City, Jackson County, Missouri, being more particularly described by Scott G Chrisman, RLS-2594, on March 24, 2023, for project 210432, as follows:

Commencing at the Northwest corner of the Northwest Quarter of the Southwest Quarter of said Section 26; thence S 86°45'39" E, along the North line of the Southwest Quarter of said Section 26, a distance of feet, 625.36 feet; thence S 3°14'21" W, a distance of 201.47 feet, to a point on the Southerly Right-of-Way line of State Route W, also known as Bannister Road, and the Easterly Right-of-Way line of Hickman Mills Drive, as now established, said point also being the Point of Beginning; thence along the South Right-of-way line, of said State Route W, also known as Bannister Road for the following seven (7) courses; thence N 55°59'03" E, a distance of 50.81 feet; thence S 39°16'10" E, a distance of 152.14 feet; thence N 54°16'14" E, a distance of 41.23 feet; thence N 39°40'12" W, a distance of 150.49 feet; thence N 56°54'03" E, a distance of 104.31 feet; thence S 86°39'56" E, a distance of 403.59 feet; thence S 31°17'06" E, a distance of 72.26 feet, to a point on the Westerly Right-of-Way line of Marion Park Drive, as now established; thence along said Westerly Right-of-Way line of said Marion Park Drive, for the following two (2) courses; thence S 1°30'04" W, a distance of 695.92 feet; thence Southerly on a curve to the right, said curve being tangent to the last described course and having a radius of 64.66 feet, an arc distance of 1.95 feet; thence N 88°22'42" W, a distance of 51.26 feet; thence S 10°48'39" E, a distance of 69.57 feet, to a point on the Northerly, and Easterly Right-of-Way line of Hickman Mills Drive, as now established; thence along said Northerly and Easterly Right-of-Way line for the following six (6) courses; thence Southwesterly on a curve to the right, said curve having an initial tangent bearing of S 38°47'59" W, a radius of 560.00 feet, and an arc distance of 2.30 feet; thence S 39°16'03" W, a distance of 128.11 feet; thence N 10°48'39" W, a distance of 182.92 feet; thence S 79°19'28" W, a distance of 89.40 feet; thence Northwesterly on a curve to the left, said curve having an initial tangent bearing of N 10°40'32" W, a radius of 1176.28 feet, and an arc distance of 477.71 feet; thence N 33°56'39" W, a distance of 290.71 feet, to a point on the South Right-of-Way line of said State Route W, also known as Bannister Road, and the Point of Beginning, containing 319,755 square feet or 7.3406 acres, more or less.

