



City Planning & Development Department

Development Management Division

15th Floor, City Hall
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Kansas City, Missouri 64106-2795

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STAFF REPORT September 20, 2016 **(30)**

RE: **Case No. 14730-MPD**

APPLICANT/ OWNER: Quik Trip Corporation
5725 Foxridge Dr.
Mission, KS 66202

AGENT: Patricia R. Jensen c/o Sarah Harper
White Goss
4510 Belleview, Ste. 300
Kansas City, MO 64111

LOCATION: Generally located southwest corner of Westport Road and Holly Street, extending to the west side of Mercier Street.

AREA: Approximately 1.5 acres.

REQUESTS: To consider approval of a request to rezone the tract of land from District B3-2 (Community Business dash 2) to District MPD (Master Planned Development), and approval of a development plan that allows for gasoline and fuel sale.

SURROUNDING

LAND USE: **North:** zoned B3-2, Guardian Angels, Andy's, DeMasters Insurance Agency and New Creations Salon.
South: zoned R-1.5, Apartment buildings and single family residence along Holly Street.
East: zoned B3-2, Autobahn Motors.
West: zoned B3-2, Vacant gas station and apartment.

LAND USE PLAN: The Midtown Plaza Area Plan adopted by Resolution No. 150899 passed on January 7, 2016 recommends Mixed Use Community land use at this location. The proposed use is consistent with the future land use plan.

MAJOR STREET PLAN: Westport Road is classified as a “4-lane through Street” (with two through lanes in each direction), and an Established Arterial typology by the City’s Major Street Plan. Mercier Street and Holly Street are not classified by the Major Street Plan. Mercier and Holly streets are both one way south bound.

ARTERIAL STREET

IMPACT FEE: Benefit District: Exempt
(Informational only) The proposed development is within an exempt area.

PREVIOUS CASE: There is no previous case at this location.

EXISTING CONDITIONS:

The site is located on the south side of Westport Road, between Holly Street on the east and Roanoke Parkway on the west. It is a combination of multiple platted lots and proposed vacated portions of Mercier Street. There is an existing Quik Trip gas station located at the southwest corner of Mercier Street and Westport Road. The existing gas station currently has four (4) fuel islands. There is an existing 10 – 12 foot retaining wall along the south side of the property.

Surrounding uses include the Guardian Angels Catholic Church, Andy’s Frozen Custard, DeMasters Insurance Agency and New Creations Salon on the north side of Westport Road. Directly south are apartment buildings except for the existing duplex on the west side of Holly Street. To the east of the site is Autobahn Motors, and to the west is a vacant gas station and an apartment building.

Access to the existing site is via two driveways, one on Mercier Street and the other on Westport Road. There is an existing employee parking lot on the north side of Westport Road owned by Quik Trip, but not part of the requested rezoning. There is an existing pole sign along Westport Road. On the west side of Mercier is a vacant building which previously was Berbiglia liquor store. This structure is built to the right of way line of Westport Road and has parking on the east and west sides of the building with no landscaping or setback.

PLAN REVIEW & ANALYSIS:

The applicant is requesting approval to rezone the 1.5 acre tract of land from District B3-2 (Community Business dash 2) to District MPD (Master Planned Development), and approval of a development plan that allows for gasoline and fuel sales. Quick Trip has acquired the vacant Berbiglia building and the duplex on Holly Street and would like to consolidate the parcels and demolish the existing store to allow for the construction of a generation 3 store. The applicant has also filed a petition to vacate Mercier Street (Case No. 1737-V) at the intersection of Westport Road.

The proposed store will be about 6,000 square foot with 52 parking spaces, including 3 ADA accessible parking spaces. The gas station/ convenience store is proposed with 7 islands (14 pumps). The proposed canopy is approximately 120' x 60' with the northwest corner beveled off to allow for through traffic. Access to the site is proposed via two driveways on Westport Road and a third driveway on Holly Street. It should be noted that along Westport Road there are a number of curb cuts that do not line up. The street grid is also offset, therefore attempting to align driveways is difficult. If an opportunity presents itself, it should be attempted, but is not required. The applicant is also proposing to petition to have Holly Street be a two way street from Westport Road to the Quik Trip driveway. This will require review and approval by the Public Works Department and the Transportation and Infrastructure Committee of the City Council.

The single story convenience store is positioned on the east side of the property, and setback 46 feet from the north property line. The building is proposed to be setback about 156 feet from the westerly property line and 75 feet from the easterly property line (Holly Street) and about 25 feet from the south. The plan shows a 60' x 120' canopy on the west side of the property along Westport Road setback about 27 feet from the northerly property line. A trash enclosure is shown at the southwest corner of the site.

The plan shows a 5 foot sidewalk on Westport Road and Holly Street. The plan does not propose parking spaces facing Westport Road. The plan shows 11 spaces in front of the store, 9 spaces on the west side between the entrance and gas pumps, and 9 on the east side of the store. There are 8 parking spaces along Holly Street and 15 additional spaces located on the south and west sides of the site. The 52 parking spaces including 3 designated ADA accessible parking spaces. The provided parking exceeds the required number of parking

spaces by 15 spaces. The code requires one space per pump for fuel sale plus 2.5 spaces per 1,000 square foot for retail sales. The plan schedule shows zero short term and 8 long term bicycle parking spaces. On the site plan there is a note for bicycle parking on the north side of the building. Staff recommends that the plan and schedule be revised to accurately show the required number of short term bicycle parking.

The building elevations depict the new generation-3 Quik Trip stores, constructed of brick with clear glass storefronts and accented with black tile and metal awnings. The canopy and dumpster enclosure are to be constructed of the same materials. The overall height of the building is about 22 feet to the top of the cornice. The roof is proposed to be a flat roof to house roof-top mechanical units. The plan shows parapets with cornices to screen the RTUs.

Signage is proposed on the front of the building and consists of white, illuminated "QuikTrip" in the middle, and two "QT" red boxes with white lettering at each end of the front façade. There are no signs proposed on the south, east or west elevations of the building. Currently a pole sign exists at the southwest corner of Mercier and Westport Road. This sign will be removed with this project. The plan shows two monument signs with a metal base at the northeast and northwest corners of the site. The monument signs are shown with a 0' setback. The zoning and development code requires a 10' setback. Staff has concerns with a 0' setback due to the proximity to the intersection of Holly and Westport Road. A monument sign plan is not included with the plan. Staff recommends that the monument sign and measurement of all signage be included in the revised plans. All signs shall comply with the zoning and development code unless specifically identified on the plan as a deviation request.

Proposed landscaping shows 8 White Oak deciduous trees and 6 ornamental trees along the west side of the property. A double row of shrubs are provided along Westport Road and Holly Street to meet the code requirement of screening vehicular use areas. The applicant has indicated a desire to place a metal fence along Westport Road with brick columns to help create a better buffer and more urban edge to the property. With this said, the area adjacent to the gas pumps does not meet the requirement of Chapter 88-425 as it relates to screening of vehicular use areas since the fencing is not opaque. To gain additional landscape area the drive aisles could be lessened to the city's standard 24' width which would allow for more green space. Staff recommends that the landscaping plan be revised to meet the requirement of Chapter 88-425 in its entirety or the landscaping plan shall call out any and all deviation

from the Zoning and Development Code.

A lighting plan with photometric study has been submitted. Chapter 88-430-05-B, requires that light fixtures mounted under gas station canopies must be completely recessed into the canopy with flat lenses that are translucent and completely flush with the bottom surface (ceiling) of the canopy. Chapter 88-430-05-C, also requires that spillover light onto R-zoned property or public rights-of-way may not exceed 2 lux, measured at grade along the property line. Furthermore Chapter 88-430-05-D requires that all outdoor lighting must be reflected away from residences and streets. Staff recommends that the lighting plan be revised to meet the requirements of Chapter 88-430 in its entirety.

Long Range Planning & Preservation Comments:

The Midtown Plaza Area Plan recommends Mixed Use Community at this location, which is defined as:

Mixed Use Community - Primarily intended to accommodate and promote a variety of community-serving retail sales or service uses generally of a higher intensity and larger scale than what is allowed in Mixed Use Neighborhood areas. This category should include a mix of business and residential uses designed to enhance the pedestrian environment of the community and correspond with the "B2" zoning category within the zoning ordinance.

The existing B3 zoning is inconsistent with this recommended land use, however, as long as no change to existing zoning is requested then no area plan amendment would be required. The MPAP Planning Recommendations Map (page 39) recommends "Maintain Predominant Form" for the section west of Mercier Street and "Potential Redevelopment" for the area east of Mercier Street. These are defined as follows:

- **Potential Redevelopment** – These properties were determined appropriate for redevelopment.
- **Maintain Predominate Form** – The predominate form of these properties and/or neighborhoods is consistent with good design practices and adds a unique character to the area. Properties should be maintained and rehabilitated. Redevelopment should fit within the existing urban form of the area.

The proposed MPD plan involves an expansion of an existing convenience store to a much larger footprint, and involves a street vacation/closure which is inconsistent with MPAP plan goals, recommendations and guidelines:

- Page 115 – “• Maintain the urban street grid and pedestrian scale blocks. Street and alley vacations are discouraged because they erode street connectivity and mobility. Street connections should be re-established whenever possible. Where street connections are not present (on “superblocks”), provide pedestrian cut-throughs.”
- Page 169 – “• Avoid disruption of the dense urban street grid and maintain pedestrian scale blocks. Consolidation into “super blocks,” street closures and vacations that incrementally erode the character and connectivity of the area should be avoided. When large developments do occur, they should be designed to maintain pedestrian permeability.”
- Page 170 – “• Preserve, enhance, and restore the existing grid network of streets, where applicable. Avoid street closures and vacations, as they erode the connectivity of the area.”

The MPAP identifies this area as a Corridor for which the following Corridor Development Guidelines applies:

- Corridors should have smaller scale elements and storefronts at the street level to encourage pedestrian activity.
Building does not provide storefront at street level. Building is set back from street with parking in front.
- Zero or near zero lot line development in many instances is the most appropriate siting for a building along a corridor.
Building is set back from street with parking in front
- Where corridors also correspond with an area’s image streets or Great Streets (FOCUS), enhanced streetscape/gateway improvements and a high quality of development should be provided.
Some streetscape improvements indicated on plans (landscaping). No elevations provided for quality of development
- Corridors should have attractive streetscape amenities such as lighting, benches, signage, trees, etc.
Some streetscape improvements indicated on plans (landscaping)
- Curb cuts and access points should be consolidated and kept to a minimum to manage access and enhance walkability.
2 access points proposed which is comparable to the existing conditions.

- Provide cross-access between parking areas to minimize street curb cuts and adjacent access points.
Proposed design is one lot. Lack of internal pedestrian connection is nonexistent.
- Corridors should be highly permeable to provide frequent “local” access to adjacent neighborhoods, districts and nodes, particularly for pedestrians.
Local access reduced with street closure.
- Building orientation should generally run parallel to the corridor.
Complies
- Corridors are an area of higher pedestrian activity. Provide abundant windows on the corridor facing façade to allow more opportunities for “eyes on the street.” Views into and out of windows should not be obstructed by signage or obstructed by window material.
Building set back from street and lack of windows on the Holly Street side is not in compliance, additional windows needed.
- Parking should be located at the rear of the property behind buildings, or in a parking structure.
Does not comply.
- Where this is not feasible, parking beside the building may be appropriate but parking should comprise a small percentage of the street frontage on the block.
Parking is provided on the sides of the building, but they are also provided along the majority of the street frontage
- Buildings should have a primary entrance facing and directly accessible from the public street, rather than oriented towards side or rear parking areas. For corner lots in, building entrances are encouraged on both streets. Buildings are encouraged to have multiple entrances that open out to the public realm of the street. Buildings should be sited in ways to make their entries or intended uses clear to pedestrians.
Does not comply

Analysis

To meet the MPAP policies which support the existing fabric and street grid of the community staff recommends connecting the terminus of Mercier Street to Holly Street. This will be beneficial to the neighborhood and maintain the existing street grid

connections as recommended by the area plan. Staff recommends moving the building to the north allowing for a public street connection on the south side of the property. This can be accomplished within an alternative modified 40' right-of-way street section (with no parking on either side and a sidewalk on one side only). This change also provides the opportunity to maintain the existing apartment building on the west side of Holly Street and eliminates the need for the pedestrian stairway. This modification will also support another recommendation of the MPAP which is to have a primary pedestrian entrance directly accessible from the public street. **Per Section 88-280-01, the MPD** district is intended to accommodate development that may be difficult if not impossible to carry out under otherwise applicable zoning district standards. For the proposed MPD to serve as a preliminary plat, the applicant shall submit a preliminary plat sheet. The applicant's MPD statement is attached.

88-520-03-F. MPD Review Criteria

In reviewing and making decisions on proposed MPD rezonings and preliminary development plans, review and decision-making bodies must consider at least the following factors:

- the preliminary development plan's consistency with any adopted land use plans for the area;
 - *The Midtown Plaza Area Plan adopted by Resolution No. 150899 passed on January 7, 2016 recommends Mixed Use Community land use at this location.*
- the preliminary development plan's consistency with the MPD district provisions of 88-280; and
 - *The applicant has submitted an MPD Statement.*
- the sufficiency of the terms and conditions proposed to protect the interest of the public and the residents of the MPD in the case of a plan that proposes development over a long period of time.
 - *This plan is proposed to be constructed in a single phase.*

88-280-06 Approval Criterion

MPD zoning may be approved only when the city council, after receiving the recommendation of the city plan commission, determines that the proposed development cannot be reasonably accommodated by other available regulations of this zoning and development code, and that a MPD would result in a greater benefit to the city as a whole than would development under conventional zoning district regulations. Such greater benefit may include implementation of adopted planning policies, natural resource preservation, urban design, neighborhood/community amenities, or a general level of development quality.

Through staff's recommendation of connecting the streets and moving the building to the street frontage we believe the project comes closer to meeting the urban design criteria of the MPD regulations.

The applicant did meet with the community prior to the City Plan Commission. Staff attended the meeting and heard many concerns regarding the Mercier street vacation and the impact on Holly Street. There were also comments related to the layout of the site. Residents had concerns that the design was too "suburban". Staff believes the recommendations in 1b and c below will help alleviate some of the concerns of the community.

RECOMMENDATIONS:

The City Planning and Development Department staff recommends that **Case No. 14730-MPD** be approved based on the application, plans, and documents reviewed by the Development Review Committee at the September, 2016 meeting and subject to the following conditions:

Conditions No. 1. - 3. per City Planning & Development, Development Management Division (Olofu Agbaji, Olofu.Agbaji@kcmo.org)

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 Plane coordinate system) of all submitted sheets, revised as noted, be submitted to Development Management staff (15th Floor, City Hall) prior to ordinance request showing:
 - a) All plan sheets rotated to align true north upwards.
 - b) An east/west street connection between Mercier Street and Holly Street within a 40' right-of-way. The street shall be 24' in width with a sidewalk on one side and no parking.
 - c) The building relocated to the north property line and the parking layout be amended to accommodate the building relocation.
 - d) A detailed cross section of the proposed retaining wall, showing proposed material for construction, top and bottom elevations of all proposed walls. The plans should be accompanied by a structural data to be submitted to DMD prior to ordinance request.
 - e) Revised lighting plan to provide the measurement is "lux" as required by Chapter 88-430-05-C.

- f) Adequate pedestrian access and connections from the sidewalks to the convenience store (walkability). The building should have primary access with direct and delineated and pedestrian connections onto every street frontage. The pedestrian access way should be delineated, signed and constructed of different materials to ensure safe navigation drive isles.
 - g) A preliminary plat sheet showing the proposed right way to be dedicated and any excess land should either be platted as a tract or combined with the main lot.
 - h) A revised landscape plan that meets the requirement of Chapter 88-425 as it relates to street tree plantings, interior landscape islands, providing 10' buffer perimeter landscape of vehicular use areas along public streets and when it abuts a residential district. Staff recommends a decorative opaque fence in lieu of landscaping to partially meet these requirements. Show fence material and height if proposed in lieu of landscaping.
2. That the developer vacate Mercier Street prior to issuance of Building Permit.
 3. Prior to issuance of a final certificate of occupancy, all landscaping as shown on the approved landscape plan, including trees, plant material and structural elements, must be in place and healthy, as certified by a sealed letter submitted by a registered landscape architect licensed in the State of Missouri.

Conditions No. 4. – 11. per City Planning & Development, Land Development Division (Brett Cox, brett.cox@kcmo.org)

4. The developer shall submit a Storm Drainage analysis from a Missouri-licensed civil engineer to the Land Development Division evaluating proposed improvements and impact to drainage conditions. Since this project is within a "Combined Sewer Overflow" (CSO) district, the project shall be designed to retain rainfall of 1.5 inch depth over the entire site to simulate natural runoff conditions and reduce small storm discharge to the combined sewer system. Manage the 10-year storm and 100-year storm per currently adopted APWA standards. The analysis shall be submitted, and the developer secure permits to construct any improvements required by the Land Development Division prior to issuance of any building permits.

5. The developer must petition for the vacation of Mercier Street as shown on the development plan and relocate sewers as required by the Departments of Water Services, the Land Development Division, and Development Services prior to recording of the final plat.
6. The developer must construct a cul-de-sac, south of the vacated portion of Mercier Street and grant right-of-way to the City as required by the Land Development Division, prior to recording the plat.
7. The developer must pay impact fees as required by Chapter 39 of the City's Code of ordinances as required by the Land Development Division.
8. The developer submit a letter to the Land Development Division from a Licensed Civil Engineer, Licensed Architect, or Licensed Landscape Architect, who is registered in the State of Missouri, to identifying sidewalks, curbs, and gutters in disrepair as defined by Public Works Department's "OUT OF REPAIR CRITERIA FOR SIDEWALK, DRIVEWAY AND CURB revised 4/8/09" and base on compliance with Chapters 56 and 64 of the Code of Ordinances for the sidewalks, curbs, and gutters where said letter shall identify the quantity and location of sidewalks, curbs, gutters that need to be constructed, repaired, or reconstructed to remedy deficiencies and/or to remove existing approaches no longer needed by this project. The developer shall secure permits to repair or reconstruct the identified sidewalks, curbs, and gutters as necessary along all development street frontages as required by the Land Development Division and prior to issuance of any certificate of occupancy permits including temporary certificate occupancy permits.
9. The developer must obtain the executed and recorded city approved grading, temporary construction, drainage/sewer, or any other necessary easements from the abutting property owner(s) that may be required prior to submitting any public improvements crossing properties not controlled by the developer and include said document(s) within the public improvement applications submitted for permitting.
10. The owner/developer must submit plans for grading, siltation, and erosion control to Land Development Division for review and acceptance, and secure a Site Disturbance permit for any proposed disturbance area equal to one acre or more prior to beginning any construction activities.

11. The developer provide acceptable easement and secure permits to relocate or abandon sanitary sewers out from under proposed buildings and structures, etc., while continuing to ensure individual service is provided to all proposed lots as required by Land Development Division prior to recording the plat or issuance of a building permit, whichever occurs first.

Condition Nos. 12. & 13. per Water Services Department (Heather Massey, heather.massey@kcmo.org)

12. That the developer replace the existing cast iron water main along Mercier just to south of the property line with new ductile iron pipe as required by the Water Services Department.

13. That the developer abandon a portion of the existing sanitary sewer lines and relocate the existing sanitary sewer manholes as required by the Water Services Department. Contact Karine Papikian at 816-513-0300.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Olofu O. Agbaji". The signature is fluid and cursive, with the first name "Olofu" being the most prominent part.

Olofu O. Agbaji
Planner