



City Planning & Development Department

Development Management Division

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STAFF REPORT

February 5, 2013

(7 & 8)

RE: a) **Case No. 256-S-3**
b) **Case No. 14367-P**

APPLICANT/ OWNER: Hani Daifallah
10717 W. 128th Street
Overland Park, KS66213

LOCATION: Generally located at the northwest corner of 85th Street and Holmes Road.

AREA: Approximately 0.4 acres

REQUESTS: a) **Case No. 256-S-3** – A request to amend the Waldo Area Plan, on about 0.25 acre tract of land, generally located at the northwest corner of 85th Street and Holmes Road, by changing the recommended land use from Low Density - Residential to Retail/ Office.

b) **Case No. 14367-P** – To consider a request to rezone about 0.4 acre tract of land, generally located at the northwest corner of 85th Street and Holmes Road, from Districts B3-2 (Community Business dash 2) and R-6 (Residential dash 6) to District B3-2 (Community Business dash 2).

LAND USE PLAN: The Waldo Area Plan adopted by Resolution No. 990028 on February 11, 1999 recommends Low Density - Residential land use at this location. The proposed zoning is not consistent with the future land use plan, which necessitates an area plan amendment.

SURROUNDING

LAND USE: **North:** zoned R-6, single family residences.
South: zoned R-6, regional trail.
East: zoned B3-2, Conoco gas station.
West: zoned R-6, single family residences.

ARTERIAL STREET

IMPACT FEE: Benefit District - B.
(Informational only) Existing business - No impact fee will be required.

MAJOR STREET PLAN: The City's Major Street Plan classifies both 87th Street and Holmes road as a "4-lane through Street" with two through lanes in each direction. Holmes Road is identified as an established arterial while 87th Street is identified as a local link with a signed bike route.

PREVIOUS CASES:

Case No. 4585-A – On May 25, 1965, The Board of Zoning Adjustment granted a Special Permit and Use Variance to allow an addition to an existing filling station (Skelly Oil Company) and employee parking in District R-1b (one-family dwelling) subject to the following conditions:

1. The surface of the parking area and all access drive shall be improved with a compacted macadam base, not less than 4" thick, and surface with asphaltic concrete or some other comparable all-weather, dustless material.
2. The periphery of the parking area shall be provided with a fence, wall or landscaping plantings sufficiently thick to serve the purpose of a solid screen, and of a height sufficient to obscure the parking area from any adjoining residentially-zoned property, or residentially-zoned property lying across the street from said parking area.
3. Any lighting fixtures must be directed away from the surrounding residential properties and must illuminate only the surface of the parking area.

EXISTING CONDITIONS:

The commercial building is located at the northwest corner of 85th Street and Holmes Road. There is an existing commercial building operating a used automobile dealership and a convenience store. The site has approximately 155 feet of frontage along Holmes Road and approximately 115 feet of frontage along 85th Street. There are two existing driveways on both streets.

The proposed tract of land to be rezoned is made up of two unplatted parcels. The southern portion of the parcel is within District B 3-2 (Community Business - dash 2) while the northern portion is within District R-6 (Residential – dash 6).

Surrounding land uses includes single family residences within District R-6 (Residential – dash 6) to the north and west. West of the site is an existing Conoco gas station and to the south is a regional trail system.

PLAN REVIEW & ANALYSIS:

Case No. 256-S-3 – is a request to amend the Waldo Area Plan, on about 0.25 acre tract of land, generally located at the northwest corner of 85th Street and Holmes Road, by changing the recommended land use from Low Density - Residential to Retail/ Office.

Although the Waldo Area Plan recommends low density -residential land use, the existing commercial operation was approved in 1965. On May 25, 1965, the Board of Zoning Adjustment granted a use variance to allow the expansion of the existing commercial building and parking lot onto the northerly R-1a zoned residential parcel for Skelly Oil filling station. Since then, the commercial operation has continued to operate. The Retail/ Office designation at this corner complements the existing commercial zoning and will be in conformance with the existing land use designation on the southerly portion of the parcel. Staff is in favor of this land use designation at this location.

Case No. 14367-P is a request to consider rezoning about 0.4 acre tract of land, generally located at the northwest corner of 85th Street and Holmes Road, from Districts B3-2 (Community Business dash 2) and R-6 (Residential dash 6) to District B3-2 (Community Business dash 2).

The applicant is requesting to change the zoning on the northerly portion of the existing commercial parcel from residential to commercial. The existing B3-2 commercially zoned parcel is about 0.2 acres. The applicant is proposing to rezone approximately 0.2 acres of R-6 residentially zoned property to commercial. No site improvements are anticipated with this rezoning. The property owner has been cited several times for zoning violation and would like to avoid future citations.

The Business District is described by the Zoning and Development Code as:

88-120-02-C. B, Business Districts

B zoning districts are primarily intended to accommodate and promote neighborhood- and community-serving retail sales or service uses, as well as mixed-use development consisting of business uses on a building's lower floors and residential uses on upper floors. This type of vertical, mixed-use development is encouraged in many areas of the city because it reflects the city's traditional urban, pedestrian-oriented character. Encouraging residential development in mixed-use zoning districts also provides increased housing choice and opportunities to promote higher density housing. The B districts are distinguished primarily on the basis of allowed uses and commercial floor area limits.

1. B1, Neighborhood Business 1

The primary purpose of the B1, Neighborhood Business 1 district is to

accommodate small-scale retail and service uses that serve the day-to-day convenience needs of nearby residents. B1 zoning is primarily intended to be applied in compact nodes at intersections or in a cohesive linear fashion along relatively narrow streets that have slow traffic speeds and volumes (compared to multi-lane, major streets).

See attached Commercial District Designation and Use Table.

RECOMMENDATIONS:

- a) The City Planning and Development Department staff recommends that **Case No. 256-S-3** be approved.
- b) The City Planning and Development Department staff recommends that **Case No. 14367-P** be approved subject to the following conditions of approval granted by the BZA in 1965:
 - 1. The surface of the parking area and all access drive shall be improved with a compacted macadam base, not less than 4" thick, and surface with asphaltic concrete or some other comparable all-weather, dustless material.
 - 2. The periphery of the parking area shall be provided with a fence, wall or landscaping plantings sufficiently thick to serve the purpose of a solid screen, and of a height sufficient to obscure the parking area from any adjoining residentially-zoned property, or residentially-zoned property lying across the street from said parking area.
 - 3. Any lighting fixtures must be directed away from the surrounding residential properties and must illuminate only the surface of the parking area.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Olofu O. Agbaji', written in a cursive, flowing style.

Olofu O. Agbaji
Planner