

# COMMUNITY PROJECT/REZONING

## Ordinance Fact Sheet

**Case No.** Case No. 3557-P-1

### Brief Title

Church's Chicken – 4601 NE Vivion Road

Ordinance Number

### Details

**Location:** Generally located at the southeast corner of NE Vivion Road and N Elmwood Avenue

**Reason for Legislation:** to consider rezoning the site from B1-1 (Neighborhood Business 1 dash 1) and R-6 (Residential 6) to B2-1 (Neighborhood Business 2 dash 1), to allow for the renovation of an existing fast-food restaurant with drive-thru.

#### BACKGROUND:

The request is to rezone the property from B1-1 and R-6 to B2-1 in order to properly zone a drive-thru and allow for the expansion of an existing Church's Chicken with drive-thru. A majority of the lot is zoned B1-1. The southern length of the lot about 30 feet deep is zoned R-6. District B1 does not allow for drive-thru restaurants and therefore the existing drive-thru is not allowed. The rezoning will rezone the entire site to B2-1 which results in one zoning district for the property, legalizes the drive-thru and allows for the expansion of the existing use.

The immediately adjacent property is zoned B1-1 and developed with a gas station. Properties across the street are zoned B3-2. The subject site is immediately adjacent to single-family homes on the south and west and may be impacted by this rezoning in the future. The Lot and Building Standards will remain the same. The following uses, subject to the requirements of the Zoning Code, are first allowed in District B2:

- Adult Media Store
- Business Equipment Sales and Service
- Business Support Service
- Communications Service Establishments
- Entertainment and Spectator Sports
- Indoor Small Venue – allowed by right
- Indoor Medium Venue – allowed by SUP
- Short-term Loan Establishment
- Pawn Shop – allowed by SUP
- Non-accessory Parking – allowed by SUP
- Car Wash/Cleaning Service – allowed by SUP
- Light Equipment Sales/Rental (indoor)
- Light Equipment Sales/Rental (outdoor) – allowed by SUP
- Motor Vehicle Repair, limited – allowed by SUP
- Freestanding Wireless Communication Facility

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:

#### 88-515-08-A. Conformance with adopted plans and planning policies;

The Briarcliff/Winnwood Area Plan recommends Mixed/Use Neighborhood uses in this location. The proposed zoning conforms to the adopted area plan.

#### 88-515-08-B. Zoning and use of nearby property;

### Positions/Recommendations

#### Sponsors

Jeffrey Williams, AICP, Director  
Department of City Planning & Development

#### Programs, Departments or Groups Affected

1<sup>st</sup> District (Wagner, Davis)

#### Applicants / Proponents

**Applicant** Tom Stiller  
Square One Collaborative  
504 E 18<sup>th</sup> Street  
Kansas City, MO 64111

**City Department**  
City Planning & Development  
**Other**

#### Opponents

#### Groups or Individuals

#### Basis of Opposition

#### Staff Recommendation

☒ For

☐ Against

#### Reason Against

#### Board or Commission Recommendation

City Plan Commission (8-0) 05-19-2015  
By Archie, Baker-Hughes, Burnette, Crowl,  
Gutierrez, Martin, May, and Macy

☒ For ☐ Against ☐ No Action Taken

☐ For, with revisions or conditions  
(see details column for conditions)

#### Council Committee Actions

☐ Do Pass

☐ Do Pass (as amended)

☐ Committee Sub.

☐ Without Recommendation

☐ Hold

☐ Do not pass

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Properties to the north and east consist of commercial uses, specifically a gas station, restaurant and retail store. Property to the south and west are single family residential. Property further west on NE Vivion Road is commercial. A majority of the property on NE Vivion Road is commercially zoned and used.

**88-515-08-C. Physical character of the area in which the subject property is located;**

The area is suburban in character with single family homes on medium-sized sites and commercial development along NE Vivion Road.

**88-515-08-D. Whether public facilities (infrastructure) and services will be adequate to serve development allowed by the requested zoning map amendment;**

The site and all surrounding properties are already developed. There are adequate public facilities.

**88-515-08-E. Suitability of the subject property for the uses to which it has been restricted under the existing zoning regulations;**

The proposal will expand the existing building by 995 square feet. The use and configuration of the drive-thru will remain the same.

**88-515-08-F. Length of time the subject property has remained vacant as zoned;**

The property is not vacant.

**88-515-08-G. The extent to which approving the rezoning will detrimentally affect nearby properties; and**

Approval will allow for the continued use of a drive-thru restaurant and its expansion. The addition will expand the indoor dining area and will not increase the amount of the site used for the drive-thru.

**88-515-08-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.**

The site could continue its use as a restaurant without a drive-thru.

**Recommendations:**

On May 19, 2015 City Plan Commission recommended approval of Case No. 3557-P-1, without conditions, based on the application.

**Policy or Program Change**☐

Yes

☒

No

**Operational Impact Assessment****Finances****Cost & Revenue Projections – Including Indirect Costs****Financial Impact****Funding Source(s) and Appropriation Account Codes**

**Fact Sheet Prepared By:** Ashley Winchell  
Staff Planner

**Date:** 05-20-2015

**Reviewed By:** Diane Binckley, AICP  
Division Manager  
Development Management

**Date:** 05-20-2015

**Initial Application Filed:** 04-03-2015  
**City Plan Commission:** 05-19-2015  
**Revised Plans Filed:**

**Reference Numbers:**  
Case No. 3557-P-1