



CD-CPC-2022-00048

Location: Main Street Overlay District (3255 Main St)

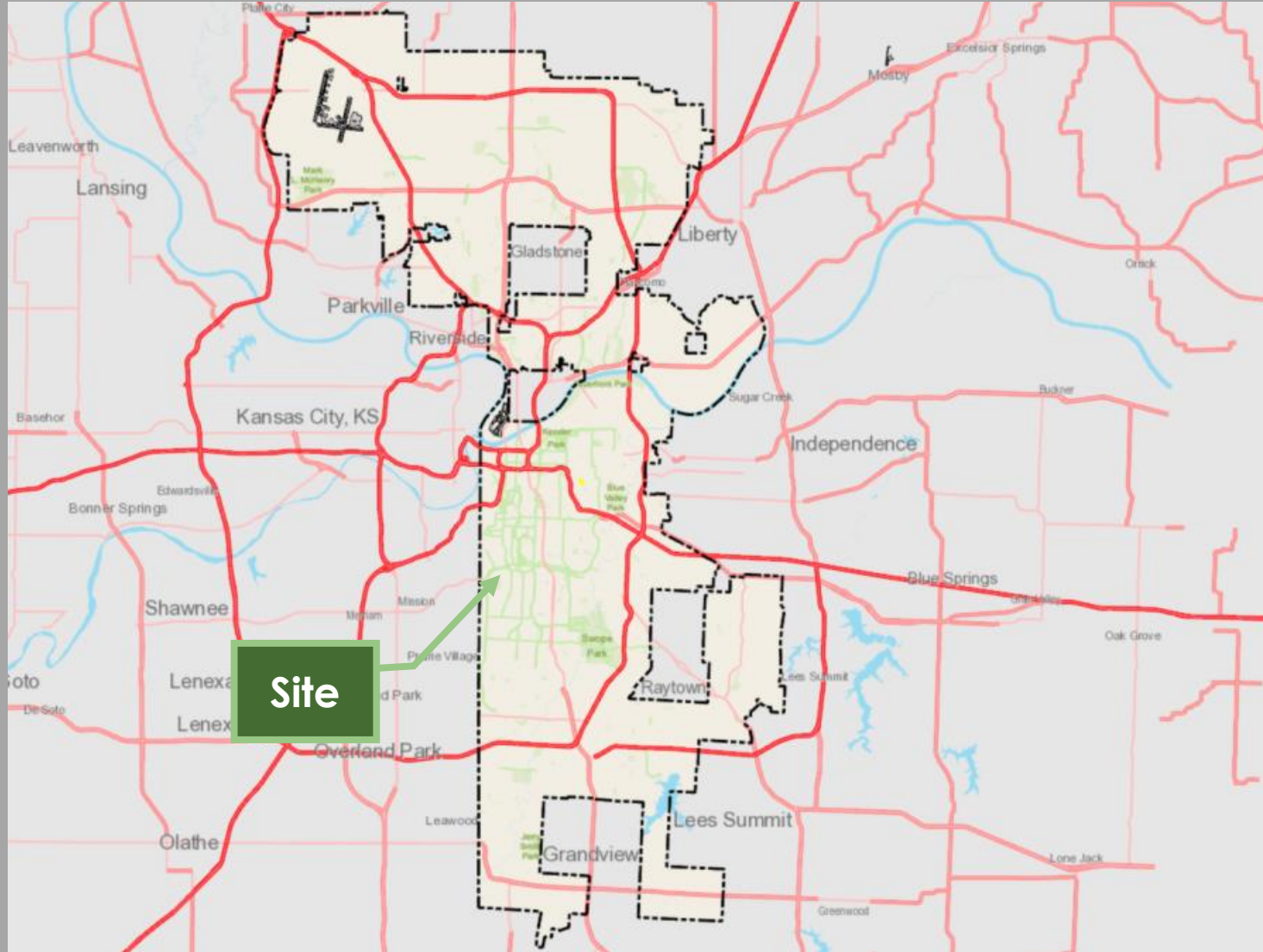
Zoning: Various

Summary: Applicant is seeking to amend the Main Street Overlay District to allow for a drive-through facility to be redeveloped with dual drive through lanes.



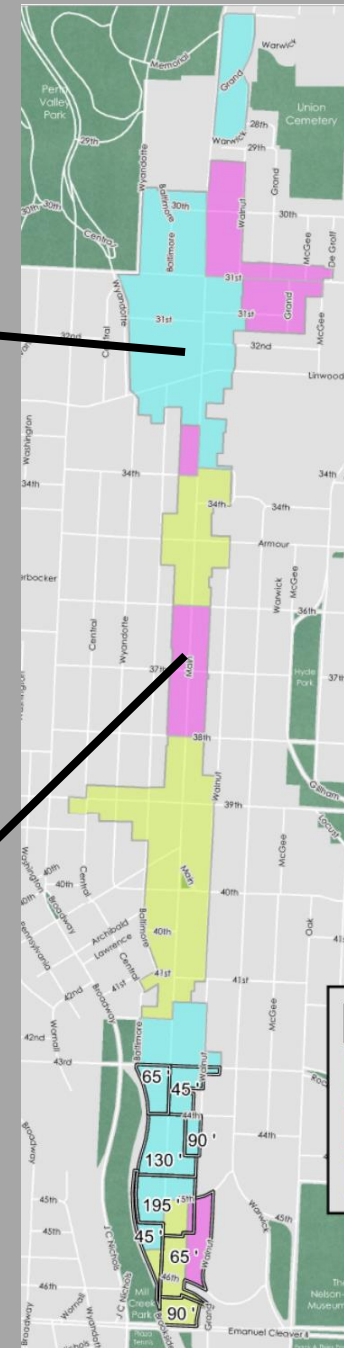


CD-CPC-2022-00048

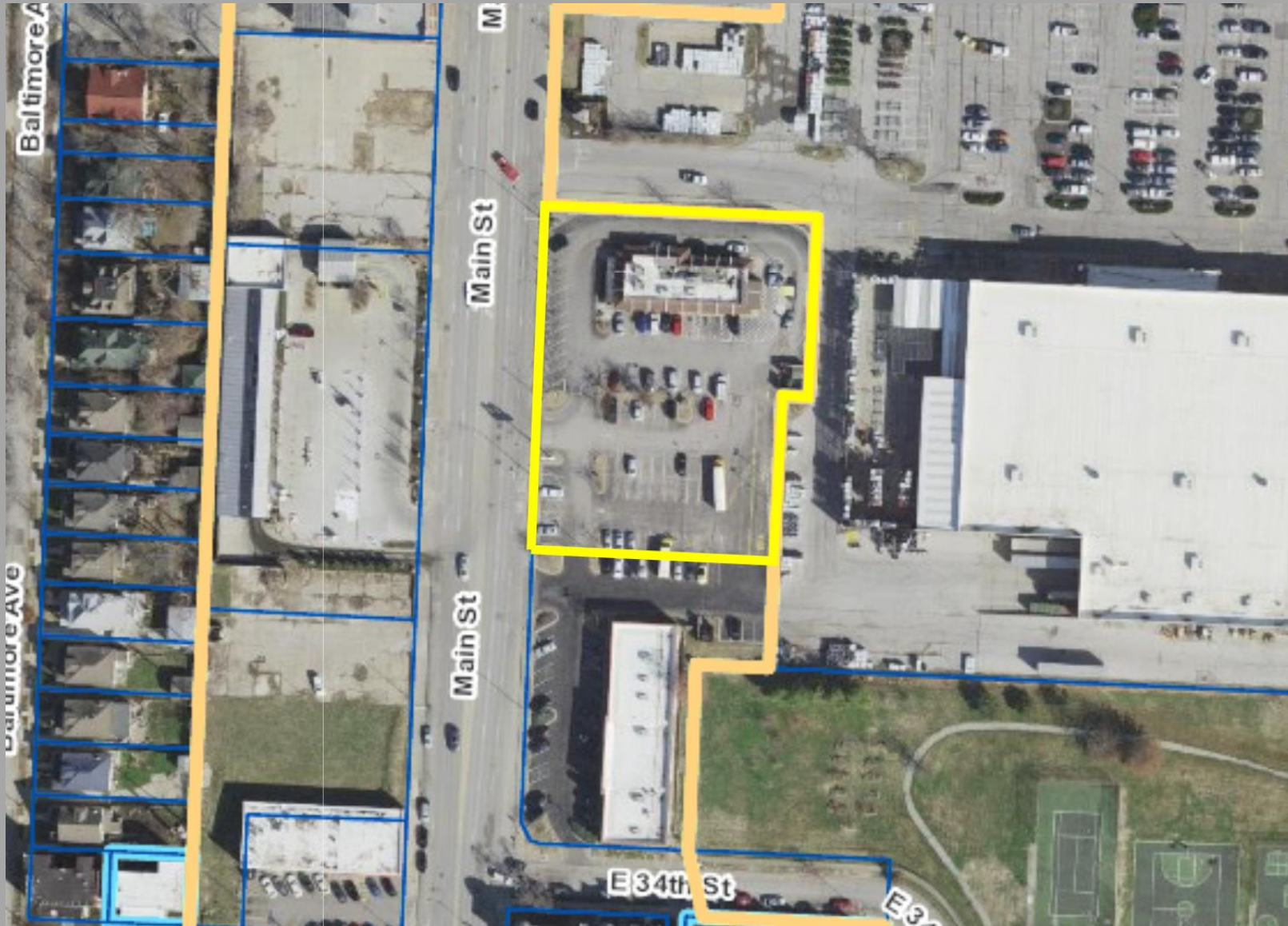




CD-CPC-2022-00048



CD-CPC-2022-00048



CD-CPC-2021-00048





CD-CPC-2022-00048

Main Street Overlay District

1.b.4. Existing MPD and UR districts are exempt from the standards of this document. However, when new MPD or UR plans are adopted or amendments are made to existing MPD or UR plans the standards of this document shall be met.

Proposed Language

1.b.4 Existing MPD and UR districts are exempt from the standards of this document. However, when new MPD or UR plans are adopted or amendments are made the standards of this document shall be met. Restaurants with a single lane drive-through which existed in MPD or UR districts prior to January 18, 2017 that are rebuilt in substantially the same footprint may construct dual drive-through lanes when the existing restaurant is demolished and rebuilt. To the extent possible the rebuilt restaurant shall comply with the standards of this document. The Director may permit a rebuilt restaurant meeting the foregoing criteria to deviate from Section 4, Lot and Building Standards, of this Main Corridor Overlay, if compliance is impractical under all the facts and circumstances.





CD-CPC-2022-00048

Main Street Overlay District

3.a.i. In addition to 88-340 Drive-Through Facilities and in order to apply for a Special Use Permit for a Drive-Through the following standards must be met ...

Proposed Language

3.a.i. In addition to 88-340 Drive-Through Facilities and in order to apply for a Special Use Permit for a Drive-Through the following standards must be met, **except where a restaurant in an existing MPD or UR district creates dual drive-through lanes after an existing single drive-through lane is demolished when the restaurant is rebuilt consistent with Section 1.b.iv of this Main Corridor Overlay ...**





CD-CPC-2021-00048

88-515-08 - REVIEW CRITERIA

Major amendments to overlay district regulations must be reviewed in accordance with the procedures of 88-515. 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;

- KC TOD Policy
- Midtown Plaza Area Plan

B. zoning and use of nearby property;

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

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

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

F. length of time the subject property has remained vacant as zoned;

G. the extent to which approving the rezoning will detrimentally affect nearby properties; and

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.





CD-CPC-2021-00048

88-515-08 - REVIEW CRITERIA

Major amendments to overlay district regulations must be reviewed in accordance with the procedures of 88-515. 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;
- B.** zoning and use of nearby property;
- C.** physical character of the area in which the subject property is located;
- D.** whether public facilities (infrastructure) and services will be adequate to serve development allowed by the requested zoning map amendment;
- E.** suitability of the subject property for the uses to which it has been restricted under the existing zoning regulations;
 - Predates the Main Street Overlay District, is permitted to continue operation. Expansion of non-conforming use is currently prohibited.
 - Main Street Corridor Overlay District discourages auto-oriented uses.
- F.** length of time the subject property has remained vacant as zoned;
- G.** the extent to which approving the rezoning will detrimentally affect nearby properties; and
- 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.





CD-CPC-2021-00048

88-515-08 - REVIEW CRITERIA

Major amendments to overlay district regulations must be reviewed in accordance with the procedures of 88-515. 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;
 - B. zoning and use of nearby property;
 - C. physical character of the area in which the subject property is located;
 - D. whether public facilities (infrastructure) and services will be adequate to serve development allowed by the requested zoning map amendment;
 - E. suitability of the subject property for the uses to which it has been restricted under the existing zoning regulations;
 - F. length of time the subject property has remained vacant as zoned;
 - G. the extent to which approving the rezoning will detrimentally affect nearby properties; and
 - 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.
- Proposed amendment has a very narrow scope.
 - The restaurant cannot demolish, rebuild, or add dual drive-through lanes without this amendment.
 - Public testimony in opposition, see staff report.





CD-CPC-2022-00048

Existing Drive-Through Facility	Zoning	Applicability
McDonalds (3255 Main St)	UR	Yes
H&R Block + Roasterie/Dunkin Donuts (4231 Main St)	B3-2	No
Capitol Federal Savings Bank (4242 Main St)	B3-2	No
Starbucks (4101 Main St)	B3-2	No
Katz Pharmacy (3948 Main St)	UR	No
CVS Pharmacy (3902 Main St)	B4-5	No
*Ponchos (3550 Main St)	B3-2	No
*Burger King (3441 Main St)	B4-5	No
Car Wash (3300 Main St)	B4-5	No
*Subway 3214 Main St)	B4-5	No
Wendys (3118 Main St)	B4-5	No
Bank of America (3100 Main St)	B4-5	No





CD-CPC-2022-00048

City Plan Commission recommendation

Approval, Subject to Conditions

Condition #1 and #2

Resolved after CPC meeting.

Written Public Testimony

Several emails came in the day before CPC, City Hall was closed.

Attached to Council packet.

