

# CITY PLAN COMMISSION STAFF REPORT

CD-CPC-2025-00198, 00178

BB North Oak Rezoning



January 7, 2026

## Docket # 3.1, 3.2

### Request

Area Plan Amendment  
Rezoning

### Applicant

Claire Burns/Doug Stone  
Lewis Rice

### Owner

Jeff Berg  
BB North Oak Devco LLC

### Site Information

Location	9820 N Oak Trfy
Area	1.37 Acres
Zoning	MPD
Council District	1 <sup>st</sup>
County	Clay
School District	North Kansas City

### Surrounding Land Uses

North: Undeveloped, church, R-1.5, R-80  
South: Commercial uses, MPD  
East: Residential uses, R-7.5  
West: Residential uses, MPD, R-1.5

### Land Use Plan

The Gashland/Nashua Area Plan recommends Residential Medium Density at this location. The proposed plan has a medium alignment with this designation. See Criteria A for more information.

### Major Street Plan

North Oak Trafficway is identified on the City's Major Street Plan as a Local Link.

## Approval Process



### Overview

The applicant seeks to amend the Gashland/Nashua Area Plan future land use recommendation from Residential Medium Density to Mixed Use Neighborhood and rezone 9820 N Oak Trafficway from MPD to B2-2.

### Existing Conditions

The site, Lot 5 of the BB North Oak MPD, is currently undeveloped. Some of the commercial pad sites to the south contain new buildings and others have not yet been developed.

### Neighborhood(s)

This site is not located within a registered neighborhood or homes association.

### Required Public Engagement

Section 88-505-12, Public Engagement does apply to this request. The applicant hosted a meeting on December 4, 2025. A meeting summary is attached; see Attachment #3.

### Controlling + Related Cases

CD-CPC-2025-00099 - Ordinance 250836 - Rezoning an area of about 2.83 acres located at 9790 N Oak Trfy from District MPD to District MPD, and approving an amendment to a previously approved development plan to allow for the development of the site for retail and general auto repair service uses. Approved October 2, 2025

### Project Timeline

The application was filed on November 4, 2025. Scheduling deviations have occurred due to both an advertising error and the need for the applicant to submit an Area Plan amendment application.

### Professional Staff Recommendation

Docket #3.1 Approval  
Docket #3.2 Approval

## VICINITY MAP



## CASE HISTORY

**CD-CPC-2022-00189** - A request to approve an MPD Final Plan to construct a drive-through restaurant on about 1.34 acres generally located at 9700 N Oak Trafficway. Approved December 20, 2022 (approval lapsed on December 20, 2024).

**CD-CPC-2025-00087** - A request to approve an MPD final plan for a drive-through restaurant in district MPD on about 1.37 acres generally located at 9820 N Oak Trafficway. Approved October 3, 2025. **CD-CPC-2022-00189 had already lapsed by the time this application was filed and approved.**

The subject site was rezoned from R-80 as part of a larger Master Planned Development (MPD) in 2015 to create a mixed-use development with commercial and residential uses. The MPD was later amended in 2021 when tenants were identified for the remaining 5 lots along N Oak Trafficway.

Popeye's was originally planned for the subject site and an MPD final plan was approved in 2022 to allow construction of the drive-through restaurant. In 2024 there was a request to amend the MPD to allow a drive-through restaurant, Popeye's specifically, on Lot 4 rather than Lot 5. This amendment was denied. Since the denial of the amendment, the previous MPD final plan for Popeye's on Lot 5

had lapsed due to lack of construction of the project, even though a new final plan had been reviewed and approved by the City Plan Commission in 2025. Section 88-520-04-E states that if the developer fails to commence the project approved by the MPD final plan within two years of approval, the MPD will have no further effect for that area and the regulations of R-80 govern those portions of the MPD.

#### SPECIFIC REVIEW CRITERIA

##### Rezonings, Zoning and Development Code Map Amendments (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.**

In order to allow a drive-through a restaurant, Lot 5 must be rezoned to a district that allows the use, as it is not permitted in the R-80 district. Per staff's suggestion, the applicant is requesting to rezone to a base zoning district, B2-2, rather than reestablish the MPD on Lot 5. The rezoning is accompanied by an Area Plan Amendment as the future land use recommendation in the Area Plan is Medium Density Residential. Many of the properties on the west side of N Oak Trafficway south of the subject site are commercially zoned.

"The rezoning to B2 and associated area plan amendment to "Mixed Use Neighborhood" future land use designation aligns with the proposed B2 and is already established at the intersection to the south. While this amendment could be seen as spot FLU change it is essentially unavoidable due to the rezoning. The site's location along N Oak a major corridor, as well as the fact that the previous MPD approval allowed similar uses further supports the appropriateness for the amendment and rezoning." -Alexis Berra, 1<sup>st</sup> District, Community Planning Division

###### **B. Zoning and use of nearby property.**

The west and some of the east side of N Oak Trafficway between NE 99<sup>th</sup> Street and 152 HWY is zoned commercially and developed with commercial uses. The area directly east of the subject site is primarily residential.

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

The subject site is undeveloped greenfield and generally slopes towards the southeast corner of the property. The residential component of the MPD to the west is developed with approximately 300 units and sits about 20 feet higher than the subject property.

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

There are adequate utilities to serve the subject site.

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

The subject site was part of the BB North Oak MPD, which allowed for a drive-through restaurant use. An MPD final plan for a Popeye's was reviewed by City staff and approved by the City Plan Commission. Due to the MPD final plan lapsing after two years of inactivity on the site, the property is currently governed by an R-80 zoning although the zoning map still shows the MPD zoning.

**F. Length of time the subject property has remained vacant as zoned.**

The subject site has never been developed.

**G. The extent to which approving the rezoning will detrimentally affect nearby properties.**

Rezoning the property will allow all uses allowed in the B2 zoning district rather than the specified uses on the MPD plan. Any proposed building will still need to go through a zoning review to ensure compliance with the Zoning and Development Code during the building review application process. Any proposed building larger than 8,000 square feet would need additional approval by the City Plan Commission and possibly City Council.

**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.**

There is no expected gain to public health, safety, or welfare in denying this application. The hardship imposed on the landowner would be the limited options for development of a use permitted in R-80, which primarily allows low density residential and some public/civic uses. The subject site was expected to be a drive-through restaurant since 2021.

**ATTACHMENTS**

1. Public Engagement Materials

**PROFESSIONAL STAFF RECOMMENDATION**

**City staff recommends APPROVAL of both Area Plan amendment and rezoning.**

Respectfully submitted,



Genevieve Kohn-Smith, AICP

Lead Planner

Doug Stone  
816-472-2539  
[dstone@lewisricekc.com](mailto:dstone@lewisricekc.com)

November 24, 2025

**TO ALL PARTIES ON THE  
ATTACHED DISTRIBUTION LIST:**

**PUBLIC MEETING NOTICE**

Please join our client, BB North Oak Devco, LLC, for a meeting regarding its application for rezoning from District R-80 to District B-2 (Case Number CD-CPC-2025-00178) for the land located at 9820 N Oak Trafficway, Kansas City, Missouri 64155. The meeting will be conducted virtually via Zoom as set out below.

**Meeting Date/Time:** December 4, 2025, at 6:00 pm Central time. Members of the team will remain on Zoom after the presentation to answer questions and discuss with neighbors.

**Zoom Link for Meeting:**

<https://us02web.zoom.us/j/83313963133?pwd=IYpyDwhhHWQtfLqZWzXxPwXD6ZvXUH.1>

**For Call In:** **Phone Number:** (253) 205-0468

**Meeting ID:** 833 1396 3133 **Passcode:** 540633

**Description of Proposal:** Rezone Lot to District B-2 from District R-80 (to which it automatically reverted from District MPD upon lapse of previously approved final plan).

**If you have any questions, please contact:**

**Name:** Douglas Stone  
**Phone:** (816) 421-2539  
**Email:** [dstone@lewisricekc.com](mailto:dstone@lewisricekc.com)

You are receiving this notice in accordance with city code that requires a public meeting with neighbors for certain types of development projects. You can read more about the process requirements at [www.kcmo.gov/publicengagement](http://www.kcmo.gov/publicengagement).

If you would like further information on this proposed project, please visit the city's planning and permitting system, Compass KC, at [www.Compasskc.kcmo.org](http://www.Compasskc.kcmo.org). You may search by project type and address/case number to find project details.

Sincerely,

*Doug Stone*

Douglas S. Stone

DSS:crb

# LEWIS RICE

## PUBLIC MEETING NOTICE

November 24, 2025

Case Number CD-CPC-2025-00178

## RECIPIENT LIST FOR NOTICE

Jerome M & Janice A Prezwodek  
9803 N Oak Trfy  
Kansas City, MO 64155

Christopher G Riley  
9807 N Oak Trfy  
Kansas City, MO 64155

Mark A & Atonia M Galloway  
9870 N Cherry St  
Kansas City, MO 64155

Donna M Pittsenbarger  
9866 N Cherry St  
Kansas City, MO 64155

Logan Farrell  
9825 N Oak Trfy  
Kansas City, MO 64155

Earl & Barbara Wertz  
935 Rosedale Ln  
Hoffman Estates, IL 60169

Patricia A Stimetz  
9854 N Cherry St  
Kansas City, MO 64155

Janice A Williams  
813 NE 114th St  
Kansas City, MO 64155

Kevin R & Dione L Wetzel  
9861 N Cherry St  
Kansas City, MO 64155

Alexander B Richard  
409 NE 98th Ter  
Kansas City, MO 64155

Northland Cathedral Assembly of God Inc  
101 NW 99th St  
Kansas City, MO 64155

Sarah N Boston  
401 NE 99th St  
Kansas City, MO 64155

97 North Oak LLC  
4200 E Skelly Dr  
Tulsa, OK 74135

BB North Oak Devco LLC  
7121 W 79th St  
Overland Park, KS 66204

Donald W Curtis  
9867 N Cherry St  
Kansas City, MO 64155

New Mark First Pool Association  
P.O. Box 10646  
Kansas City, Missouri 64155-0646



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MISSOURI

## CITY PLANNING & DEVELOPMENT

### Public Meeting Summary Form

Project Case #

Meeting Date:

Meeting Location:

Meeting Time (include start and end time):

Additional Comments (optional):

## Meeting Sign-In Sheet

## Project Name and Address

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