



# CITY PLAN COMMISSION STAFF REPORT

City of Kansas City, Missouri  
City Planning & Development Department  
[www.kcmo.gov/cpc](http://www.kcmo.gov/cpc)

June 21, 2022

## Project Name

**Main Street Corridor Overlay District  
Amendment**

## Docket 7

## Request

CD-CPC-2022-00048  
Overlay District

## Applicant

Mark Bryant  
Rouse Frets White Goss  
4510 Belleview Ave  
Kansas City, MO 64111

## Owner

McDonald's Real Estate Company  
PO Box 182571  
Columbus, OH 43218

Location	Main Street
Area	About 115 acres
Zoning	Various
Council District	4 <sup>th</sup>
County	Jackson County
School District	KCMO 110

## Surrounding Land Uses

The Main Street Overlay District is surrounded by civic, commercial, and residential uses.

## Major Street Plan

Main Street is a Commerce/Mixed Use Corridor on the City's Major Street Plan.

## Land Use Plan

The Midtown/Plaza and Greater Downtown Area Plan covers the Main Street Overlay District.

## APPROVAL PROCESS



## PROJECT TIMELINE

The application was filed on 3/24/2022, deviations from 2021 Cycle J have occurred.

- Revising language to meet the needs of the applicant delayed the City Plan Commission's review.

## NEIGHBORHOOD AND CIVIC ORGANIZATIONS NOTIFIED

Many neighborhood associations lie within the subject site.

## REQUIRED PUBLIC ENGAGEMENT

Public engagement as required by 88-505-12 does apply to this request. Applicant hosted a meeting on April 28<sup>th</sup>, 2022. Proof of meeting is attached to the staff report, see Exhibit A.

## EXISTING CONDITIONS

The subject site which has triggered the request is a McDonald's fast-food restaurant. The site has been a fast-food (drive-through) restaurant for an extended period of time, before the Main Street Overlay District was established.

## CONTROLLING + RELATED CASES

Ordinance No 171037

Repealing the Main Street Special Review District and approving and replacing said district with a Special Character overlay to be known as the Main Street Corridor Overlay District which includes design and use regulations for property generally located along Main Street 27<sup>th</sup> Street on the north to Emanuel Cleaver II on the south. (9817-P-278)

## SUMMARY OF REQUEST + KEY POINTS

The applicant is seeking to amend the Main Street Overlay District to permit a drive-through restaurant to be redeveloped with dual lanes.

## PROFESSIONAL STAFF RECOMMENDATION

Docket 6 Recommendation  
Denial

## PLAN REVIEW

According to 88-205-01, overlay districts are for areas of the City that have unique qualities requiring special treatment or where a special approach to development is warranted. In addition to the base zoning, an overlay district establishes specific land use controls or development design. Overlay districts are appropriate in areas where there are natural resource considerations, where historic preservation is needed, where there is the need to balance institutional development with preserving surrounding neighborhoods, to maintain community character, for infrastructure protection, or to accomplish city policy objectives for specific areas.

Transit-Oriented Development (TOD) is a development strategy that focuses on development along existing and planned transit infrastructure. Kansas City adopted a Transit-Oriented Development policy in 2017, Resolution 160361. As part of a broader goal to increase land use diversity in TOD areas, such as the Main Street corridor, the TOD policy specifically recommends that auto-oriented uses should be discouraged in TOD areas, thus focusing on uses that support and are complementary to mass transportation. TOD also promotes,

- Appropriate density for mass transportation supportive activities to encourage and sustain ridership.
- Access to mass transportation by providing adequate housing choices, connections, and mobility options.
- High-quality design guidelines to ensure that the public and private realms are safe and desirable.

The applicant is proposing to amend the Main Street Overlay District to allow a drive-through restaurant to redevelop the site with dual drive-through lanes. The following specific use standards apply to drive-through facilities within the Main Street Overlay District,

In addition to 88-340 Drive-Through Facilities and to apply for a Special Use Permit (in this case a Development Plan Amendment) for a Drive-Through the following standards must be met:

1. Drive-through facilities are only permitted within Neighborhood Main Street Districts.
2. Drive-through facilities shall be limited as accessory uses to financial service uses. Drive-through facilities serving other use are prohibited.
3. Drive-through uses shall only be permitted on a corner lot.
4. Street access to drive-through lanes shall be offset by at least 15ft to prevent vehicles from stacking onto Main Street or any cross street.
5. No more than one curb cut shall be granted per street frontage for any use with a drive-through.

### Review Criteria 88-515-08

Major amendments to overlay district regulations must be reviewed and approved 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;
  - *"In an otherwise relatively walkable neighborhood, a drive-through restaurant poses an inconvenience to pedestrians, whose travel conflicts with drivers often distracted by their purchases. Pedestrians are additionally inconvenienced by the lack of explicit facilities, despite an apparent desire to walk to this destination."* KC TOD Policy
  - *The proposed amendment conflicts with the Midtown Plaza Area Plan (covering a majority of the Main Street Overlay District) and the Transit-Oriented Development Policy. The prohibition of auto-oriented*

*uses that detract from pedestrian access and circulation, mass transportation ridership, and KC Streetcar operations is a central component of the Main Street Overlay District. BW*

- B. Zoning and use of nearby property;  
*UR and B4-5 zoning districts surround the subject site (3255 Main St). The proposed amendment changes the language that applies to the entire Main Street Overlay District. AN*
- C. Physical character of the area in which the subject property is located;  
*The site (3255 Main St) is surrounded by a car wash facility, two strip malls, a Home Depot, and Costco. The proposed amendment changes the language that applies to the entire Main Street Overlay District. AN*
- D. Whether public facilities (infrastructure) and services will be adequate to serve development allowed by the requested zoning map amendment;  
*A Development Plan review has not occurred for the subject site (3255 Main St). The proposed amendment changes the language that applies to the entire Main Street Overlay District. AN*
- E. Suitability of the subject property for the uses to which it has been restricted under the existing zoning regulations;  
*The McDonald's restaurant has been on the subject site for an extended period of time, prior to the Main Street Overlay District being established. The restaurant is permitted to continue operation. Auto-oriented uses are discouraged within the Main Street Overlay District, especially with the looming KC Streetcar expansion. AN*
- F. Length of time the subject property has remained vacant as zoned;  
*N/A. AN*
- G. The extent to which approving the rezoning will detrimentally affect nearby properties; and  
*Expanding the drive-through lanes on the subject site could increase vehicular traffic on the subject site. AN*
- 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.
- *Written public testimony has been received about the proposed overlay district amendment, see Exhibit B. AN*
  - *There does not appear to be another existing drive-through facility within an MPD or UR Plan in the Main Street Overlay District, the proposed amendment would only apply to 3255 Main St.*
  - *Making an exception for one drive-through facility might create a precedent for additional drive-through facilities to attempt similar treatment.*
  - *The subject site cannot demolish, rebuild, or add dual drive-through lanes without the proposed amendment. AN*

**AMENDMENT**

**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.

## Summary

- MPD or UR Plans adopted prior to the Main Street Overlay Districts are upheld.
- New MPD or UR Plans OR changes to an existing MPD or UR Plan must follow the Main Street Overlay District standards and regulations.
- This prevents the McDonald's site from redeveloping their property to add dual drive-through lanes.

## Proposed text

**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.

## Summary

- Allows the McDonald's site to redevelop their property to add dual drive-through lanes.
- Allows the McDonald's site to deviate from the lot and building standards within the Main Street Overlay District when a drive-through restaurant is being rebuilt in a similar footprint.

**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 ...

## Summary

- Specific use standards for drive-through facilities.

## Proposed text

**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 ...

## Summary

- Adds exemption for existing drive-through facilities within MPD or UR plans to redevelop sites with dual drive-through lanes to the specific use standards section of the Main Street Overlay District.

**PROFESSIONAL STAFF RECOMMENDATION**

City staff recommends the following **DENIAL**

Condition #1

Submit revised language to City Staff prior to ordinance request for City Council review.

Condition #2

1.b.4 is changed to say,

**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, as defined in Chapter 88, Zoning and Development Code, 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, the requirements of Section 1.b.vii and Section 3 notwithstanding. The City Council may authorize a rebuilt restaurant meeting the foregoing criteria to deviate from the lot and building standards contained in Section 4 of this Main Street Overlay as part of a development plan approval process pursuant to Section 88-517-09 of the zoning and development code.

Respectfully Submitted,

Ahna Nanoski, AICP  
Lead Planner



## Plan Conditions

Report Date: June 15, 2022

Case Number: CD-CPC-2022-00048

Project: Main Street Corridor Overlay District Amendment

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*Condition(s) by City Planning and Development Department. Contact Ahnna Nanoski at (816) 513-8816 / [Ahnna.Nanoski@kcmo.org](mailto:Ahnna.Nanoski@kcmo.org) with questions.*

1. Submit revised language to City Staff prior to ordinance request for City Council review.
2. 1.b.4 is changed to say,
  - 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, as defined in Chapter 88, Zoning and Development Code, 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, the requirements of Section 1.b.vii and Section 3 notwithstanding. The City Council may authorize a rebuilt restaurant meeting the foregoing criteria to deviate from the lot and building standards contained in Section 4 of this Main Street Overlay as part of a development plan approval process pursuant to Section 88-517-09 of the zoning and development code.



# CITY PLANNING & DEVELOPMENT

## Public Meeting Summary Form

Project Case #

Meeting Date:

Meeting Location:

Meeting Time (include start and end time):

Additional Comments (optional):

1. Non-Compliance with overlay standards will create precedent.
2. Walkability; increase pedestrian experience
3. Stacking
4. Too much parking/asphalt
5. More landscaping
6. Increase patio size; consider walk-up window



McDonald's / Main  
NEIGHBORHOOD MEETING  
April 28, 2022

SIGN-IN SHEET	
NAME	CONTACT INFORMATION
Joel Hutchings	Joel@hutchingscarter.com 913-488-7201
Reid Vilbry	Vilbry@gmail.com 636-236-5470
LANRA BURKHALTER	laura.burkhalter@gmail.com 816-885-1943
Cathy Petersen	Cathy.petersen@comcast.net
Randi Mixdorf	randimixdorf@gmail.com
Tom Marince	csiks99@hotmail.com
Stacy Lake	Stacylake80@gmail.com
Jim Edson	jedson@me.com



**McDonald's / Main  
NEIGHBORHOOD MEETING  
April 28, 2022**

SIGN-IN SHEET	
NAME	CONTACT INFORMATION
Greg Bair	gptfb@gptfb.com
Stan Henry	midtown KC Now



**City Plan Commission**  
City of Kansas City, Missouri  
City Planning & Development Department  
[www.kcmo.gov/cpc](http://www.kcmo.gov/cpc)

**Exhibit B – Communications Received**

<b>Name</b>	<b>Stance</b>	<b>Format of Receiving</b>
Reid Vilbig	Opposition	Email
Laura Burkhalter, Southmoreland Neighborhood Association	Opposition	Email

**From:** Reid Vilbig <vilbigr@gmail.com>  
**Sent:** Thursday, April 28, 2022 8:36 PM  
**To:** Nanoski, Ahnna  
**Cc:** planning  
**Subject:** McDonald's at 3255 Main - Amendment request to the Main Corridor Overlay

**EXTERNAL: This email originated from outside the kcmo.org organization. Use caution and examine the sender address before replying or clicking links.**

Good Evening Ahnna,

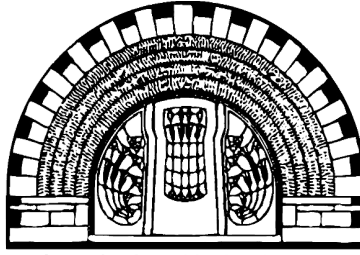
I am reaching out to you to express my opposition to the upcoming request for amendment by McDonald's to the main street corridor overlay. I will not be able to attend the meeting on May 17th due to work, but wanted to summarize my opposition below.

The intent of the overlay is to create a walkable community along main street, while the proposed McDonald's damages the walkability of the entire block. The drive-thru puts a car lane between the building and the sidewalk, creating an unsafe feeling for pedestrians. The curb-cuts and high traffic create dangerous intersections where pedestrians and a high volume of cars cross.

McDonald's can build without a drive-thru as the overlay would require, but if not having a drive-thru does not work financially for McDonald's then they could relocate one block off main street and build in that location. If we allow businesses to have exceptions to the overlay, then we will lose the whole intent of the overlay.

Please do not support the requested amendment to the overlay by McDonald's. Thank you for your consideration!

Sincerely,  
Reid Vilbig  
[rvilbig@gmail.com](mailto:rvilbig@gmail.com)  
636-236-5470  
Midtown Resident



May 11, 2022

Ms. Ahnna Nanoski  
Department of Planning and Development  
City of Kansas City, Missouri  
414 E. 12<sup>th</sup> Street  
15th Floor, City Hall  
Kansas City, MO 64106

Re: CD-CPC-2022-00048

Dear Ms. Nanoski,

The Board of Directors of the Southmoreland Neighborhood Association is writing to share our opposition to the variance request of the Main Corridor Overlay District (“MCO”) by the owners of the McDonald’s at 3255 Main. The Southmoreland Neighborhood Association supported the codifying of the MCO in 2017, and we continue to support this Overlay.

In 2017 we stated that “we support the Overlay because it will preserve the historic character of Main Street and expand it by redefining permitted uses, and requiring design standards in the spirit of the existing historic character. We support it because it will improve the pedestrian experience with all new developments along Main. Our organization strives to improve the quality of life for our residents and visitors, and this Overlay will help pursue our goal.” Giving a variance to allow a new building with a drive-through does not align with our goal to improve the pedestrian experience along Main Street.

Simply put, our expectation is that the property owner design their project within the parameters of MCO.

Sincerely,

A handwritten signature in blue ink that reads "Laura Burkhalter". The signature is written in a cursive, flowing style.

Laura Burkhalter  
President, Southmoreland Neighborhood Association

CC: Joseph Rexwinkle

Southmoreland Neighborhood Association  
P.O. Box 10127, Kansas City, MO 64171  
[www.southmoreland.org](http://www.southmoreland.org)