

Docket #5

CD-CPC-2023-00178

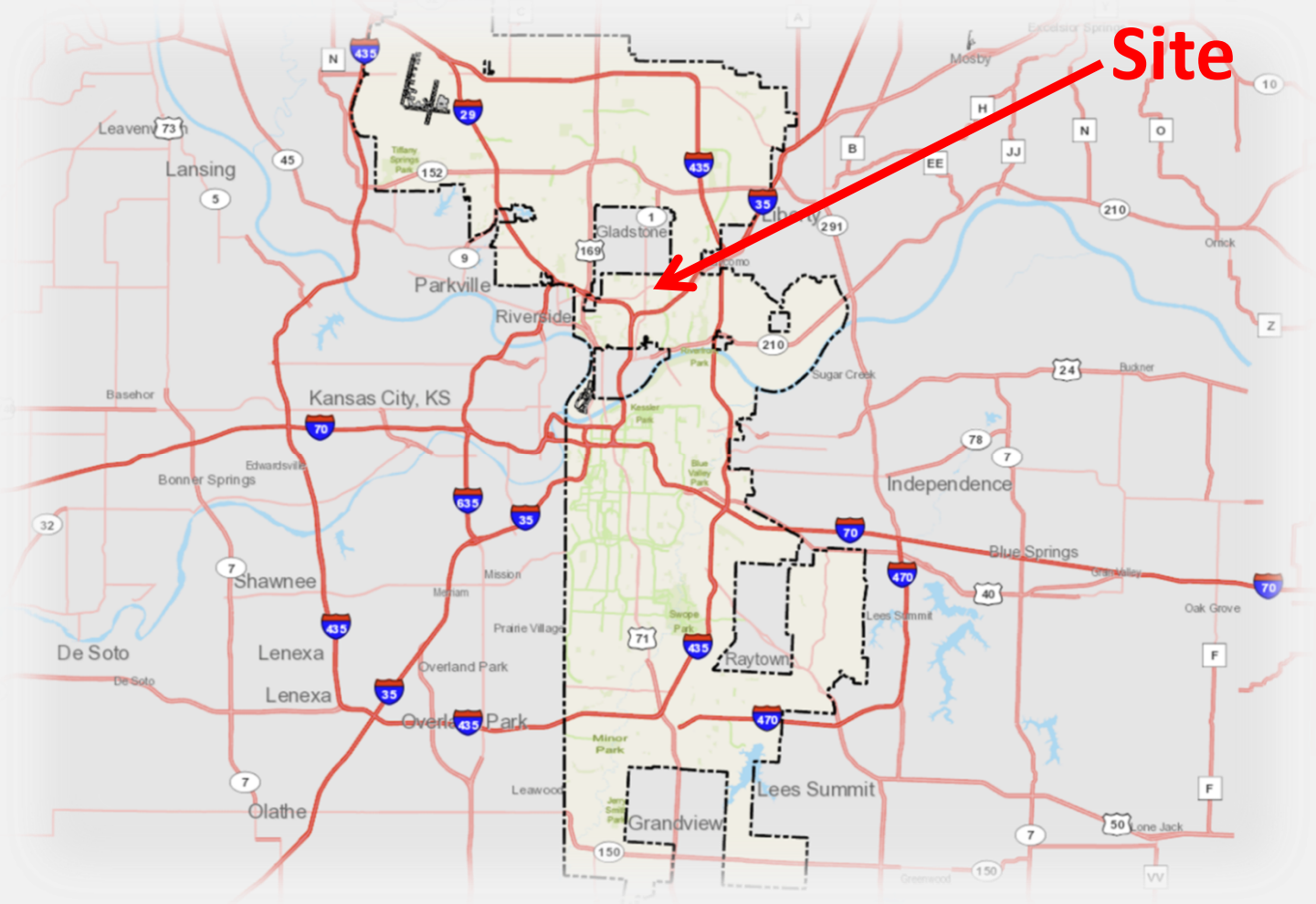
Rezoning to UR

Vivion & Chouteau Amendment
5219 NE Chouteau Trafficway

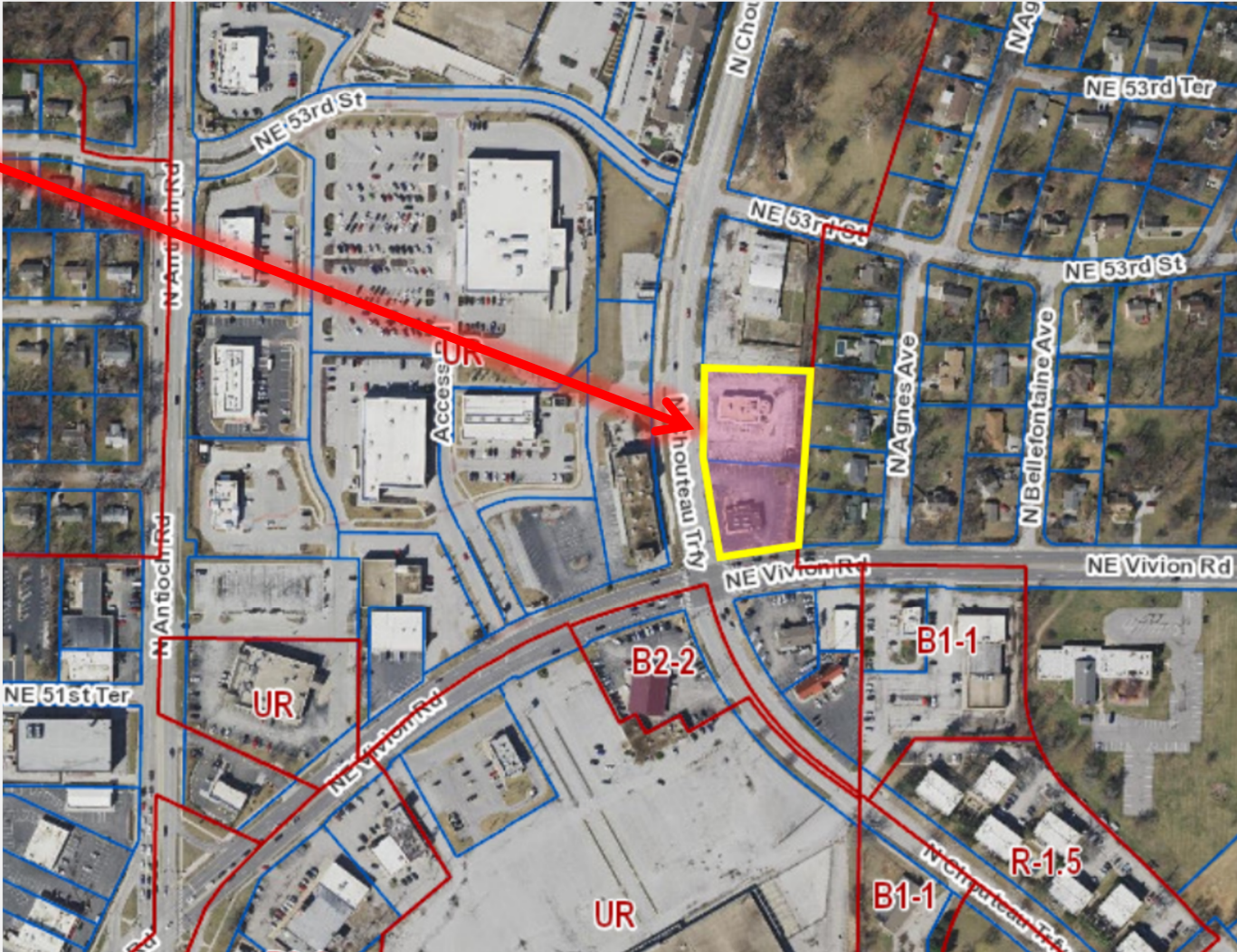
4-2-2024

City Plan Commission





Site

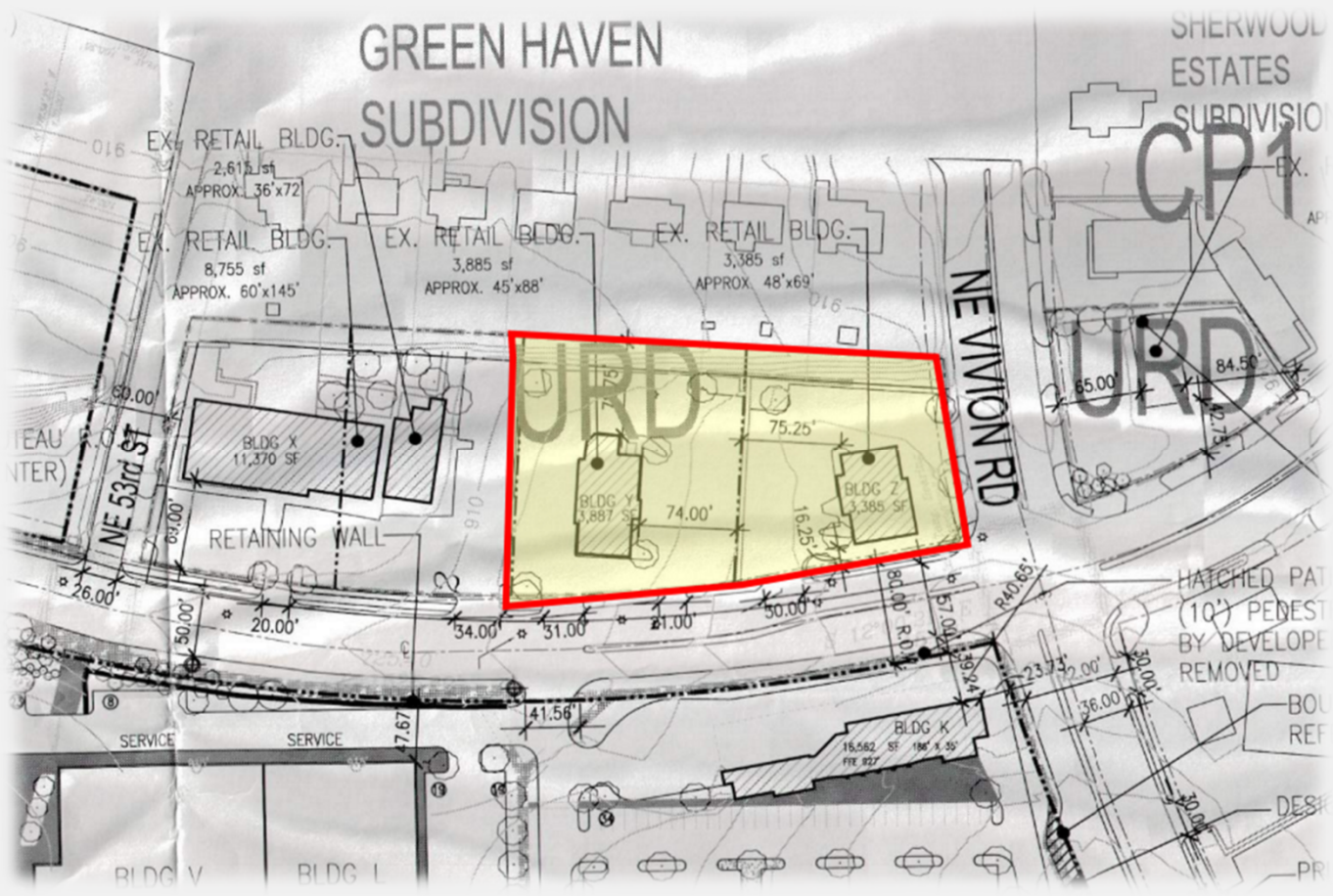




View looking northeast from NE Vivion Rd & N. Chouteau Trafficway

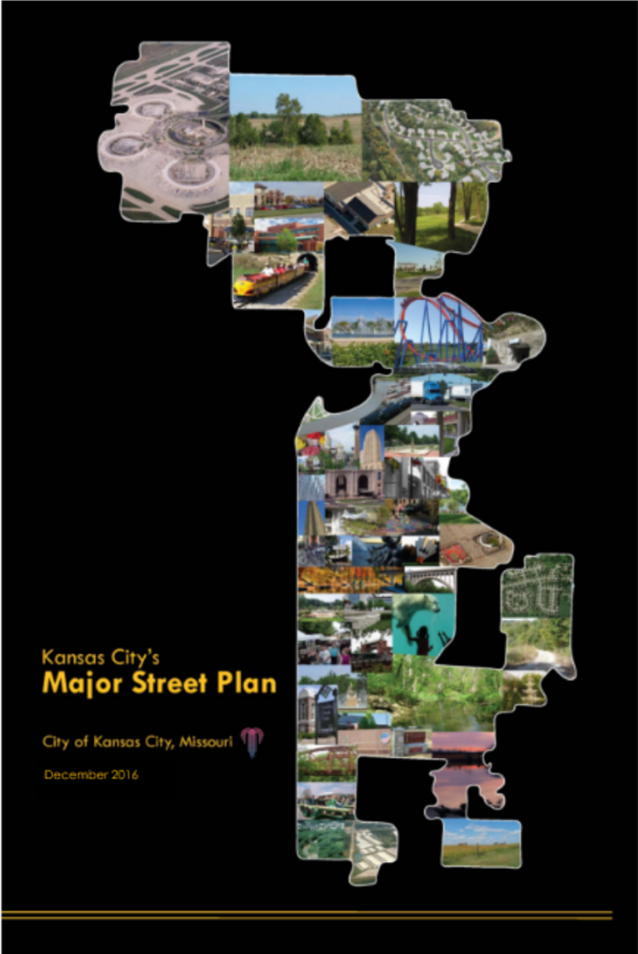


View looking south from N. Chouteau Trafficway



	RETAIL	8,096
W	RETAIL	8,096
X	RETAIL	11,370
Y	RESTAURANT	3,887
Z	RESTAURANT	2,385

Previously Approved Plan – Ord. No. 080861 9-25-2008



Chestnut Trfy	Guinotte Ave	Independence Ave	Established Parkway	4
N Childress Ave	Tiffany Springs Pkwy	City Limits (Platte County)	Thoroughfare	2
Chouteau Parkway	MO RTE 210	I-35	Parkway	4
N Chouteau Trfy	NE Antioch Rd	I-35 (NB Ramps)	Boulevard	4
NE Chouteau Pkwy	I-35 (NB Ramps)	City Limits (North Kansas City)	Parkway	4
N Chouteau Trfy	Front St	St. John Ave	Boulevard	4

88-340-02-B. ADJACENT TO AND WITHIN 150 FEET OF A PARKWAY AND/OR BOULEVARD

In addition to 88-340-02-A, the following applies for any drive-through facility that is located adjacent to and within 150 feet of a parkway and/or boulevard:

1. A permanent porte-cochere structure shall be constructed over the drive-through service windows. The porte-cochere(s) shall extend the width of the drive and be a minimum of 20 feet in length. The porte-cochere shall be structurally integrated with the principal building and design shall be consistent in respect to pattern, scale, material, and form.
2. For any drive-through restaurant facility adjacent to and within 150 feet of a boulevard or parkway, there shall be a maximum of one lane on each side of the principal structure.
3. Drive-through functions and required vehicle stacking areas shall not be located in the front and/or street side yard.
4. Service windows shall be a minimum of 25 feet behind the front facade (nearest the public right-of-way) of the principal building.
5. Drive-through facilities shall comply with all other applicable requirements of [88-323](#).

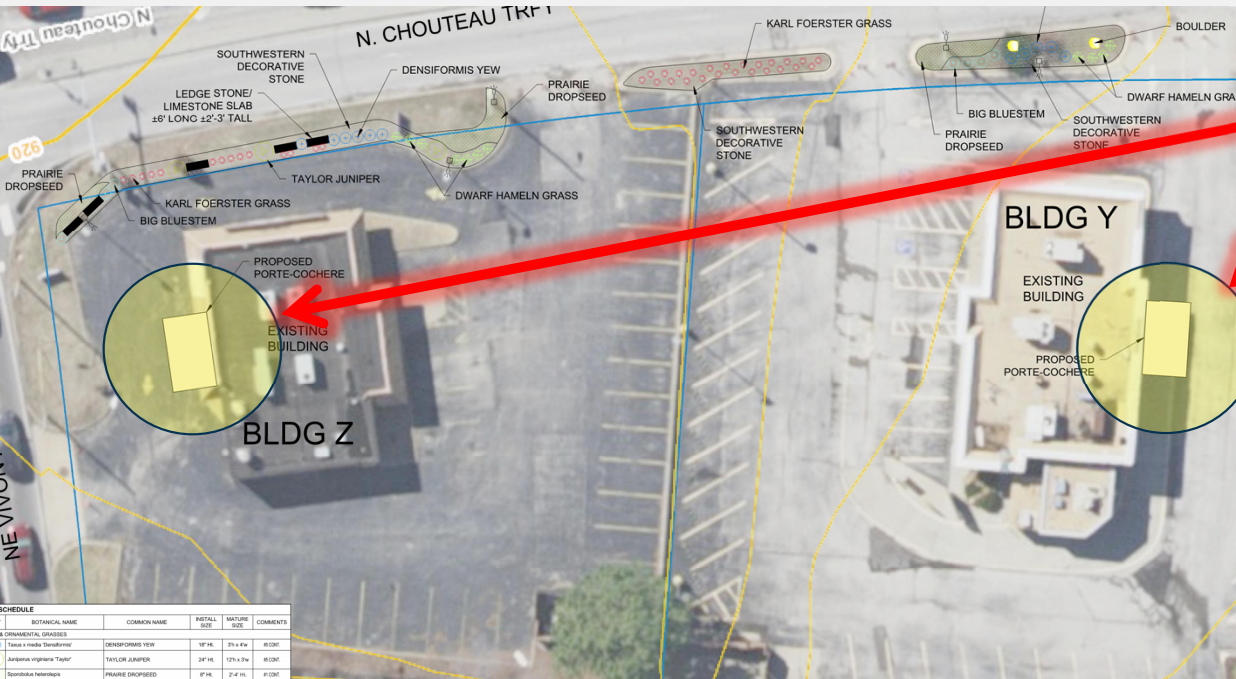
N. Chouteau Trafficway – Boulevard – 88-340 (Drive-Through Standards)

88-610-04-D. LOSS OF NONCONFORMING STATUS**1. DISCONTINUANCE**

Once a nonconforming use is discontinued, its nonconforming status is lost and any subsequent use of the property must comply with the regulations of the zoning district in which it is located. When a nonconforming use of open land ceases for a period of 90 consecutive days or more, it will be considered discontinued. Other nonconforming uses will be considered discontinued when any of the following occurs:

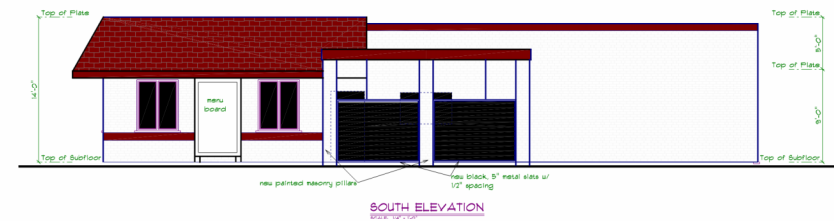
- a. the intent of the owner to discontinue all uses in the structure is apparent;
- b. the building or structure ceases to be used in a nonconforming manner for a period of 12 consecutive months.
- c. no use has been maintained in the structure for a period of 12 months or more;
- d. a demolition permit has been applied for;
- e. all equipment and furnishings have been removed from the premises and have not been replaced by similar or other equipment and furnishings within 180 days;
- f. the use was required to obtain a certificate of legal nonconformance and did not obtain such certificate within the timeframe required; or
- g. the property has been used for illegal activities or the use has failed to comply with city ordinances or with state or federal law.
- h. The vacancy of a portion of the units in a multi-unit building will not be deemed a discontinuance of the nonconforming use of the building.

88-610-04-D Loss of Nonconforming Status



**Porte-Cochere
(88-340 requirement)**

SCHEDULE	BOTANICAL NAME	COMMON NAME	INSTALL SIZE	MATURE SIZE	COMMENTS
1	ORNAMENTAL GRASSES				
1	<i>Taraxacum officinale</i>	DENSIFORMIS YEW	18" HL	3' x 4' W	#1231
1	<i>Juniperus virginiana</i>	TAYLOR JUNIPER	24" HL	12' x 3' W	#1232
1	<i>Desmodium illinoense</i>	PRAIRIE DROPSEED	18" HL	2' x 4' W	#1233



Staff Recommendation

Case No. CD-CPC-2023-00178

Rezoning to UR

- **Approval with Conditions**

***Deviation to 88-340-02-B-3**