



CITY PLAN COMMISSION STAFF REPORT

City of Kansas City, Missouri
City Planning & Development
Department www.kcmo.gov/cpc

January 18, 2022

Project Name

2415 NE Vivion Rd Rezoning

Docket # Request

9 CD-CPC-2021-00230
Rezoning without Plan

Applicant

Martin Arling
Kaw Valley Engineering
14700 W 114th Ter
Lenexa, KS 66215

Owner

Greg Henson
Planet Partners LLC

Location 2415 NE Vivion Rd
Area About .6 acres

Existing Zoning B1-1

Council District 1st

County Clay

School District North Kansas City 250

Surrounding Land Uses

North: Commercial uses (zoned B3-2, UR)
East: Commercial uses (zoned B3-2)
West: Commercial uses (zoned UR)
South: Commercial uses (zoned B1-1)

Major Street Plan

NE Vivion Rd is identified as a Thoroughfare on the City's Major Street Plan.

Land Use Plan

The Briarcliff/Winnwood Area Plan identifies the subject property as Mixed Use Community.

APPROVAL PROCESS



TIMELINE

The application for the subject request was filed on 12/11/2021. No scheduling deviations from 2022 Cycle B have occurred.

NEIGHBORHOOD AND CIVIC ORGANIZATIONS NOTIFIED

There are no registered Neighborhood or Homes Associations tied to the subject property. However, the applicant did reach out to the Northland Neighborhoods, INC.

REQUIRED PUBLIC ENGAGEMENT

Public engagement as required by 88-505-12 applies to this request. Summary of the meeting is attached to this staff report, see Exhibit A.

EXISTING CONDITIONS

The subject property is located at the intersection of NE Vivion Rd and N Antioch Rd. A commercial building is currently on the site.

SUMMARY OF REQUEST

The applicant requests to rezone the property from B1-1 to B2-1 to allow for a drive-through facility (coffee shop) to be developed on the subject site.

CONTROLLING + RELEVANT CASES

None.

KEY POINTS

- Rezoning from B1-1 to B2-1 to allow for a drive-through facility to be developed on the subject site.
- An Area Plan Amendment is not needed for the rezoning request.

PROFESSIONAL STAFF RECOMMENDATION

Docket # Recommendation
Approval, Subject to Conditions

PLAN REVIEW

The applicant is seeking a rezoning from B1-1 to B2-1 to allow for the development of a drive-through facility (coffee shop) on the subject site. Approximately .6 acres of the 4.1-acre parcel is being rezoned to B2-1.

Rezoning Analysis.

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 proposed rezoning is less intensive than the Mixed-Use Community land use recommendation of the Briarcliff/Winnwood Area Plan. Mixed-Use Community promotes "a variety of community-serving retail sales or service uses generally of a higher intensity and larger scale". The Mixed-Use Community classification corresponds with the B3- (Community Business) zoning districts. The proposed rezoning is for B2-1 (Neighborhood Business), a less intensive version of B3- zones. AN

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

There are no properties within 500 ft designated B2-1. However, drive-through facilities or more intensive commercial uses are common for the area. AN

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

The proposed rezoning sits on the site with a Planet Fitness and Red Racks Thrift Store. Surrounding properties are auto-oriented commercial businesses such as a QuikTrip, Tidal Wave car wash, and Advance Auto Parts. AN

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

City staff perceives that public facilities will be adequate to serve the proposed small site. AN

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

The uses associated with the B- (Business) zoning districts are suitable for the area. AN

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

The subject site has been used as a parking lot since its original development. AN

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

The proposed rezoning will not detrimentally affect nearby properties. AN

88-515-08-H. The gain, if any, to the public health, safety, and welfare due to the denial of the application, as compared to the hardship imposed upon the landowner, if any, as a result of denial of the application.

The applicant will not be able to develop the land as intended without the rezoning. AN

PROFESSIONAL STAFF RECOMMENDATION

Staff recommends **Approval, Subject to Conditions.**

Respectfully submitted,

Ahna Nanoski, AICP
Lead Planner



Plan Conditions, Corrections, & Recommendations Report

Recommended to City Plan Commission

Recommended by Staff

Report Date: January 11, 2022

Case Number: CD-CPC-2021-00230

Project: 2415 NE Vivion Rd Rezoning

Plan Conditions

Condition(s) by City Planning and Development Department. Contact Ahnna Nanoski at / Ahnna.Nanoski@kcmo.org with questions.

1. Minor Subdivision needs to be filed and under review prior to City Council Ordinance request. (12/21/2021)

Plan Recommendations

Recommendation(s) by City Planning and Development Department. Contact Ahnna Nanoski at / Ahnna.Nanoski@kcmo.org with questions.

2. There is not a registered neighborhood association linked with the subject site. However, City staff recommend reaching out to Northland Neighborhoods, Inc in regards to the public engagement requirement associated with a rezoning request.

Deborah Hermann, CEO
816-454-2000 (office) (12/21/2021)



KAW VALLEY ENGINEERING, INC.



City Planning & Development

Exhibit A

Office: 816.468.5858

Fax: 816.468.6651

Web: www.kveng.com

Address: 8040 N. Oak Trafficway
Kansas City, MO 64118

Meeting Date/Time: 01/06/2022 at 6:00-6:40 PM

B21D4366

Re: Neighborhood Meeting – Rezoning at 2415 NE Vivion Road (CD-CPC-2021-00230)

Attendees: Martin Arling of Kaw Valley Engineering, Inc. and Jason Pullman of East Sunshine Property Group, L.L.C. (Developer)

Item	Discussion
1.	No attendees appeared. The meeting ended at 6:40 PM.



From: [Deb Hermann](#)
To: [Nanoski, Ahnna](#)
Cc: ["Martin Arling"; Vasquez, Mario](#)
Subject: CD-CPC-2021-00230
Date: Tuesday, January 11, 2022 2:46:41 PM
Attachments: [image001.wmz](#)
[image002.png](#)

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

Good Afternoon Ahnna!

Martin Arling, KAW Valley, appeared before NNI's Planning & Development Committee. The Committee has seven members representing neighborhoods in the area. Mario Vasquez a;sp attended. The project was positively received by all. The developer needed to resolve one issue with Mario to receive approval. Mario didn't think it would be a problem.

Since then, NNI has had to shut down due to a majority of our staff being infected with Covid. I have not been successful reaching Mario either.

We hope to see this project proceed.

Let me know if I can answer any questions for you.

Thanks,

Deb

Deborah L. Hermann, CEO
5340 N Chouteau Trafficway
Kansas City, MO 64119
816-454-2000 (office) 816-916-3841 (mobile)
nni.org



KAW VALLEY ENGINEERING, INC.

Office: 816.468.5858

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Address: 8040 N. Oak Trafficway
Kansas City, MO 64118

December 10, 2021

B21D4366

City of Kansas City, Missouri
Planning and Development
414 East 12th Street
Kansas City, MO 64106

**RE: STORM WATER LETTER
PROPOSED 7 BREW COFFEE
2415 NE VIVION RD
PARCEL ID 74-14-00-00-00-00-01-01-00-00-00**

To Whom it May Concern:

A proposed drive through coffee shop is being proposed at the north end of the parking lot at 2415 NE Vivion Rd in Kansas City, Missouri. This storm water letter is being provided as part of the submittal for rezoning the site from B1-1 to B2-1.

The existing property is 4.09 acres, from which a parcel will be created that will be approximately 0.58 acres (25,417 square feet). The existing site is a parking lot with landscape buffers along the perimeter. The proposed site will consist of a 510 square foot building, a 150 square foot exterior cooler, a dumpster and a dual lane drive through. All of the existing parking lot in the proposed parcel will be eliminated and some of the stalls will be replaced at the east end of the site. Existing and proposed sites are depicted in the attached exhibits A and B, respectively.

The existing and proposed impervious areas of the site are 20,998 square feet (0.48 acres) and 16,663 square feet (0.38 acres), respectively. Therefore, there is a significant reduction in impervious area.

Since the impervious area will be reduced, the project meets the exception listed in Section 5601.3.A.2 of Section 5600 of the Kansas City Metropolitan Chapter of the American Public Works Association as adopted by the city of Kansas City, Missouri. The exception is as follows: "Remodeling, repair, replacement or other improvements to any existing structure or facility and appurtenances that does not cause an increased area of impervious surface on the site".

In summary, neither detention nor BMPs are required for this project.

Respectfully submitted,
Kaw Valley Engineering, Inc.

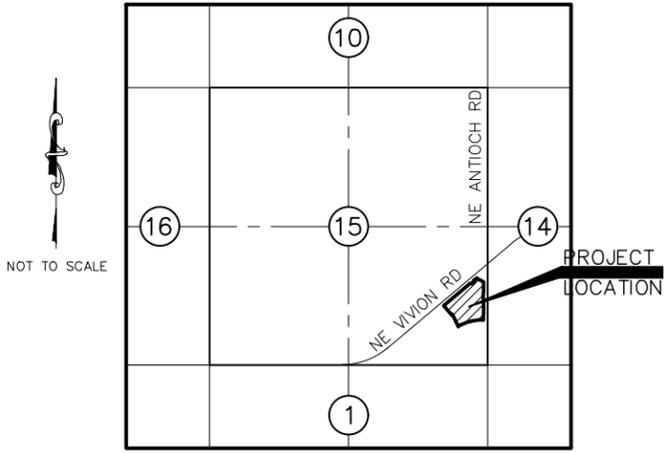
M. Arling
Martin T. Arling, P.E.
Project Manager



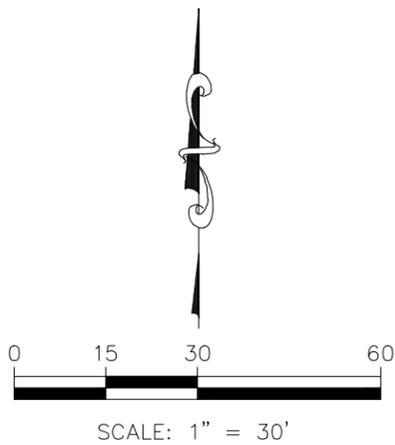
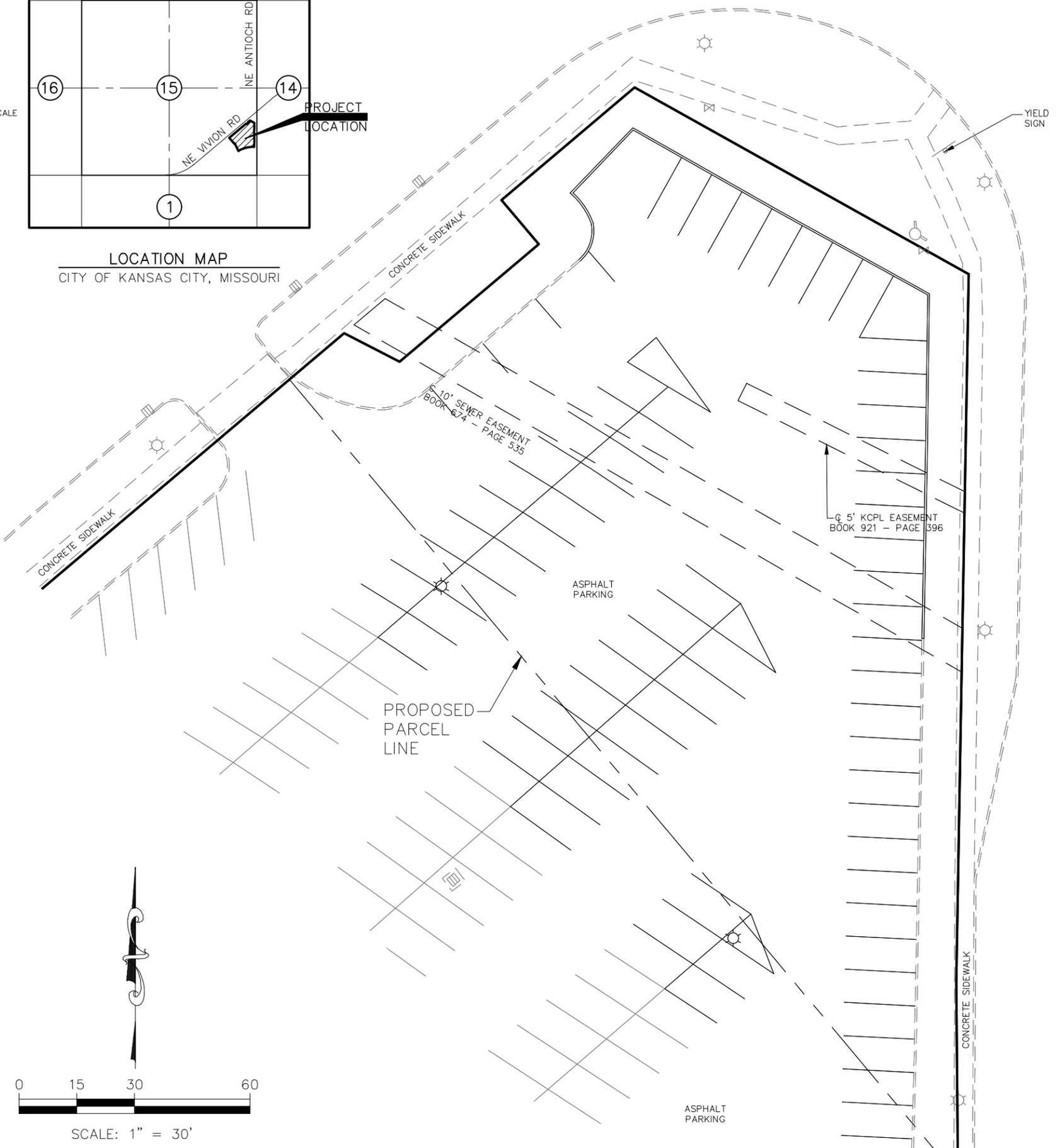
Attachments: Exhibit A
Exhibit B

EXISTING CONDITIONS SITE PLAN

SE 1/4 SEC 36-T51N-R33W
KANSAS CITY, CLAY COUNTY, MISSOURI



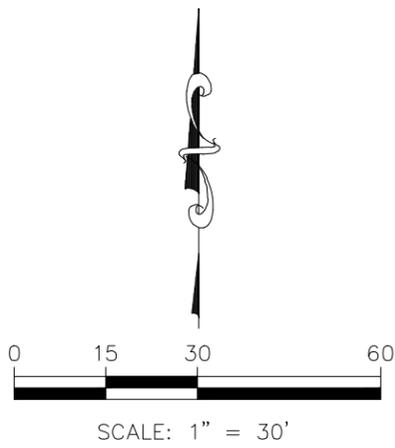
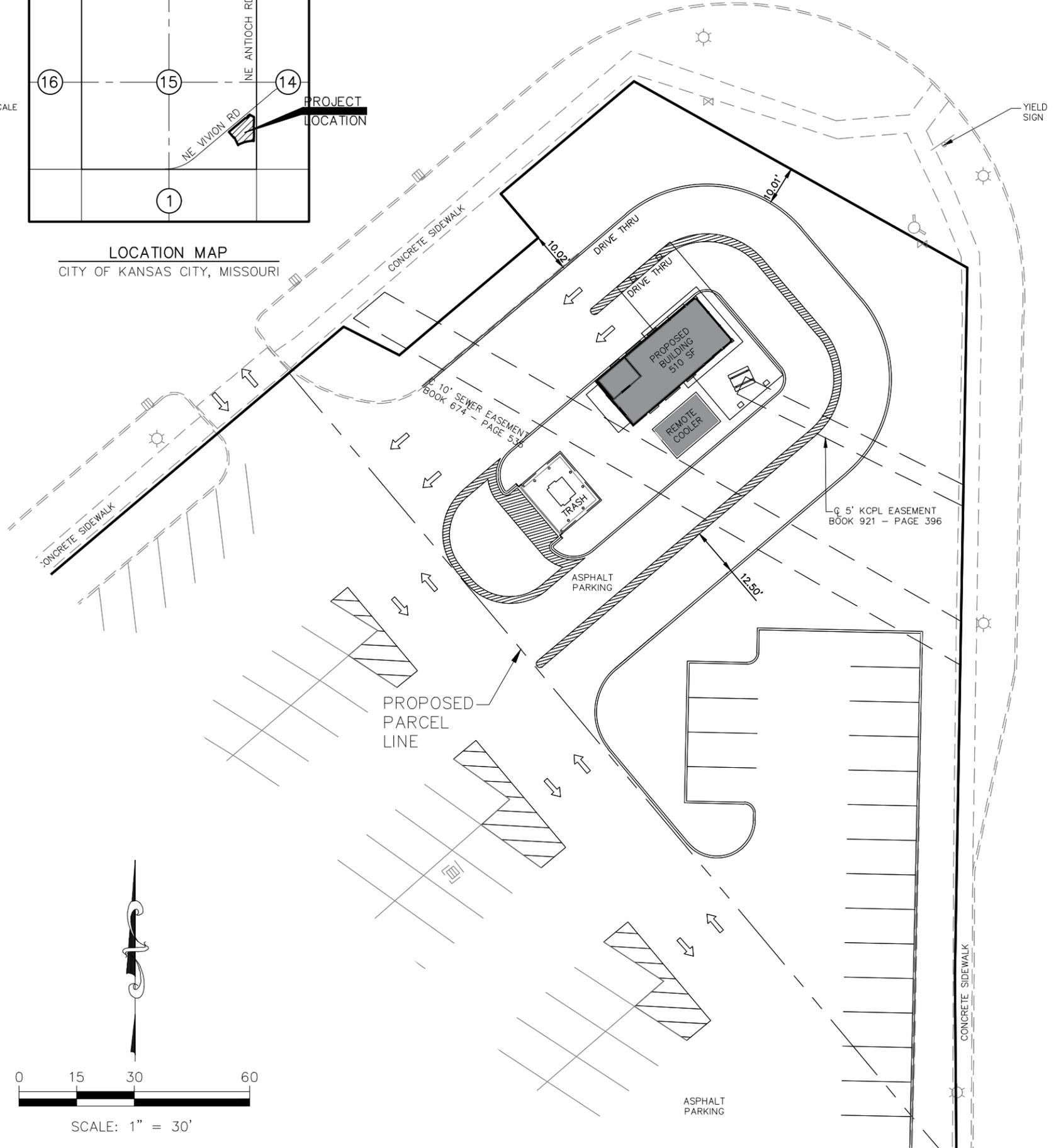
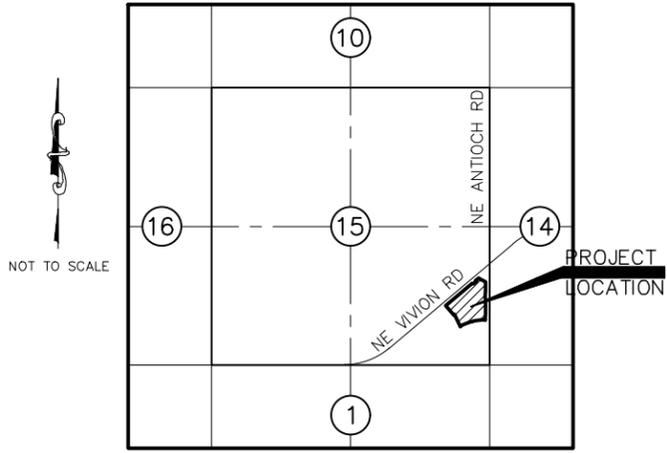
LOCATION MAP
CITY OF KANSAS CITY, MISSOURI



 <p>KAW VALLEY ENGINEERING</p>	8040 N. OAK TRAFFICWAY KANSAS CITY, MO 64118 PH. (816) 468-5858 FAX (816) 468-6651 kc@kveng.com www.kveng.com	PROJECT NO. B21D4324
	DRAWN BY JNL	CHECKED BY JAD
PROJECT: 7 BREW 2415 NE VIVION ROAD KANSAS CITY, MISSOURI 64118	PREPARED FOR: EAST SUNSHINE PROPERTY GROUP, L.L.C. 91 CHAMPIONS BLVD. ROGERS, ARKANSAS 72758	CFN 4366EXH
PHILLIP JAMES SCHNITZ PLS-2014020715 schnitz@kveng.com	KAW VALLEY ENGINEERING, INC., IS AUTHORIZED TO OFFER SURVEYING SERVICES BY MISSOURI STATE CERTIFICATE OF AUTHORITY NO. 000214. EXPIRES 12/31/21	SHEET 1 OF 2

PROPOSED DEVELOPMENT SITE PLAN

SE 1/4 SEC 36-T51N-R33W
KANSAS CITY, CLAY COUNTY, MISSOURI



 <p>KAW VALLEY ENGINEERING</p>	8040 N. OAK TRAFFICWAY KANSAS CITY, MO 64118 PH. (816) 468-5858 FAX (816) 468-6651 kc@kveng.com www.kveng.com	PROJECT NO. B21D4324
	PHILLIP JAMES SCHNITZ PLS-2014020715 schnitz@kveng.com	DRAWN BY JNL
PROJECT: 7 BREW 2415 NE VIVION ROAD KANSAS CITY, MISSOURI 64118	PREPARED FOR: EAST SUNSHINE PROPERTY GROUP, L.L.C. 91 CHAMPIONS BLVD. ROGERS, ARKANSAS 72758	CFN 4366EXH
KAW VALLEY ENGINEERING, INC., IS AUTHORIZED TO OFFER SURVEYING SERVICES BY MISSOURI STATE CERTIFICATE OF AUTHORITY NO. 000214. EXPIRES 12/31/21		SHEET 2 OF 2

LIMITED LIABILITY COMPANY CONSENT

State of MISSOURI)
County of JACKSON) ss

I, GREG HENSON a member of
(Print Name)

PLANET PARTNERS LLC, owner of the property described in the application for

- [X] Rezoning from District B1-1 to District B2-1
[] Special Use Permit
[] Development Plan Review
[] Major Amendment
[] Final Plan
[] Administrative Approval

acknowledge the submission of said application on behalf of said company and agree to bind the
subject property on behalf of said company in accordance with the submitted plan and with any
representation made by JP COMPANIES.

Signature [Handwritten Signature]
Partner
Title or Office

Subscribed and sworn to before me a notary public this 3rd day of
December, 2021.

Notary Public

My commission expires:

June 14, 2023



DENISE SWISHER
My Commission Expires
June 14, 2023
Jackson County
Commission #15421497

A tract of land being part of Lot 16, Block 2, ANTIOCH ACRES, and part of Lot 1, SUPER FOOD BARN NO. 4112, both being subdivisions of land in the Southeast Quarter of Section 36, Township 51 North, Range 33 West of the Fifth Principal Meridian, in Kansas City, Clay County, Missouri. Said tract of land being more particularly described by Phillip J Schnitz PLS 2014020715 as follows:

(Basis of bearing is South 60° 43' 18" East, on the North line of Lot 16, Block 2, ANTIOCH ACRES, as determined by Global Positioning System using the Missouri Department of Transportation Virtual Reference Station real-time network and referenced to the Missouri State Plain NAD83 Geoid18 datum.)

Beginning at the most Northern Corner of Lot 1, SUPER FOOD BARN NO. 4112,

Thence South 62° 48' 10" East, 16.23 feet, on the North line of said Lot 1 to the Southwest corner of part of Lot 16, Block 2, ANTIOCH ACRES;

Thence North 49° 39' 02" East, 47.32 feet, on the West line of said Lot 16;

Thence North 40° 26' 40" West on the West line of said Lot 16,

Thence North 49° 36' 50" East, 45.47 feet, on the West line of said Lot 16, to the Northwest corner of said Lot 16;

Thence South 60° 43' 18: East, 99.41 feet, on the North line of said Lot 16, to the Northeast corner of said Lot 16;

Thence South 00° 59' 23" West, on the East line of said Lot 16, to the Southeast corner of said Lot 16, being the Northeast corner of said Lot 1;

Thence continuing South 00° 59' 23" West, 135.75 feet, on the East line of said Lot 1, to the Southeast corner of the tract of land herein described;

Thence North 39° 52' 55" West, 268.58 feet, to the West line of said Lot 1, and the Southwest corner of the tract of land herein described;

Thence North 49° 36' 50" East, 18.60 feet, on the West line of said Lot 1 to the Northwest corner of said Lot 1, and the Point of Beginning.

Said tract of land contain 25,257 square feet or 0.58 acres more or less.