



# Planning and Urban Design

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**To:** City Planning Commission  
**From:** Planning and Urban Design Staff  
**Date:** April 12, 2021  
**Re:** SP2021-003

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## GENERAL INFORMATION

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**Applicant:**  
Sheila Ohrenberg of  
Schwester Holdings, LLC

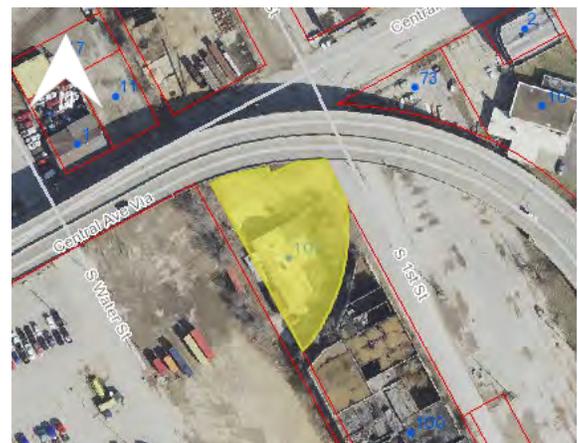
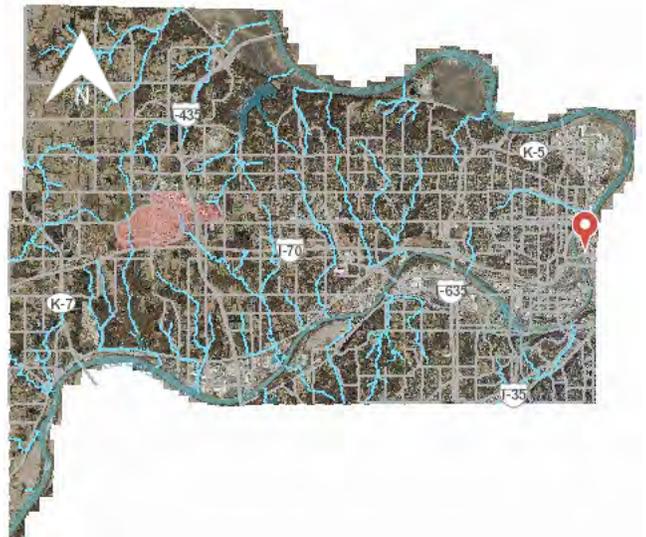
**Status of Applicant:**  
Representative  
101 Central Avenue  
Kansas City, Kansas 66118

**Requested Action:**  
Approval of a Special Use Permit.

**Date of Application:**  
January 22, 2021

**Purpose:**  
To operate a beer hall.

**Property Location:**  
101 Central Avenue  
Kansas City, Kansas 66118



<b>Commission Districts:</b>	Commissioner At Large: Tom Burroughs District #2 Commissioner: Brian McKiernan
<b>Existing Zoning:</b>	M-3 Heavy Industrial District
<b>Adjacent Zoning:</b>	<b>North:</b> M-3 Heavy Industrial District <b>South:</b> M-3 Heavy Industrial District <b>East:</b> M-3 Heavy Industrial District <b>West:</b> M-3 Heavy Industrial District
<b>Adjacent Uses:</b>	<b>North:</b> Industrial Businesses <b>South:</b> Industrial Businesses <b>East:</b> Industrial Businesses <b>West:</b> Industrial Businesses
<b>Total Tract Size:</b>	0.45 Acre
<b>Master Plan Area:</b>	This property is outside of the boundaries of an Area Plan. Should be City-Wide Master Plan
<b>Master Plan Designation:</b>	The City-Wide Master Plan designates this area as Industrial. This allows for industries featuring industrial processing, manufacturing, heavy truck traffic, excessive noise, potentially noxious uses and outdoor storage.
<b>Major Street Plan:</b>	The Major Street Plan classifies Central Avenue as a Class C Thoroughfare.
<b>Parking Requirements:</b>	Section 27-470 states that uses in this district require paved off-street parking at a ratio necessary to serve the employees, visitors, customers and others who may be on the premises. The ratio will vary among occupants and will be determined by the director of planning after receipt of a summary of parking needs and characteristics prepared by the owner or initial occupant. In no case, however, shall less than one (1) space for each 500 square feet of building area be provided. For buildings larger than 20,000 square feet, only one (1) space for each 1,000 square feet needs to be provided for increments between 20,000 and 50,000 square feet. For buildings larger than 50,000 square feet, the parking required for increments over 50,000 square feet will be determined by the director of planning. Shouldn't we use the parking ratio of one (1) space per 50 square feet of seating area, plus one (1) space per 300 square feet of seating area because at the end of the day, a beer hall is a drinking establishment?

Parking availability will be determined once a site plan is provided by applicant.

<b>Advertisement:</b>	<u>The Wyandotte Echo</u> – March 18, 2021 Letters to Property Owner – March 19, 2021
<b>Public Hearing:</b>	April 12, 2021
<b>Public Support:</b>	None to date.
<b>Public Opposition:</b>	None to date.

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## **PROPOSAL**

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Detailed Outline of Requested Action: The applicant, Sheila Ohrenberg, is seeking the approval of a Special Use Permit to allow for the operation of a beer hall in a former foundry at 101 Central Avenue.

City Ordinance Requirements: 27-592 through 27-606

Code Enforcement History: There is no Code Enforcement History on this property.

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## **FACTORS TO BE CONSIDERED**

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### **1. *The Character of the Neighborhood.***

The neighborhood is industrial in nature, comprised of industrial businesses near the Central Avenue Bridge and the Kansas River.

### **2. *The zoning and uses of properties nearby and the proposed use's expected compatibility with them.***

The zoning and uses are set out above. Operating this property as a beer hall has the potential to create issues related to noise, parking, and other concerns related to overcrowding. The neighborhood is industrial in nature and nearby businesses operate during the day. The proposed use is expected to be compatible with neighboring properties if properly managed and if it is open in the evenings and on the weekends.

### **3. *The suitability of the property for the uses to which it has been restricted. Will removal of the restrictions detrimentally affect nearby property?***

This property is an abandoned foundry. The property could be suitable for use as a beer hall if properly managed. Removal of the restrictions that require a Special Use Permit for such activities has the potential to create issues such as parking, excessive noise, and overcrowding.

**4. *The length of time the property has remained vacant as zoned.***

The last recorded Business License for this property was issued on January 20, 2020 and expired on December 31, 2020. The license was for use as a foundry for TC Industries, Inc.

**5. *The degree of conformance of the proposed use to the Master Plan.***

Special Use Permits are not addressed in the Master Plan. The City-Wide Master Plan designates this property as Industrial. This allows for industries featuring industrial processing, manufacturing, heavy truck traffic, excessive noise, potentially noxious uses and outdoor storage. The proposed use does not conform to the Master Plan because it is not industrial in nature. It is not expected, however, to create issues for neighboring properties if properly managed.

**6. *Whether the proposed use will result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.***

The proposed use has the potential to increase vehicular traffic but should not exceed the capacity of the Class C Thoroughfare to accommodate it if managed properly, while it functions as a beer hall. Parking availability will be determined once a site plan is provided by applicant.

**7. *Whether the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property.***

The proposed use provides a convenience to the public in the form of a beer hall. If managed properly, the proposed use will not substantially nor permanently injure the appropriate use, visual quality, or marketability of adjoining property as it is for a beer hall in an industrial neighborhood.

**8. *Whether the noise, vibration, dust, or illumination that would normally be associated with such use is of such duration and intensity as to create problems for near-by property.***

Noise, vibration, and illumination are potential issues that could be caused by the proposed use. These are not expected to be problems for adjacent properties because the neighborhood is zoned for heavy industrial uses.

**9. *Whether the proposed use will pollute the air, land or water.***

The proposed use is not expected to pollute the air, land, or water because it takes place in an existing building in a built-out industrial neighborhood.

**10. Whether the use would damage or destroy an irreplaceable natural resource.**

The proposed use will not damage or destroy an irreplaceable natural resource as it is an existing industrial building residence in a built-out neighborhood.

**11. The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner or landowners.**

The relative gain or loss to the public health, safety, and welfare is likely to be minimal as it only provides the convenience of a beer hall with some economic benefit. If denied, the landowner could not use the property as a drinking establishment but may still use the property as another type of business or sell the property.

**12. Whether the proposed use would result in overcrowding of land or cause undue concentrations of population.**

The proposed use may create issues of overcrowding of land or cause undue concentrations of population if not managed properly.

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**PREVIOUS ACTIONS**

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None

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**NEIGHBORHOOD MEETING**

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The applicant held a neighborhood meeting on March 29, 2021 at 101 Central Avenue. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant (see the "Attachments" section of this report).

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**KEY ISSUES**

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Parking  
Traffic  
Access

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**STAFF COMMENTS AND SUGGESTIONS**

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**Planning and Urban Design Comments:**

1. What days and hours do you intend to operate?

**Applicant Response:** We plan to start hours of operations Thursday to Sunday 11:00 AM to 7:00 PM with the option to add Monday and Sunday 11:00 AM to 7:00 PM no later than 9:00 PM on weekends.

2. Do you propose to brew the beer on the property or bring it in from another location?

**Applicant Response:** We will not brew beer. All beer will be purchased through local brewery distribution.

3. Do you propose to sell food at the location?

**Applicant Response:** We plan to utilize local food trucks for food.

4. What is the maximum number of people you will allow at the site?

**Staff Response:** The applicant did not provide a response.

5. Do you intend to provide live entertainment? Please note that hosting live entertainment would require the approval of a separate Special Use Permit.

**Applicant Response:** No live music at this time.

**Staff Response:** Any future live entertainment will require either a Special Event Permit or a Special Use Permit for live entertainment.

6. Provide updated site pictures of the property and a scaled site plan.

**Applicant Response:** Included.

**Staff Response:** Applicant provided an updated site pictures and an updated scaled site plan, which can be found in the "Attachments" section of this report.

7. Must provide a scaled floor plan.

**Applicant Response:** Included.

**Staff Response:** Applicant provided a scaled floor plan, which can be found in the "Attachments" section of this report.

8. What is the maximum number of vehicles allowed and where will they park? Indicate customer parking on the site plan.

**Applicant Response:** Included in plan.

**Staff Response:** Applicant provided a parking plan as part of the updated site plan, which can be found in the “Attachments” section of this report. The parking plan demonstrates 26 parking spaces, four (4) of which are ADA-compliant.

9. All land area that is not covered by buildings or otherwise surfaced shall be brought to a finished grade and landscaped. Provide a landscape plan.

**Applicant Response:** *Preliminary landscape plan included on the site plan. Adjustments as required by the Planning Department.*

**Staff Response:** Applicant provided a preliminary landscape plan as part of the site plan, which can be found in the “Attachments” section of this report.

10. Must provide elevations.

**Staff Response:** The applicant has not provided elevations of the building.

11. Will any demolition or grading take place on the site? If so, you must include these in the plans.

**Applicant Response:** *There is one lean shed to be removed. Remco Demolition has been contracted to remove. No permit required.*

12. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations.

13. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

14. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved.

### **Planning Engineering Comments:**

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
  - 1) Detailed engineering comments are made by separate technical review of the plans and submitted directly to the applicant. Provide revised plans and responses in accordance with the engineering comments.
  - 2) Construction plans shall meet UG standards and criteria and shall be reviewed and approved by UG prior to construction permit acquisition.
- B) Items that are conditions of approval:
  - 1) None
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
  - 1) None

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## **STAFF RECOMMENDATION**

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Staff recommends that the City Planning Commission make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommend **APPROVAL** of Petition **SP2021-003** subject to all comments and suggestions outlined in this staff report, summarized by the following conditions:

- 1. Hours of operation are limited to the following: Sunday to Thursday – 11:00 AM to 7:00 PM; Friday and Saturday – 11:00 AM to 9:00 PM;**
- 2. All food trucks serving food on site must have a business license, sign agreement with the applicant, and comply with all other relevant ordinances regulating food trucks or prepared food vending vehicle;**
- 3. Any future live entertainment will require either a Special Event Permit or a Special Use Permit for live entertainment;**
- 4. The applicant must comply with the submitted landscaping plan;**
- 5. The property must maintain the current number of parking spaces, which is 26 total spaces, four (4) of which are ADA compliant, except if an amendment is allowed by the City Planning Commission and approved by the Board of Commissioners;**
- 6. Business License (new business): If approved, the applicant will need to file and maintain a current business occupation tax application with this office;**
- 7. A building permit is required for a change of occupancy. Please contact the Building Inspection Department to begin that process;**
- 8. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are**

collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;

9. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
- 9.
10. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

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## **ATTACHMENTS**

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Zoning Map  
Aerial Map  
Land Use Map  
Site and Landscaping Plan  
Floor Plan  
Sanitary Sewer Service Exhibit  
Site Photographs Provided by Staff, Dated March 24, 2021  
Site Photographs Provided by the Applicant  
Neighborhood Meeting Materials, March 29, 2021

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## REVIEW OF INFORMATION AND SCHEDULE

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Action	Planning Commission	Unified Government Commission
Public Hearing	April 12, 2021	April 29, 2021
Special Use		

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**STAFF CONTACT:**        **Shana Kelly**  
   [skelly@wycokck.org](mailto:skelly@wycokck.org)

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### MOTIONS

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I move the Kansas City, Kansas City Planning Commission **RECOMMEND APPROVAL** of Petition **SP2021-003** to the Unified Government Board of Commissioners as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements of the Kansas City, Kansas City Planning Commission:

1. \_\_\_\_\_;
2. \_\_\_\_\_; And
3. \_\_\_\_\_.

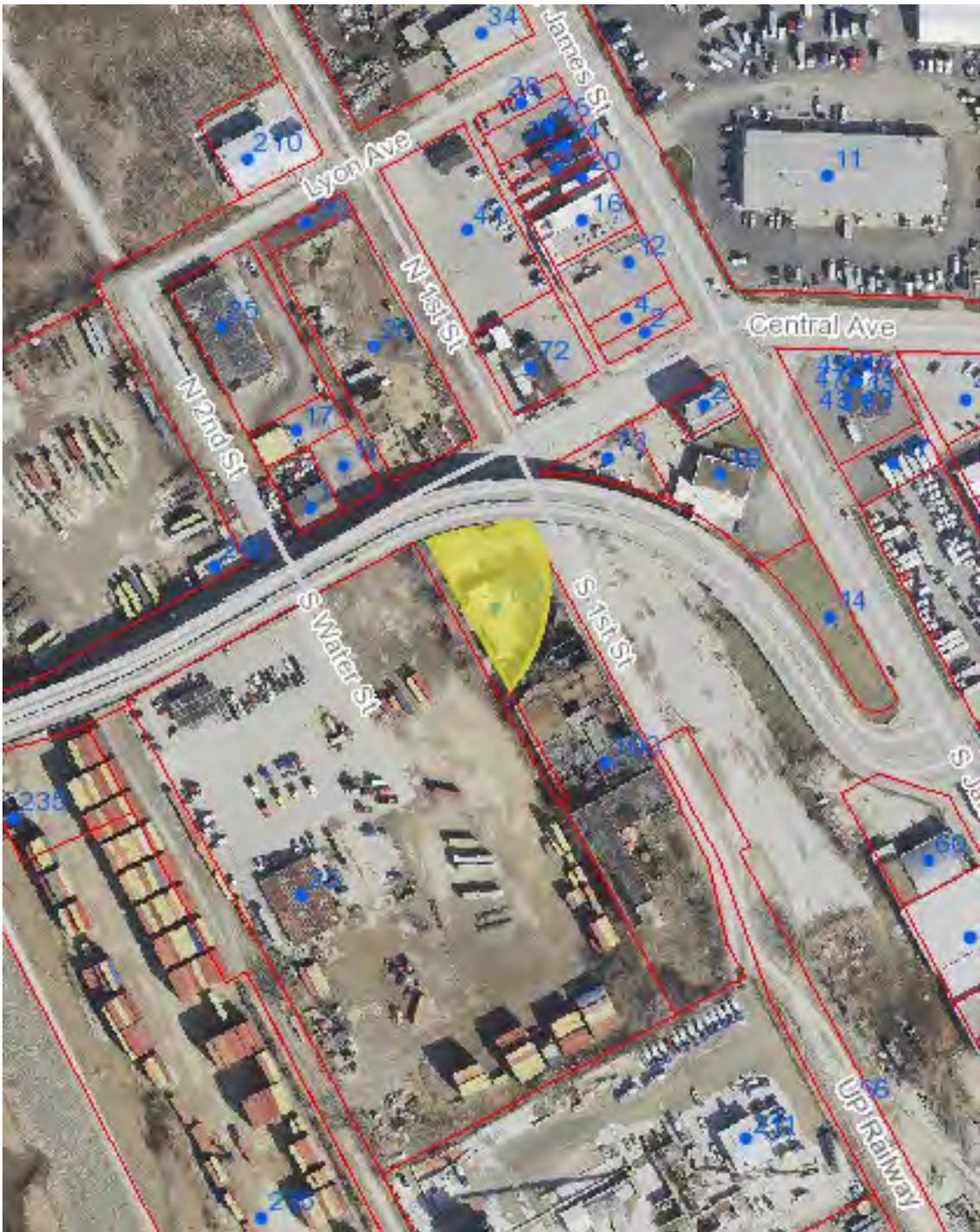
### OR

I move the Kansas City, Kansas City Planning Commission **RECOMMEND DENIAL** of Petition **SP2021-003** to the Unified Government Board of Commissioners, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

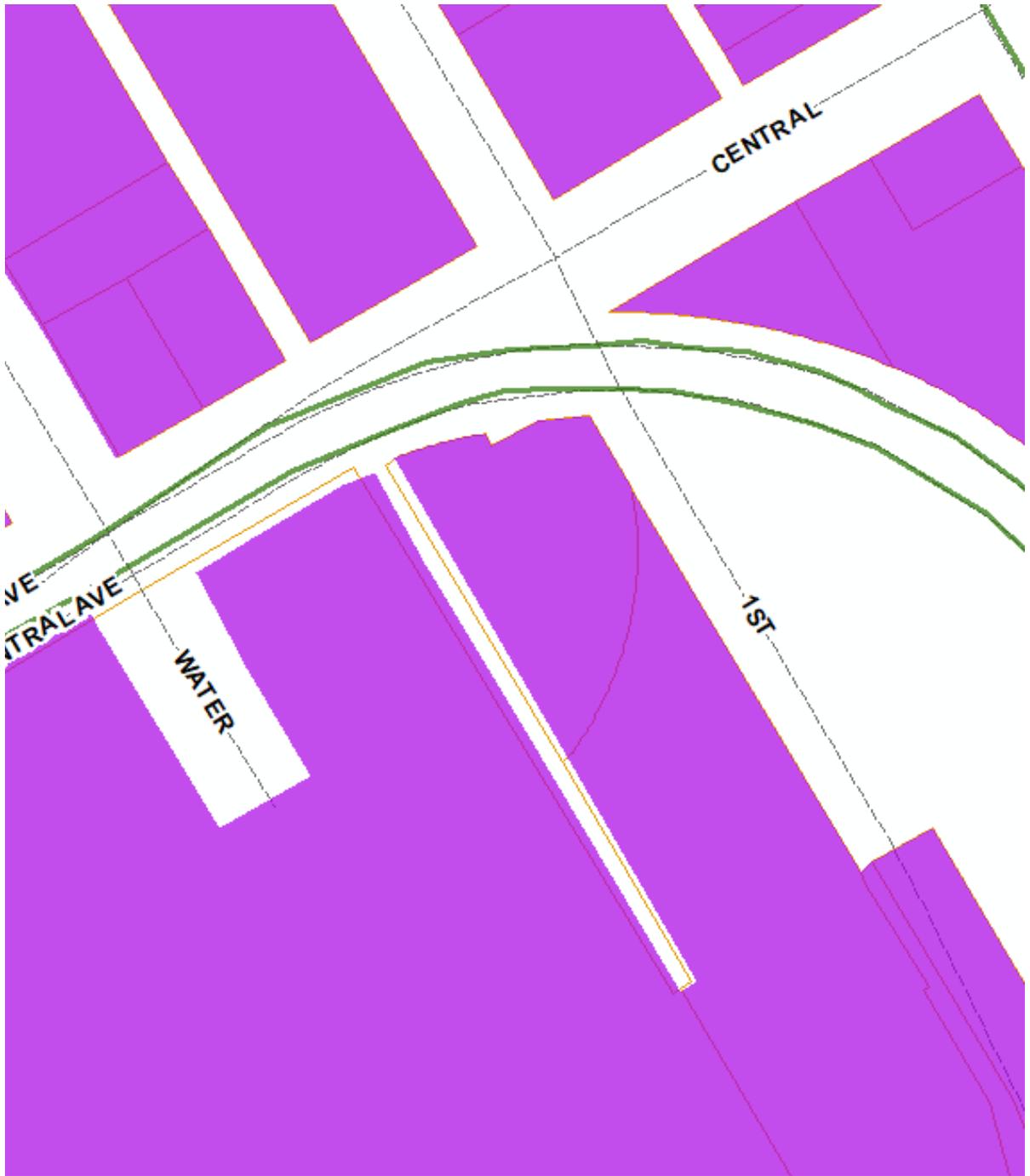
**Zoning Map:**



**Aerial Map:**



Land Use Map:











Currently located in the Northwest portion of the property. Per 101 Central Preliminary Layout A100 Future Handicap parking stalls. This meter is outdated, oversized and in desperate need of repair. KPL has removed a portion of the meter and plans to abandon in place the piping which is no longer used.

KPL plans to relocate the meter to the Northwest side of the building. Design will be after the use of the property is determined.



Site Photographs Provided by Staff, Dated March 24, 2021:









**Site Photographs Provided by the Applicant:**



**Upper Left:** Inside the building.

**Upper Right:** Front of the building with lean that will be removed.

**Left:** Front of building.

## Neighborhood Meeting Materials, March 29, 2021:

March 15, 2021

Commissioner Brian McKiernan  
701 North 7TH Street, 9<sup>th</sup> Floor  
Kansas City, KS 66101

SUBJECT: Neighborhood Meeting 101 Central

We have filed an application with the Department of Urban Planning and Land Use. Special use permit # SP2021-003. The purpose of this permit is to convert the following address: 101 Central Avenue, Kansas City, KS 66118 to a Beer Hall.

We are having a neighborhood meeting on Monday, March 29<sup>th</sup>, 2021 at 3:00 p.m. at the following address: 101 Central Avenue, Kansas City, KS 66118.

The purpose of this meeting is to explain the proposal and to answer any questions/concerns you may have.

I look forward to seeing you at the neighborhood meeting. If you are unable to attend, please contact me at the email/phone number listed below.

Sincerely,

Sheila A Ohrenberg  
Schwester Holdings, LLC  
913-488-5785  
Sheila@sorellagroup.com

**NEIGHBORHOOD MEETING AGENDA**

- If no one shows up for the neighborhood meeting at the scheduled time it is recommended that the applicant wait 30 minutes before leaving.
- Presentation:
  - Provide accurate details/photos/plans for review
  - Answer/address questions and concerns
  
  - Detail who will be involved (clients, customers, buyers, etc.) Sorella Group, Schwester Holdings, 101 Central
  - Detail operational activity (residential, use, noise, traffic, etc) Hours of Operations- food trucks, craft beer etc.

101 Central Beer Hall Neighborhood Meeting -Sign In

SP2021-003 March 29, 2021, 3:00pm

First/Last Name

Email

Sheila Ohrenberg

sheila@sorellagroup.com

Kalie Ohrenberg

kalie@sorellagroup.com

**101 Central Beer Hall Meeting Minutes:**

Application Number SP2021-003

Meeting was not called to order as there was no one in attendance.

Sheila Ohrenberg and Kalie Ohrenberg remained at the meeting location until 3:45pm.