



# Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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Kansas City, Kansas 66101  
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**To:** City Planning Commission  
**From:** Planning and Urban Design Staff  
**Date:** May 9, 2022  
**Re:** **Special Use Petition SP2022-046**

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## GENERAL INFORMATION

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**Applicant:**  
Blake Lostal  
DBA Easy Inn

**Status of Applicant:**  
Business Owner  
322 North 6th Street  
Kansas City, Kansas 66101

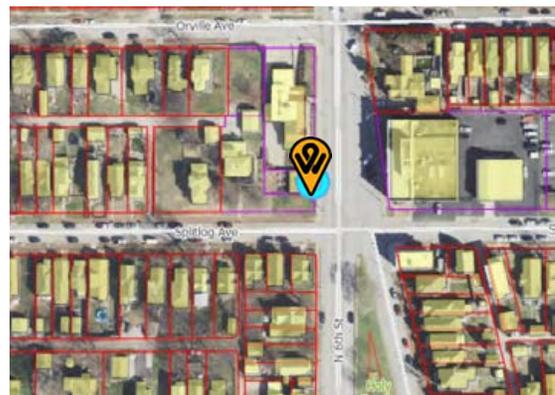
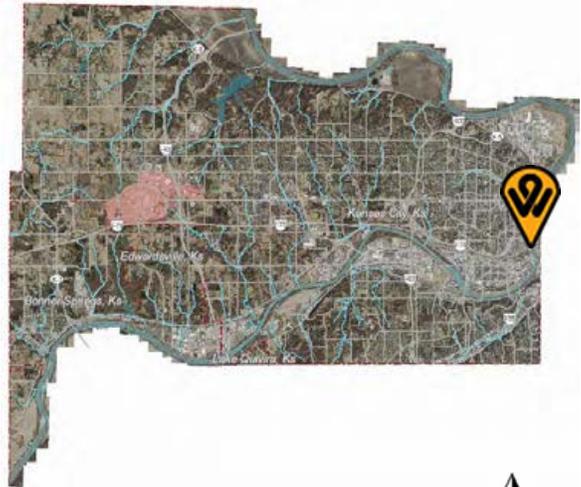
**Requested Action:**  
Approval of a Special Use Permit.

**Date of Application:**  
January 4, 2022

**Purpose:**  
Approval of a Special Use Permit for live entertainment at an existing drinking establishment.

**Property Location:**  
322 North 6th Street  
Kansas City, Kansas 66101

**Commission Districts:**  
Commissioner At-Large District #2:  
Tom Burroughs  
District #2 Commissioner: Brian McKiernan



<b>Existing Zoning:</b>	TND Traditional Neighborhood Design District
<b>Adjacent Zoning:</b>	<p><b>North:</b> TND Traditional Neighborhood Design District</p> <p><b>South:</b> R-1(B) Single Family District</p> <p><b>East:</b> R-1(B) Single Family and TND Traditional Neighborhood Design District</p> <p><b>West:</b> R-1(B) Single Family and TND Traditional Neighborhood Design District</p>
<b>Adjacent Uses:</b>	<p><b>North:</b> Funeral Home</p> <p><b>South:</b> Single Family Residence</p> <p><b>East:</b> Single Family Residence and Wholesale Lighting Sales Office</p> <p><b>West:</b> Duplex Residence</p>
<b>Total Tract Size:</b>	.0604 Acre
<b>Master Plan Area:</b>	Central Area Master Plan
<b>Master Plan Designation:</b>	The Central Area Master Plan designates this property as Urban Density. Urban Density uses include single family homes, attached residences including town homes, duplexes, triplexes, etc., and institutional uses such as schools, churches, and libraries.
<b>Major Street Plan:</b>	The Major Street Plan designates North 6th Street as a Local Street.
<b>Advertisement:</b>	<u>The Wyandotte Echo</u> – April 14, 2022 Letters to Property Owner – April 14, 2022
<b>Public Hearing:</b>	May 9, 2022
<b>Public Support:</b>	None to date.
<b>Public Opposition:</b>	The applicant gathered several letters of support.

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## **PROPOSAL**

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Detailed Outline of Requested Action: The applicant, Blake Lostal with the Easy Inn, has applied for a new Special Use Permit for live entertainment at 322 North 6th Street. The subject property is a single level row-style store with approximately 1,260 square feet of building space with an additional outdoor patio and was formerly known as the Colonial Club. The Applicant has operated the subject property since 2018.

City Ordinance Requirements: Municipal Code Sections 27-592 through 27-606 and 27-593.

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## **RELATED ENFORCEMENT AND ACTION ITEMS**

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### **Noise or Disturbance Complaints:**

1. There were multiple premises checks on the business.
2. There was one case of assault at the address in 2019.

### **Building, Zoning, or Code Enforcement Complaints:**

1. The current property owner has received no building enforcement complaints.
2. The current property owner has received one code enforcement complaint:
  - a. 2019: 19200-01520: Weeds in the rear of property
3. The former property owner received several code enforcement complaints
  - a. 2013: 13200-04335: Weeds in the rear of property
  - b. 2012: 12220-00569: Graffiti
  - c. 2010: 10200-01023: Weeds in the rear of property
  - d. 2010: 10220-00504: Graffiti
  - e. 2008: 08220-01835: Graffiti
  - f. 2008: 08220-01492: Graffiti

### **Outstanding or Related Permits and Cases:**

1. The current property owner has prior building permits associated with renovations to reopen the property:
  - a. 2018: 18381-00046 - Gas Permit - Pressure Test - Completed
  - b. 2018: 18367-00018- Electrical - Safe to Restore Electric- Completed
2. The prior owner had similar permits for utility restoration that are also completed.
3. The current property owner has no outstanding Code Inspection Cases. Previous Inspection cases are more than ten (10) years old.

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## **FACTORS TO BE CONSIDERED**

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

This project is in the Strawberry Hill neighborhood. Lots are generally narrow and urban in character. Buildings along this segment of 6<sup>th</sup> street typically are composed of brick masonry or natural stone. The neighborhood lacks sufficient parking but is generally walkable with transit access. Additional angled parking is included across the street on 6<sup>th</sup> Street.

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

The zoning and uses of properties nearby are set out above. The surrounding

properties vary in usage from a funeral home, union office, single-family and multi-family residences, a park, retail butcher store, and wholesale lighting office. The mixed-use nature of these nearby properties indicates the proposed use of a drinking establishment with live entertainment is compatible.

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

The property is suitable for live entertainment because it is an urban, mixed-use area in which neighborhood establishments are popular. There is the possibility for increased parking demand with the additional use of live entertainment, although the neighborhood generally favors walkability over a high traffic presence. Noise is also a factor but can be minimal if mitigated appropriately.

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

The property is not vacant. The property was a former sports bar that closed in approximately 2017. The applicant purchased the property in 2018, completed some renovations, and re-opened the drinking establishment.

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

Special Use Permits are not addressed in the Central Area Master Plan. The Central Area Master Plan classifies the subject property as Urban Density. The Urban Density land use designation allows for primarily single-family homes, attached residences including town homes, duplexes, triplexes, etc., and institutional uses such as schools, churches, and libraries. The proposed use has a low degree of conformance to the plan's designation, but the proposed use is legally non-conforming.

**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 current design of the neighborhood does not provide sufficient parking for multiple mixed-use buildings. There are some on-street parking spaces although it is considered insufficient. Live entertainment at this property should not be considered an aggregate factor for insufficient parking more so than the parking would be for any other related use or establishment that would be permissible. This property is generally visited by locals who would value its proximity to residences and its walkability, as it is on the end of a street block with ample sidewalk and pedestrian connectivity. Additional angled parking is available across the street on 6<sup>th</sup> street.

**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 is not reasonably necessary for the convenience and welfare of the public, although it could be seen as desirable to have as a neighborhood

feature. It is not concluded that the presence of live entertainment at this space will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property.

**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.***

There is a potential for noise, vibration, and illumination to be a problem at this location, is a as it is a drinking establishment adjacent to a residential neighborhood, should be this minimal if managed appropriately.

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

The proposed use would not pollute air or land as it is located in an existing, permitted structure. If the applicant properly manages the property, pollution or trash from patrons should be minimal and temporary.

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

The proposed use would not damage or destroy an irreplaceable natural resource as it will operate within an existing structure in a built-out, mixed-use 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 presence of live entertainment at a drinking establishment in and of itself would not be considered to have relative gains to the public health, safety, and welfare. The public would benefit from having another establishment in the neighborhood for socializing and gathering, as many performers there are local musicians. Denying the Special Use Permit may cause hardship for the property owner as they would have a loss of a popular feature at this location.

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

The proposed use would not result in overcrowding as the drinking establishment operates within an existing building. There is a propensity for live entertainment to cause crowds, however, a certificate of occupancy would provide a limit on undue concentrations of populations.

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## **NEIGHBORHOOD MEETING**

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The applicant received neighborhood comments by receiving letters or phone calls through the date of April 25, 2022. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

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## KEY ISSUES

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Illumination  
Noise Concerns  
Illumination  
Parking  
Safety and Security  
Floodway/ Floodplain

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## STAFF COMMENTS AND SUGGESTIONS

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### **Planning and Urban Design Comments:**

1. What hours do you currently operate?

*Applicant Response:* 5 PM to 2 AM

2. How do you plan to manage waste on the property? Public right of ways may not be blocked by trash enclosures.

*Applicant Response:* Trash cans are in the rear of the building near the patio.

3. Sidewalks must remain clean and clear of debris and trash.

4. If approved, the applicant shall complete a sign permit for the mural on the side of the building.

5. Do you have outside amplified speakers?

*Applicant Response:* No.

6. All live entertainment must remain indoors.

*Applicant Response:* Understood.

### **Planning Engineering Comments:**

1. Items that require plan revision or additional documentation before engineering can recommend approval:
  - a) None
2. Items that are conditions of approval:
  - a) None
3. Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
  - a) 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 **SP2022-046** subject to all comments and suggestions outlined in this staff report, and summarized by the following conditions:

1. Any illumination that results shall not be seen or otherwise impact adjacent residential uses;
2. All entertainment must cease by 1:00 AM;
3. Doors and windows must remain closed during any entertainment performance;
4. Must comply with Unified Government Security Ordinance (Chapter 4, Article II Division 1, Sec 4-104,f), including:
  - a. Must have at least one (1) security personnel or staff member available at all times that is able to monitor any required parking area. Additional security guards may be required depending on the building capacity;
  - b. Patrons are not allowed to loiter in their vehicles. If so determined, they will be asked to leave;
  - c. An ID scanner will be used at all times;
  - d. At closing time, all security personnel will begin from a designated area to move patrons towards the exit and then to their vehicles;
5. No amplified speakers or entertainment is allowed in outdoor spaces;
6. Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;
7. Any proposed signage requires a sign permit. Please contact the Department of Planning & Urban Design to begin that process)
8. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by [buildinginspection@wycokck.org](mailto:buildinginspection@wycokck.org) to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
9. This permit approval is for zoning clearance only. Additional liquor licensing and other County or State Licenses may be required before operation,
10. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
11. 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 as both the property owner and the business owner that they 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;
12. 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,
  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.

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## ATTACHMENTS

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Aerial Imagery  
 Zoning Map  
 Land Use Map  
 Neighborhood Meeting Information  
 Letters of Support  
 Staff Site Visit Photos (unavailable)

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## REVIEW OF INFORMATION AND SCHEDULE

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Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing		
Special Use	May 9, 2022	May 26, 2022

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### STAFF CONTACT:

**Kallie McLaughlin**  
[kdmclaughlin@wycokck.org](mailto:kdmclaughlin@wycokck.org)

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## MOTIONS

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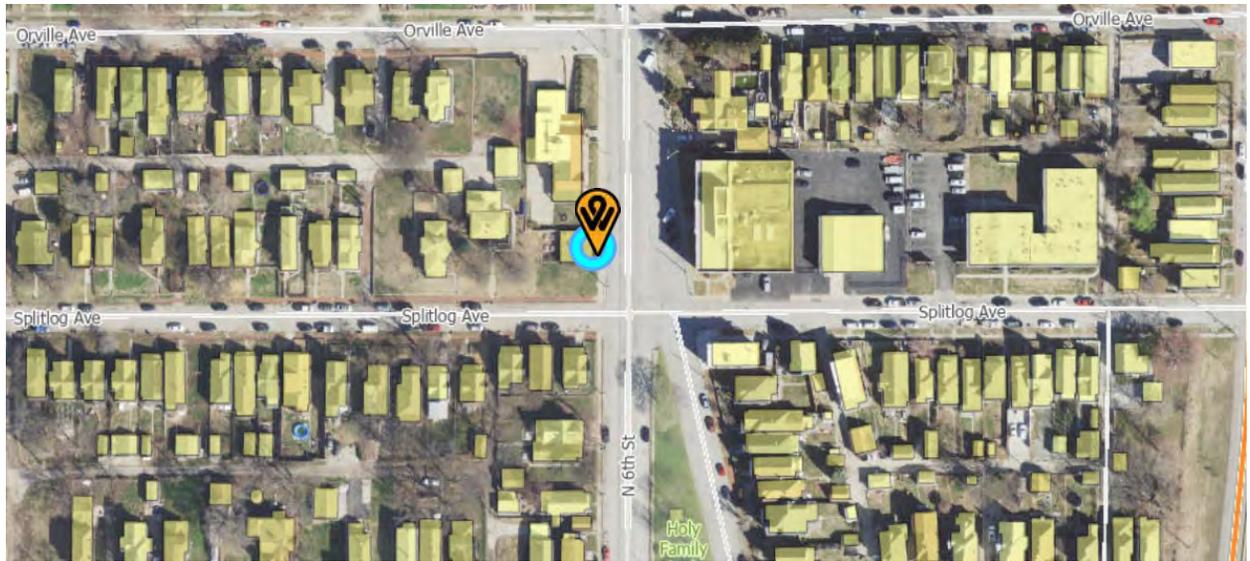
I move the Kansas City, Kansas City Planning Commission **RECOMMEND APPROVAL** of Petition **SP2022-046** to the Unified Government Board of Commissioners as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications 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 **SP2022-046**, 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.

# AERIAL MAP



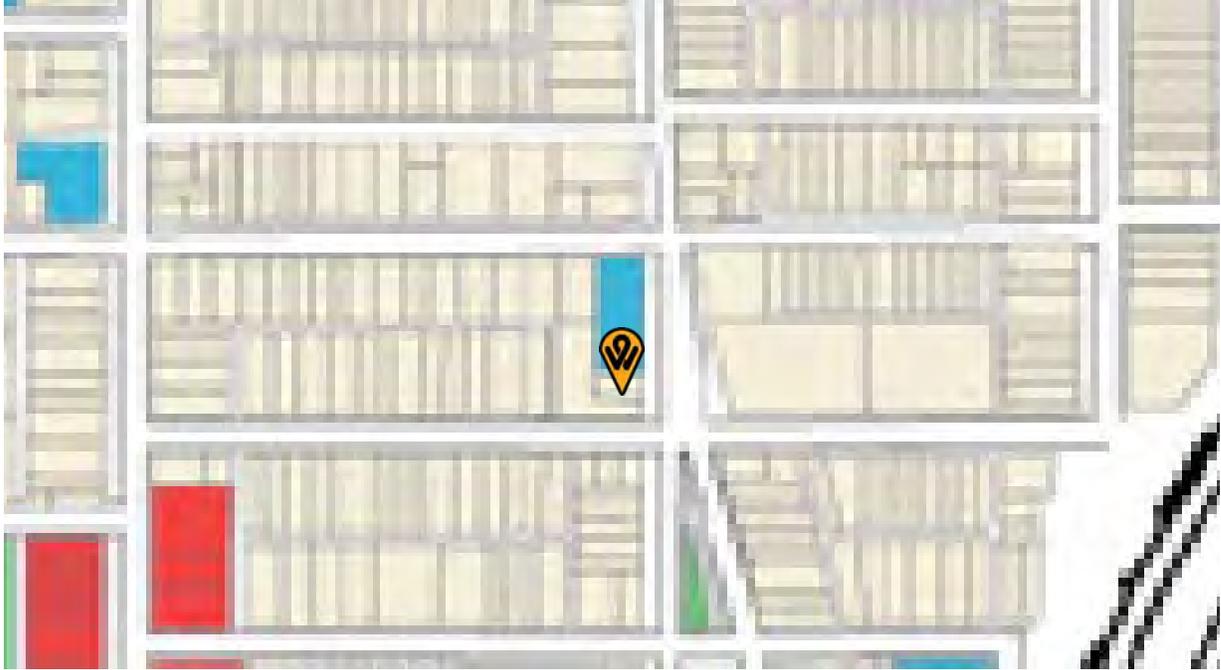
# ZONING MAP



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# LAND USE MAP

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## NEIGHBORHOOD MEETING INFORMATION

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4/26/2022

Blake Lostal  
PO Box 3835  
Kansas City KS 66103

Application SP 2022-046

Meeting called to order April 25th at 5 PM. Because of Covid-19 all questions and comments were collected via e-mail and phone up to 5PM on this day.

Only one recipient of our letter has responded to our letter, one Judith Tucci:

Judith: Hello, I am calling in regards to your letter about the entertainment license at the bar.

Us: Yes, what can I answer for you?

Judith: How will it be used?

Us: We will be using it to host live shows, karaoke, and DJs occasionally all on the inside of the building. We have no intention of having live entertainment more than a few times a month.

Judith: Ok, if that is the case then I support your proposal, have a nice day.

Us: You too, thank you!

Meeting Adjourned at 5PM April 25th

Minutes Recorded by Joseph Cartwright

**NEIGHBORHOOD MEETING INFORMATION**

**AFFIDAVIT - NEIGHBORHOOD MEETING**

STATE OF Kansas )  
COUNTY OF Wyandotte ) ss:

Comes now Joseph Cartwright of lawful age, sound mind and upon his/her oath states as follows:

- 1. That I am the petitioner for Petition # SP2022-046
- 2. That I conducted a neighborhood meeting on Apr. 12<sup>th</sup> 2022
- 3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

Joseph Cartwright  
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this \_\_\_\_\_ day of \_\_\_\_\_, 200\_.

My commission expires \_\_\_\_\_ of \_\_\_\_\_, 200\_.

\_\_\_\_\_  
Notary Public

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## LETTERS OF SUPPORT

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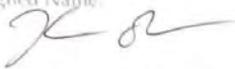
Dear Planning and Zoning Committee,

I'm a resident of Strawberry Hill and a patron of Colonial club llc/ The Easy Inn and support the entertainment license. This is a great establishment for having Karaoke, seeing live music, and DJs. This project is being spearheaded by a current local business owner and resident that is passionate about the area.

Printed Name:

Kevin O'Brien

Signed Name:



Date:

4/26/2022

Address:

528 Ann Ave

Kansas City, KS 64101

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## LETTERS OF SUPPORT

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Dear Planning and Zoning Committee:

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Printed Name: Jennifer Stehel

Signed Name: *Jennifer Stehel*

Date: 4/26/22

Address: 528 Ann Ave.

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## LETTERS OF SUPPORT

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Printed Name:

Jeffrey Campbell

Signed Name:



Date:

4/26/22

Address:

530 Ann Avenue Kansas City, KS 66101

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## LETTERS OF SUPPORT

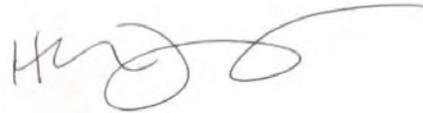
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Printed Name: Hannah Jennings

Signed Name:



Date: 4/26/2022

Address:

6<sup>th</sup> Street Kansas City, KS

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## LETTERS OF SUPPORT

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Dear Planning and Zoning Committee:

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Printed Name: CHARLIE DAVIS

Signed Name: 

Date: 4/26/22

Address: 6th st KCR

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## LETTERS OF SUPPORT

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Printed Name: Scott Muidark

Signed Name: 

Date: 4/26/22

Address: 5th Ave KCK

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## LETTERS OF SUPPORT

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Printed Name: *AJ Hofmann*

Signed Name: *[Signature]*

Date: *4/26/22*

Address: *5<sup>th</sup> Ave KC, K.*

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## LETTERS OF SUPPORT

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Dear Planning and Zoning Committee,

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Printed Name:

Ross Stewart

Signed Name:

RS

Date:

4/26/22

Address:

620 Sandusky Ave  
KC, KS 66101