



# Urban Planning and Land Use

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**To:** City Planning Commission  
**From:** City Staff  
**Date:** March 28, 2019  
**Re:** **Change of Zone Petition #3183**

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## GENERAL INFORMATION

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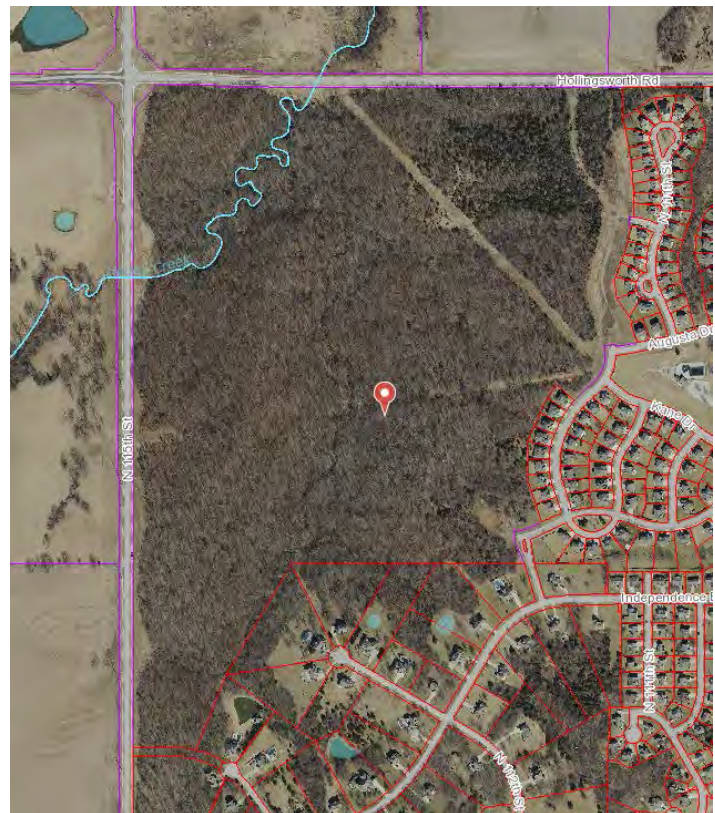
**Applicant:**  
Matt Schlicht, P.E., P.L.S.

**Status of Applicant:**  
Representative  
Engineering Solutions  
50 Southeast 30<sup>th</sup> Street  
Lee's Summit, MO 64082

**Requested Actions:**  
Change of Zone from  
RP-1 Planned Single Family District  
to R-1 Single Family District.

**Date of Application:**  
January 25, 2019

**Purpose:** To create a single family residential subdivision with 25 lots and a 37.9 acre common area.



**Property Location:** 4401 North 115<sup>th</sup> Street

**Existing Zoning:** RP-1 Single Family District

**Existing Surrounding Zoning:** **North:** AG Agriculture District  
**South:** R-1 Single Family District  
**East:** RP-1 Planned Single Family District  
**West:** AG (WYCO) Agriculture District

**Existing Uses:** **North:** Agriculture, single family houses  
**South:** Platted single family subdivision  
**East:** Platted single family subdivision  
**West:** Agriculture

**Total Tract Size:** 163.3 acres

**Master Plan Designation:** The majority of the property is designated Planned Low Density Residential district in the Prairie Delaware Piper Master Plan. The southern portion is designated Planned Suburban Residential District.

**Major Street Plan:** The City-Wide Master Plan designates 115<sup>th</sup> Street as a Class C Thoroughfare and Hollingsworth as a Collector Street

**Advertisement:** The Wyandotte Echo – Change of Zone - February 14, 2019  
Letters to Property Owners – Change of Zone – February 13, 2019,  
March 19, 2019 and April 2, 2019

**Public Hearings:** March 11, 2019, March 28, 2019 and April 8, 2019

**Public Opposition:** There were 2 people present at the March 11, 2019 City Planning Commission meeting.

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## **PROPOSAL**

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Detailed Outline of Requested Action: Matt Schlicht with Engineering Solutions has applied to create a single family subdivision with 25 lots and a 37.9 acre common area. The subdivision includes large lots that are approximately 5 acres in size with a few lots smaller than 5 acres.

City Ordinance Requirements: Article XXII Sections 27-1001 – 27-1419 and Article XXI Sections 27-501 - 27-1000

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## **FACTORS TO BE CONSIDERED**

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### **1. Neighborhood character**

This area is surrounded by single family subdivisions with agricultural uses to the north and west.

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

The proposed use is expected to be compatible with the surrounding zoning and uses.

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

Removal of restrictions will not detrimentally affect nearby property.

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

The property has not been developed in the past.

**5. The extent to which 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 nearby property.**

The proposed use will provide additional single family lots and housing options for the community.

**6. The extent to which the proposed use would increase the traffic or parking demand in ways that would adversely affect road capacity, safety, or create parking problems.**

Lots 1, 2, 11, and 12 have either less than 5 acres, less than 300 feet of frontage or both on a major thoroughfare. This could create an excessive number of driveways on a major thoroughfare without adequate spacing. Variance petition #2318 is a variance request that includes these issues.

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

The Prairie Delaware Piper Master Plan designates this property as low density residential. A small portion of the property in the south is designated planned suburban residential. The lot sizes are larger than the 3 acre to 1/3 acre range stated in the land use plan. The low density residential land use district also discourages development proposals for lots that front a major arterial. The district does encourage clustering of units to allow for open space and other community amenities.

**8. The extent to which the proposed use could cause environmental harm or enhance the environment.**

The proposed use is not foreseen to cause environmental harm or enhance the environment.

**9. The extent to which utilities and public services are available and adequate to serve the proposed use.**

**a. Water service**

Available

**b. Sanitary sewer service**

Septic

**c. Storm water control**

To be designed to city code.

**d. Police**

Police service is provided by West Patrol, District #223

**e. Fire**

Fire service is provided by Fire District #4

**f. Transit**

None

**g. Schools**

Piper USD 203

**h. Streets**

See item #6 above

**10. The economic impact of the proposed use on the community.**

The low density of the development may result in lower tax revenue overall for the amount of land. However, the ability to develop on septic and the lack of internal local streets may provide a cost benefit for future maintenance.

**11. The capability of the proposed use to meet applicable ordinance requirements.**

The proposed use is capable of meeting applicable ordinance requirements, except the zoning code requirements which the developer has applied for a zoning variance.

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

The proposed use will provide additional housing lots and will not impose a hardship on individual landowners.

**13. *Development of such character that it can be used safely without danger to health, or peril from fire, flood, erosion, excessive noise or other adversity.***

In general, the development is of such a character that it can be used safely without danger to health, or peril from fire, flood, erosion, excessive noise or other adversity. The lots that do not meet the requirements for lot frontage or size on a major thoroughfare may pose a safety risk due to excessive number of driveways or inadequate spacing of driveways on a major thoroughfare.

**14. *Streets are designed so as to provide a safe, convenient and functional system for vehicular traffic, and having such width, gradient, location and structural quality as to accommodate prospective traffic as determined by existing and probable future land and building uses.***

This development has limited internal local street circulation; the lots are largely served from the existing streets. The lots that do not meet the requirements for lot frontage or size on a major thoroughfare may pose a safety risk due to excessive number of driveways or inadequate spacing of driveways on a major thoroughfare. Additionally, the Prairie Delaware Piper Master Plan discourages developments that have lot frontages on major thoroughfares.

**15. *Assurance that buildings, lots, blocks, parcels and streets are so arranged as to afford adequate light, open space or air, to facilitate fire protection, and to provide for long-term sustained real estate values.***

The buildings, lots, blocks, parcels and streets are so arranged as to afford adequate light, open space or air, to facilitate fire protection, and to provide for long-term sustained real estate values.

**16. *Development patterns are designed with due regard to topography, so that the natural features of the land and vegetation shall be protected and enhanced.***

The development is designed with due regard to topography. The large common lot is largely a response to the topography of the site.

**17. *Adequate sites are provided for schools, parks, playgrounds, and other community services so that residents of all neighborhoods shall have convenient access to such facilities.***

This development is near Piper Elementary, Middle School and High School. The area does not have great access to parks and playgrounds. It is unclear what amenities will be available in the subdivision and whether all lots will have

access to amenities, such as the lots that do not have access to the large common area.

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## **PREVIOUS ACTIONS**

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A Preliminary Plat for Northridge First Plat Lots 1-239 & Tracts A, B, C, D, E & F was submitted in August 2017, but was withdrawn before any action was taken.

At the March 28, 2019 Board of Commissioners meeting this application was referred back to the City Planning Commission for further discussion/commitment to the recommended stipulations by the City Planning Commission.

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## **NEIGHBORHOOD MEETING**

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The applicant held a neighborhood meeting on February 21, 2019. The neighborhood meeting minutes are attached to this report.

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## **KEY ISSUES**

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Lots with frontages on major thoroughfares  
Amenities.

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## **PREVIOUS PLANNING COMMISSION RECOMMENDATION**

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The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Change of Zone Application #3183, subject to:

### **Urban Planning and Land Use Comments:**

1. **Please describe why it is necessary to have lots that have less than 300 feet of frontage and less than 5 acres on 115<sup>th</sup> Street as required by the code.**

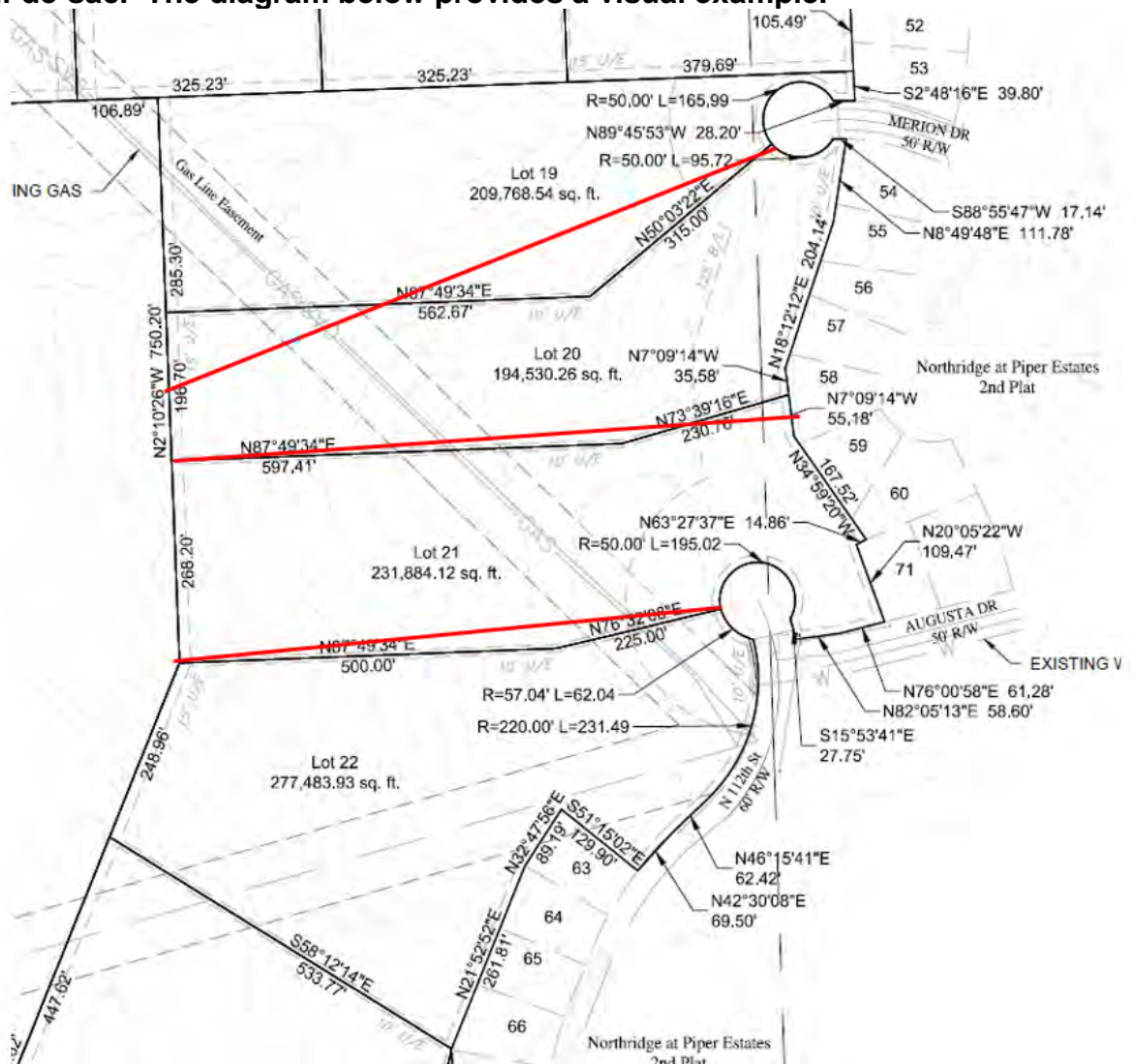
**Applicant Response:** Lot 1 is the only lot that is less than 300 feet and it is only 2 inches short, we ask this be allowed as a variance. The area of Lots 1 and 2 are less than 5 acres but greater than 3 acres, due to the irregular lot shapes. The 2 lots are equal to and in most cases larger than the lots in the existing Piper Estates subdivision and because the lots are consistent with the surrounding areas the developer is requesting a variance. Additionally, if the lots were combined the total area of the two lots would be nearly twice the size of the existing adjacent lots.

2. **The cul-de-sac lots should have side lot lines that are radial to the cul-de-sac and do not have bends in the side lot lines. Please adjust the lines between lots 19 and 20, and 21 and 22.**

**Applicant Response:** The new side lot lines for lots 19-22 are radial to the

cul-de-sac except the existing lot lines that were existing from previous plats.

**Staff Response:** The above comment was meant to remove the bends in the side lot lines to provide side lot lines that are straight and radial to the cul-de-sac. The diagram below provides a visual example.



3. How will lots with no common property line with the common area be able to access and use the common area?

**Applicant Response:** An access easement has been added to access the Common Area

**Staff Response:** The tract must access to a public street meeting the minimum lot width of the zoning district.

**4. What are the proposed covenants and restrictions?**

**Applicant Response:** proposed CC&R's have been provided for review

**5. What are the proposed amenities? Developers with less than 50 lots shall provide one amenity such as those listed in the table below:**

*Table 7: Residential Amenity Guidelines*

<b>Small:</b>	
	Basketball, volleyball, or other court sport.
	Open play area of at least 15,000 square feet with maximum of three (3) percent slope and tow benches and one play structure.
	One picnic area with a minimum size of five-thousand (5,000) square feet and including a minimum of two (2) picnic tables, one (1) shelter , and one (1) barbeque grill/pit per area.
	Option provided by owner, but must be considered equal to one of the other small options.
<b>Regular:</b>	
	Swimming pool.
	Golf course.
	Residential clubhouse.
	Two (2) basketball, volleyball, or other court sports.
	Two (2) tot lots with a minimum size of four-thousand (4,000) square feet per area, one (1) play structure per tot lot, one (1) bench per tot lot.
	Two (2) picnic areas with a minimum size of five-thousand (5,000) square feet and including a minimum of two (2) picnic tables, one (1) shelter , and one (1) barbeque grill/pit per area.
	Trail(s) for pedestrian and/or bicycles that connect(s) to the overall trail network within the area. This trial may be within preserved natural corridor.
	Option provided by owner, but must be considered equal to one of the other regular options.

**Applicant Response:** The developer is proposing to make a series of nature trails thoroughout the common area.

**6. Applicant must change the subdivision name so it will not be confused with the existing adjacent subdivision and its amenities.**

**Public Works Comments:**

**A) Items that require plan revision or additional documentation before engineering can recommend approval:**

**1) None.**

**B) Items that are conditions of approval (stipulations):**



- 1) Final development plans and a final plat will have to be approved by UG staff and Planning Commission prior to construction permit acquisition. This will include final engineering, calculations, and complete drawings with construction notes and details. The Final Development Plans/Plat must meet the requirements of UG standards and criteria.
  - 2) The County Surveyor makes separate technical review of the plat and submits comments directly to the preparer of the plat. Provide revised plat in accordance with engineering and County Surveyor comments.
  - 3) Construction plans shall meet UG standards and criteria and shall be reviewed and approved by UG prior to construction permit acquisition.
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:  
None

**Additional Stipulations from City Planning Commission Meeting:**

1. Eleven lots on 115<sup>th</sup> Street to comply with Board of Zoning Appeals approval.
2. Animals and farm restrictions are included in the CCR.
3. Code-compliant access to the open space.
4. Change the subdivision name.
5. Tree preservation of at least half the area and then at final plat show what percentage larger than that (50%) they can preserve on each lot and record that.
6. Lot 25 should be squared up and access to Lot 132 of the existing subdivision.
7. Work with Public Works for signage on the cul-de-sac.

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**STAFF COMMENTS AND SUGGESTIONS**

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The staff concurs with the recommendation of the City Planning Commission. However, the staff would like a firm commitment from the applicant regarding the recommended stipulations.

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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 recommends **APPROVAL** of Petition #3183, subject to all comments and suggestions outlined in this staff report.

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## ATTACHMENTS

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March 11, 2019 City Planning Commission Minutes  
Photos  
Conservation District Comments  
Fire Department Comments  
GeoSpatial Services Comments  
Neighborhood Meeting Minutes

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## REVIEW OF INFORMATION AND SCHEDULE

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<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing	March 11, 2019	March 28, 2019
Rezoning	Approval	Referred Back

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**STAFF CONTACT:**            **Zach Flanders**  
   [zflanders@wycokck.org](mailto:zflanders@wycokck.org)

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## MOTIONS

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I move the Kansas City, Kansas City Planning Commission uphold its previous recommendation of **APPROVAL** of Petition #3183 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:

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

## OR

I move the Kansas City, Kansas City Planning Commission reverse its previous recommendation and recommend **DENIAL** of Petition #3183 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.

## **March 11, 2019 City Planning Commission Minutes:**

### **Hearing Starts At 44:40:**

**CHANGE OF ZONE APPLICATION #3183 – MATT SCHLICHT – SYNOPSIS:** Change of Zone from RP-1 Planned Single Family District to R-1 Single Family District for continuation of the residential development at 4401 North 115<sup>th</sup> Street.

**NORTHRIDGE FIRST PLAT – SYNOPSIS:** Preliminary Plat for 25 single-family lots at 4401 North 115<sup>th</sup> Street

*Detailed Outline of Requested Action:* Matt Schlicht with Engineering Solutions has applied to create a single family subdivision with 25 lots and a 37.9 acre common area. The subdivision includes large lots that are approximately 5 acres in size with a few lots smaller than 5 acres.

The following items were included as part of the record for this case:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated March 11, 2019
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated February 14, 2019 for the change of zone application;
7. The Notices to property owners dated February 13, 2019; and
8. The testimony from the Board of Zoning Appeals meeting tonight.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. (No one responded in the affirmative.)

### **Present in Support:**

- ❖ Matt Schlicht, applicant, Engineering Solutions, 50 Southeast 30<sup>th</sup> Street, Lee's Summit, MO 64082
- ❖ Guy Tiner, 924 South 132<sup>nd</sup> Street, Bonner Springs, Kansas

### **Present in Opposition:**

- ❖ Bill Hurrelbrink, 11022 Cleveland Avenue, Kansas City, Kansas, under contract to purchase 4316 North 112<sup>th</sup> Street, Kansas City, Kansas
- ❖ Dana Bye, 10708 Augusta Drive, Vice President of the Northridge at Piper Estates Neighborhood Association

**Staff Recommendation starts at 1:07:44:** Planning Director Richardson stated that the Board of Zoning Appeals approved 11 lots along 115<sup>th</sup> Street. The owner has indicated that they will do restrictions in their covenants related to animals and farm uses and he would make that an additional stipulation for this application. He further stated that they will also be required to do a code-compliant access to the open space

which would be a 65 or 70 foot access off one of the internal streets. They will change the name of the subdivision and inform staff and the neighborhood association of the name change. They said that they were going to preserve the trees and for now he would stipulate that they have to preserve half of the trees on every lot. As they come back for review of the final plat he wants them to clarify how much more (percentage) they can do to preserve the trees on each lot. It will be shown on the final plot plan and the plat which will be recorded with the Register of Deeds. He stated that he does not really have a problem with Lot 25 but it might be better if it was squared off like the other subdivision because if there is another fence it is going to look odd. He would recommend squaring off the shape a little bit so there is not a long narrow lot behind someone's property and off-set the access so the driveway access would be east of the southern extension of 112<sup>th</sup> Street similar to Lot 132. With regard to the cul-de-sac, they need to work with Public Works for some type of signage. Director Richardson stated that with these additional seven stipulations, the staff recommends approval.

**Motion and Vote Starts at 1:13:09:**

On motion by Dr. Serda, seconded by Mr. Reasons, the Planning Commission voted as follows to **RECOMMEND APPROVAL of Change of Zone Application #3183:**

<b>Carson</b>	<b>Chairman</b>
<b>Cho</b>	<b>Aye</b>
<b>Connelly</b>	<b>Aye</b>
<b>Ernst</b>	<b>Aye</b>
<b>Jones</b>	<b>Aye</b>
<b>Miller</b>	<b>Aye</b>
<b>Neal</b>	<b>Not Present</b>
<b>Reasons</b>	<b>Aye</b>
<b>Serda</b>	<b>Aye</b>
<b>Huey</b>	<b>Not Present</b>
<b>Pauley</b>	<b>Not Present</b>

**Motion to recommend APPROVAL Passed: 7 to 0**

**Subject to:**

**Urban Planning and Land Use Comments:**

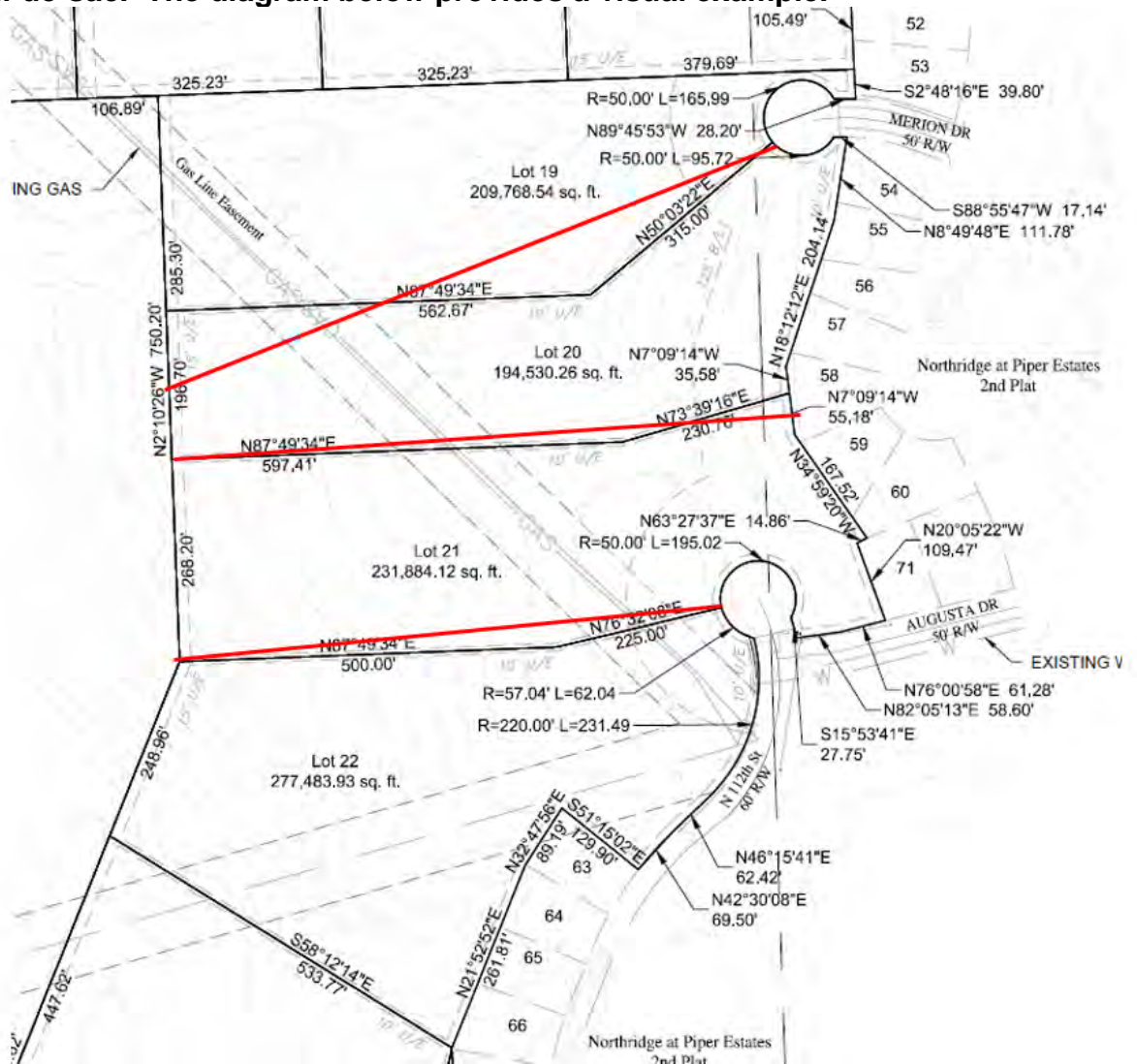
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**Staff Response:** The above comment was meant to remove the bends in the side lot lines to provide side lot lines that are straight and radial to the cul-de-sac. The diagram below provides a visual example.



- How will lots with no common property line with the common area be able to access and use the common area?

**Applicant Response:** An access easement has been added to access the Common Area

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**Applicant Response:** The developer is proposing to make a series of nature trails thoroughout the common area.

**6. Applicant must change the subdivision name so it will not be confused with the existing adjacent subdivision and its amenities.**

**Public Works Comments:**

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
  - 1) None.
- B) Items that are conditions of approval (stipulations):
  - 1) Final development plans and a final plat will have to be approved by UG staff and Planning Commission prior to construction permit acquisition. This will include final engineering, calculations, and complete drawings with construction notes and details. The Final Development Plans/Plat must meet the requirements of UG standards and criteria.
  - 2) The County Surveyor makes separate technical review of the plat and submits comments directly to the preparer of the plat. Provide revised plat in accordance with engineering and County Surveyor comments.
  - 3) Construction plans shall meet UG standards and criteria and shall be reviewed and approved by UG prior to construction permit acquisition.
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
  - None

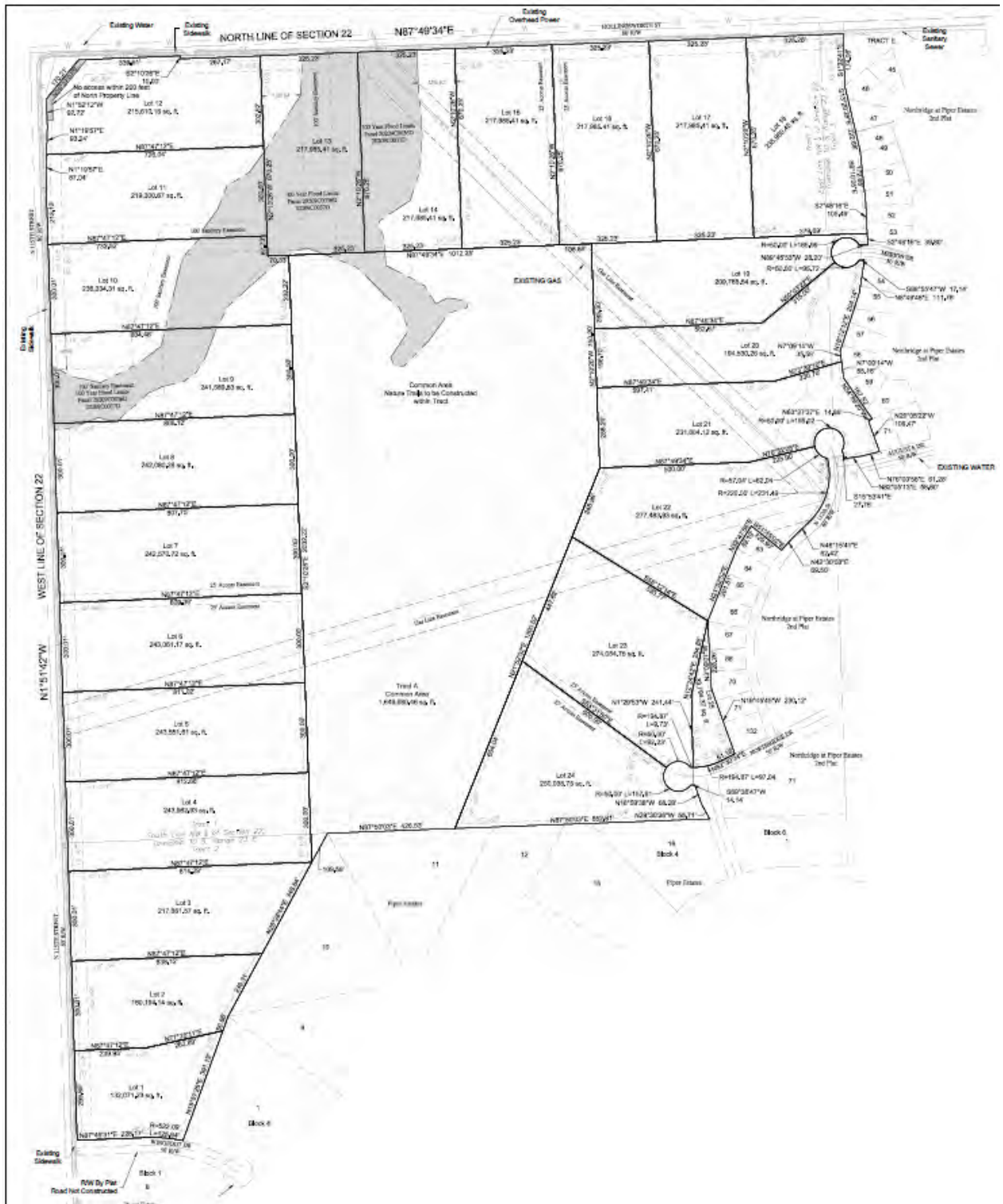
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- 1. Eleven lots on 115<sup>th</sup> Street to comply with Board of Zoning Appeals approval.
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- 3. Code-compliant access to the open space.
- 4. Change the subdivision name.
- 5. Tree preservation of at least half the area and then at final plat show what percentage larger than that (50%) they can preserve on each lot and record that.
- 6. Lot 25 should be squared up and access to Lot 132 of the existing subdivision.
- 7. Work with Public Works for signage on the cul-de-sac.

On motion by Dr. Serda, seconded by Mr. Connelly, the Planning Commission voted as follows to **APPROVE NORTHIDGE FIRST PLAT:**

<b>Carson</b>	<b>Chairman</b>
<b>Cho</b>	<b>Aye</b>
<b>Connelly</b>	<b>Aye</b>
<b>Ernst</b>	<b>Aye</b>
<b>Jones</b>	<b>Aye</b>
<b>Miller</b>	<b>Aye</b>
<b>Neal</b>	<b>Not Present</b>
<b>Reasons</b>	<b>Aye</b>
<b>Serda</b>	<b>Aye</b>
<b>Huey</b>	<b>Not Present</b>
<b>Pauley</b>	<b>Not Present</b>

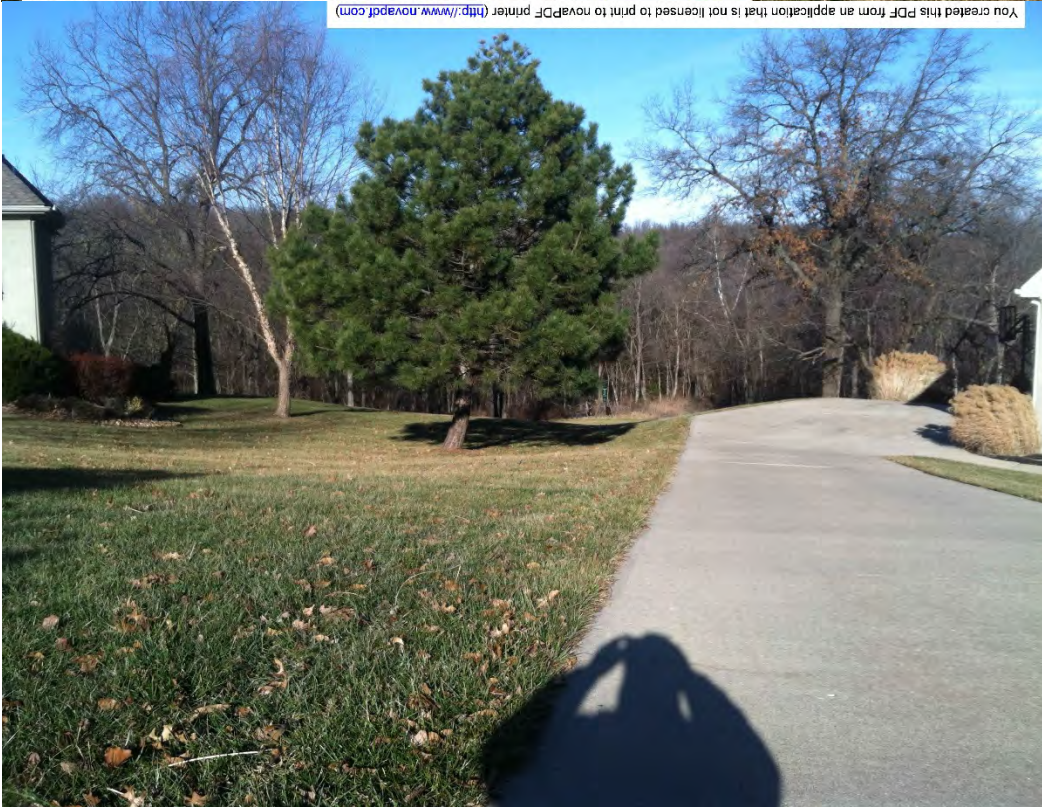
**Motion to APPROVE Passed: 7 to 0**  
**Subject to the above stipulations**







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Wyandotte County Conservation District  
1204 N. 79<sup>th</sup> Street - Kansas City, KS 66112 - Phone (913)-334-6329 -  
wyco.conservation@gmail.com

Rob Richardson  
Director of Planning  
701 North 7<sup>th</sup> Street Rm. 423  
Kansas City, KS 66101  
913-573-5750

February 12, 2019

RE: Northridge First Plat 25 single-family lots 4401 North 115<sup>th</sup> Street

Dear Mr. Richardson:

The Wyandotte County Conservation District, with technical assistance from the Natural Resources Conservation Service, has completed an environmental review of the site for Northridge First Plat 25 single-family lots 4401 North 115<sup>th</sup> Street.

In addition to the site review the following reports were generated from the Wyandotte County Soil Survey to assess the limitations for development and/or natural resources concerns for this site.

#### MAPS AND REPORTS

Soils Map  
Soils Inventory Report  
Map Unit Description (Brief)  
Dwellings and Small Commercial Buildings  
Soil Features

In summary, the following limitations and resource concerns were noted for this plat:

- There are seven major soil types that were identified: Kennebec silt loam, frequently flooded, Gosport-Sogn complex, 7 to 35 percent slopes, Sharpsburg silty clay loam, 4 to 8 percent slopes, eroded, Ladoga silt loam, 3 to 8 percent slopes, Pawnee clay loam, 4 to 8 percent slopes, eroded, Armster clay loam, 8 to 12 percent slopes, eroded and Knox silt loam, 7 to 12 percent slopes. These soil types are considered highly erodible when the surface is denuded of a protective cover.
- There was no Erosion Control Plan for the plat to review. **We would not recommend any action until we had a chance to review the Erosion Control Plan.** This is a sizable area to be developed. The area is very rolling and has a major stream in it. This area should not be developed without an Erosion Control Plan.
- The Best Management Practices in this report can be used to develop an Erosion Control Plan and protect the area.

- Shrink Swell potential has been identified as a limiting factor for the development of dwellings. Shrinking and swelling can cause damage to buildings, roads and other structures and to plant roots. Special design commonly is needed.

The following Best Management Practices are recommended for this plat:

\* **Access Road** – Temporary entrance/exit pads should be constructed of a stone base design to provide a buffer area where construction vehicles can drop their mud to avoid transporting it onto public roads. See the *Protecting Water Quality Field Guide* pages 27-29 for Temporary Gravel Construction Entrance/Exit Pad.

\* **Dust Control** – Any combination of the following may be used to help reduce the dust and air pollution at a construction site; vegetative cover, sprinkling, barriers, street cleaning and mulching. See the *Protecting Water Quality Field Guide* pages 89-92 for Dust Control information.

\* **Critical Area Planting** - After final grade has been completed permanent vegetation will be established. See the *Protecting Water Quality Field Guide* pages 35-54 for Temporary, and Permanent Seeding.

\* **Filter Strips** – During development, strategic non disturbance of existing perennial grass vegetation can function as filter strips. See the *Protecting Water Quality Field Guide* pages 195-200 for Filter Strip.

\* **Silt Fences**- Temporary sediment barrier consisting of a geotextile fabric which is attached to supporting posts and trenched into the ground may be substituted for vegetative strips. Install on the contour, where fence can intercept runoff as a sheet flow; not located in crossing channels, waterways or other concentrated flow paths. See the *Protecting Water Quality Field Guide* pages 175-181 for Sediment Fence.

\* **Sediment Trap** -Temporary catch basins consisting of a row or more of entrenched and anchored straw bales can be utilized in minor swales with less than 2 acres of drainage. See the *Protecting Water Quality Field Guide* for Straw Bale Sediment Trap.

\* **Mulching** – Mulch can be applied to seeded areas to help establish plant cover. It can also be used in unseeded areas to protect against erosion over the winter or until final grading and shaping can be accomplished. See the *Protecting Water Quality Field Guide* pages 61-66 for Mulching.

\* **Precision Land Forming** – Keep disturbed areas small; open only the land that is minimally necessary to perform the intended construction activities; and only for the minimum duration of time necessary to complete construction. Permanent or temporary soil stabilization should be applied to denuded areas that will remain undisturbed for longer than 60 days.

\* **Sediment Basins** – This best management practice should be utilized in the natural concentrated flow areas to protect adjacent property and meet the National Pollution Discharge Elimination Systems Permit (NPDES). See the *Water Quality Field Guide* pages 201 – 208 for Temporary Sediment Trap and pages 209-216 for Sediment Basin.



Technical assistance is available from our office. Limitation maps, detail soils reports and a conservation plan can also be requested for this site from our office.

The ratings and other information in these reports are based on estimated engineering properties of the soils, on available test data and on field experience. The soil is ordinarily examined to a depth of about 6 feet. At a greater depth, additional geological investigation may be needed. The natural soils and drainage pattern has been changed in this area due to previous urban development. Therefore, the physical composition influencing the structure of the natural soil has already been altered; however some generalities can still be applied for these soils. On site investigation is needed for detail planning as some delineations on the maps include soils that differ from the named soil. Soil lines may not be exact therefore; on site investigation is needed for site specific planning.

If you have any comments or questions, please do not hesitate to call me.

Sincerely,

Cheri Miller  
District Manager

enclosures

# DEVELOPMENT REVIEW COMMITTEE

Unified Government of Wyandotte County/ Kansas City, Kansas



## FIRE DEPARTMENT-FIRE PREVENTION DIVISION

815 North 6<sup>th</sup> St.  
Kansas City, Kansas 66101

(913) 573-5550  
(913) 551-0490 fax

### DEPARTMENTAL REQUIREMENTS AND RECOMMENDATIONS

DRC No. PLAT.PRELIM. Address: 4401 N. 115th St.  
Development Name: Northridge at Piper Description: Preliminary plat-Lots 1-25, Tract #  
STAFF ONLY :     A     A/C     F & F     H/C     R/A

#### Ordinance Requirements:

Before this Department can approve the issuance of a building permit for the above-named project, the developer, owner or contractor must address / agree with the following requirements, stipulated by the Unified Government Ordinances, by signing this form.

- 1) Compliance with the International Building Code -2012 Edition
- 2) Compliance with the International Fire Code – 2012 Edition
- 3) Compliance with current NFPA 101@ Life Safety Code
- 4) Compliance with existing fire codes, Unified Government ordinances, state rules and regulations

\*Submit detailed, dimensioned street paving plans, including hydrant locations, prior to final plat submittal for review.

NOTE: Items highlighted with (\*) must be addressed prior to departmental approval.

Harvey Fields II    Digitally signed by Harvey Fields II  
Date: 2018.12.10 11:09:11 -06'00"

2/11/19

Attending DRC Member:

Date

I, \_\_\_\_\_, as \_\_\_\_\_ of the above referenced project, do hereby certify that I will comply with all of the above ordinance requirement(s), and give consideration to the recommendation(s) above.

Signature and Date

Contact Phone Number and Email Address

Mailing Address, City, State, and Zip Code



GeoSpatial Services  
A Division of the Knowledge Office

710 North 7th Street Suite 200  
Kansas City, Kansas 66101

Phone: (913) 573-2941  
Fax: (913) 573-4106

To: Rob Richardson, Urban Planning and Land Use  
Janet Parker, Urban Planning and Land Use

From: Robert Ringel, GIS Analyst, Unified Government GSS

Date: February 11, 2019

RE: **NORTHRIDGE FIRST PLAT**

We have researched the official county records for the above plat as submitted to Urban Planning and Land Use by:  
Engineering Solutions

On:  
January 25, 2019

And we have determined the following:

Takes all of CIC-TAS Parcel:  
949800

Owner-of-Record:  
Choyce, LLC

Jurat Signature:  
None

We find that the plat is: **Presently unacceptable for posting.**

Please note the following comments.

1) Taxes

Per KSA 19-1207 any current taxes and assessments must be paid along with any unlevied taxes for the current year. Parcel 949800 has unpaid 2014 & 2015 taxes and/or assessments currently total: \$26,345.30. For exact payoff amount the tax payer should contact the Unified Government Treasurer. These taxes must be satisfied prior to recording.

2) Legal Description

Legal description needs to be surveyed boundary description.

3) Preliminary

The plat is preliminary.



Neighborhood Meeting was held at 4404 N 112<sup>th</sup> Street, Kansas City, KS

Date of Meeting 2-21-19

Start of Meeting 5:00pm

The name, address and email of the attendees are provided on the attachment.

The meeting begin by Matt Schlicht describing the process of Rezoning the property from RP-1 to R-1, Preliminary Platting the property for the 25 single family homes and the variance request for the lots area being less than 5 acres for Lots 1 and 2, the variance for lots 19 thru 24 for the lot width being less than 1/3 of the lot depth. A background was provided describing the previous application for a small lot subdivision and the reasons this plan was not continued, with the primary reason being the offsite improvements required. The previous preliminary plat was shown with the smaller lots and then the proposed 25 lot development was presented. It was described that the home types and sizes would be similar to the homes that Higdon Construction was building in the current phase of Northridge at Pipe Estates. The attendees were then allowed to ask questions and below is a representation of the questions asked and the answers provided.

#1 The preliminary plat illustrates the existing cul-de-sac at the end of Wingfoot Drive will be removed?

-It was described that this is a mistake and the note will be removed with the next submittal and this will be mentioned at the public meetings to be clear that the cul-de-sac will remain.

#2 What will the size, quality, type, cost and style of the homes in this new phase of the development?

-The homes will be the same or similar to the homes being built by Higdon Construction in Northridge at Piper Estates.

#3 Will outbuildings be allowed and what type of agricultural use can take place on these lots?

-The accessory use buildings will be required to meet the City's Zoning requirement which Matt Schlicht stated was less than 1,000 square feet. The lots are zoned R-1 so the future residents will not be allowed to have livestock on these lots.

#4 Will the trees remain?

-The developer will not remove any of the existing trees and the only trees that will be removed will be the ones selected by the future residents.

#5 When will the construction begin?

-The first phase will be along 115<sup>th</sup> Street and if all goes well the first homes would start construction in Spring / Summer 2019.

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50 SE 30<sup>th</sup> Street Lee's Summit, MO 64082

P: (816) 623-9888 F: (816) 623-9849

[www.engineeringsolutionskc.com](http://www.engineeringsolutionskc.com)



#6 Will these residents have access to the amenities in Northridge at Piper and what amenities will be provided?

-This development will be independent of the existing development and will have its own CC&R's and will provide a nature trail through the common area of Tract A.

#7 Can this development be called "Northridge"?

-It appears the name "Northridge at Piper Estates" is a trademarked name however it is the developer's position that "Northridge" should be allowed but if the Northridge at Piper Estates Home's Association would like to discuss Matt Schlicht asked that they call.

General comments were made to Matt Schlicht by several attendees that this estate plan is more favorable to the existing plan prepared by the previous developer.

To the best of my knowledge and belief the above comments accurately describe the neighborhood meeting and conversations that occurred at the meeting.

  
Matthew J. Schlicht, PE, PLS

PLANNING DEPARTMENT  
PLANNING COMMISSION

**RE: #2318 Board of Appeals 03-11-19 @ 6:30**  
**#3183 Preliminary Plat 03-11-19 @ 6:00**

Northridge at Piper Estates was established in 2002 and consists of two phases, for a total of 170 Lots. After 10 years and 126 homes, the original developers defaulted and lost ownership of 44 Lots to the bank in 2012. Mr. Higdon purchased the remaining lots from the bank in 2012 and took on the developer rights for the association. Mr. Higdon was in control of the Association and its assets until December 2014 (approximately 30 months).

The neighbors quickly realized under the control of Mr. Higdon that he was not an improvement over the prior developers. Undeveloped lots remained unmaintained and full of tall grass, weeds, trash and construction debris. Association assets such as the pool and pool house were in dire need of maintenance and insurance claims, and he refused to file claims or fix the damages. Acres of greenspace, two ponds, and a creek all went without proper care and maintenance. Commissioner Kane has actually consistently mowed multiple grassy areas of the development proposal that adjoins our grounds, not even near his own home, for many years because it was never maintained by Mr. Higdon.

Construction lots quickly caused headaches and damages to homeowner properties and continue to do so. Construction lots often lacked required erosion control measures such as silt fences and led to rivers of mud in our streets. Many neighbors have damaged landscaping and yards based upon the grading of the yards. The UG through code enforcement and the planning department has consistently had to field our complaints and come out and cite his properties for his failure to comply with the code. The Neighborhood Resource Center e-link public access system reflects pages of enforcement action taken against his properties within our neighborhood.

Mr. Higdon has dumped gravel in the street, parked and stored both large and small construction equipment and vehicles on our landscaped common areas, and has even stored construction site supplies, such as fencing and building materials on our landscaped common areas causing damage to the sod. We have had to endure actual raw sewage in our yards and in our streets, because Mr. Higdon and his contractors apparently don't know how to properly install and hook up the grinder pump systems. Mr. Higdon has hit our sprinkler system irrigation lines and dug up our landscaped islands, damaged sod, and dumped construction debris wherever he pleases. He combined lots without our authorization, which impacts our finances. Mr. Higdon has consistently refused to fix these issues and reimburse the Association for the damage he has caused.

Neighbors have consistently complained to the board and our management company about his properties. Mr. Higdon's disrespect for our neighborhood has become quite evident. We do not wish to be associated with Mr. Higdon any further. He is currently building on his last Lot, and we are thrilled he will be done.

Since Mr. Higdon purchased the remaining lots from the bank, he has repeatedly said he didn't want to have anything to do with the Association, he just wanted to build houses. His lack of care and respect for the Association is the reason he is no longer in control of the Association.

Years before I moved into the neighborhood, they were fed up with dealing with disrespectful developers and decided to take action. They walked door to door, met amongst themselves, and came up with a plan. The Declarations stated the homeowners could gain control of the Association when the subdivision was 95% completed or December 2, 2014.

Because Mr. Higdon didn't want to have anything to do with the Association, he likely didn't take the time to ever read or review those Declarations. Had he taken the time to do so, he may have realized that the development proposal before you, the 167 acres of land known as 4401 N. 115<sup>th</sup> street, which was a separate real estate transaction outside of our Lots, was never legally deeded into our Declarations along with our 170 Lots and therefore, could not be a part of our Association without the consent of the homeowners. The neighbors knew this and that is why they moved to enforce the turnover as soon as they legally could. They wanted to be done with Mr. Higdon.

Our management company and members of our Board have met with and engaged Mr. Higdon on more than one occasion regarding our relationship. Because the turnover date has passed, the Declarations dictate the necessary legal process for annexing additional properties into our Association. We proposed to Mr. Higdon that we would entertain the prospect of annexing in the subject property for a substantial financial contribution. This act would have required a 2/3 majority vote by our homeowners to vote in favor of such annexation, and a host of other legal considerations, all at our expense. Mr. Higdon declines to do so, and thus has changed his development proposal to be a stand alone separate subdivision.

It would have been fiscally irresponsible to not require a financial contribution. Upon the annexation of the property, the Association (which at that time was 160 or so occupied homes) would have become solely legally and financially responsible for the common areas (which were

exponentially more than the acreage that we already currently maintain). This would include all related expenses such as maintenance, landscaping, utilities, and insurance of the grounds. The 160 or so homes would have also immediately lost the ability to have their votes count, as Mr. Higdon would have had one vote for every Lot in the property, giving him an immediate majority. As the Declarations do not allow for unoccupied Lots to be assessed dues, Mr. Higdon's Lots would not have been financially contributing to the Association at all, including the additional costs associated with the property and it would take many many years to receive any income from those Lots. Considering the lack of financial help from Mr. Higdon during his 30 months in charge of the Association, we knew we had to make smart financial decisions for the financial health and future of the Association and could not take such a risk. Did Mr. Higdon like that he wasn't able to just pop up more homes and use our assets, at our expense? No, he did not, and the relationship has continued to deteriorate.

Mr. Higdon has consistently not paid the UG taxes on time on the majority of the Lots he purchased in 2012 and the tax payment records reflect this. So not only does he habitually disrespect us all within our own neighborhood, he chooses to disrespect Wyandotte County and the UG by not paying the taxes on his Lots when they are due. We pay our taxes on time, we are invested in this community, Mr. Higdon is not. Ask any local realtor, homes listed for sale in our neighborhood go quickly. He wants to be able to market "more Northridge" homes for his own financial benefit.

I am asking you to have our backs. I am asking you to support our neighborhood that is tired of spending its time, energy, and money fighting with someone who simply does not care about this community or its citizens. It is our hard work, our dedication to our neighborhood and community, and our financial investment in our assets that have made our neighborhood a success. The only thing we have to thank Mr. Higdon for is selling his homes to some awesome people.

We are not opposed to the land being developed. We are opposed to Mr. Higdon intentionally attempting to capitalize off of our good name, a name that WE have worked so hard to protect, in spite of developers such as Mr. Higdon. He has only been responsible for building a small percentage of our homes and was only in control for 2.5 years of our 17 year history, this does not entitle him to perpetually benefit from our name or use our name for a development completely unassociated with us. Having a subdivision of homes, right next to another subdivision of homes with virtually the same name, is going to be confusing to those within the real estate market, and those within the community and could present a whole host of legal issues for us.

It is absolutely 100% unnecessary for Mr. Higdon to use the name Northridge in or for any of his future development projects in Wyandotte County, Kansas. This is just another way for Mr. Higdon to disrespect our neighborhood. It is spiteful, it is immature, and it is completely self-serving.

According to the submitted plat, 7 of the 24 homesites will have to enter into our subdivision, past our monuments, to utilize our internal streets to access their driveways, yet they are not associated with us. It has numerous deviations from the Piper Prairie Master Plan adopted by the UG for this area. Obviously a lack of internal streets is more cost effective way to develop a subdivision and not incur infrastructure costs, but there isn't even a piece of land for a subdivision monument. It's another attempt by Mr. Higdon to use Northridge at Piper Estates, our reputation, and our subdivision name recognition as a way to sell his homes and financially benefit.

Please ask Mr. Higdon to pick another name for his new subdivision, it really is quite that simple. We do not want to expend any more of our resources in a legal battle with Mr. Higdon. While imitation is said to be considered a form of flattery, we would encourage Mr. Higdon to gain some confidence in his own abilities as a developer and home builder and start to forge his own path and make a name for himself, outside of Northridge.

Thank you-

Dana Bye  
Vice President  
Northridge at Piper Estates  
Homes Association, Inc.