



Planning and Urban Design

701 North 7th Street, Room 423
Kansas City, Kansas 66101
Email: planninginfo@wycokck.org

Phone: (913) 573-5750
Fax: (913) 573-5796
www.wycokck.org/planning

To: City Planning Commission
From: Planning and Urban Design Staff
Date: March 15, 2021
Re: COZ2021-002

GENERAL INFORMATION

Applicant:
James B. Evans

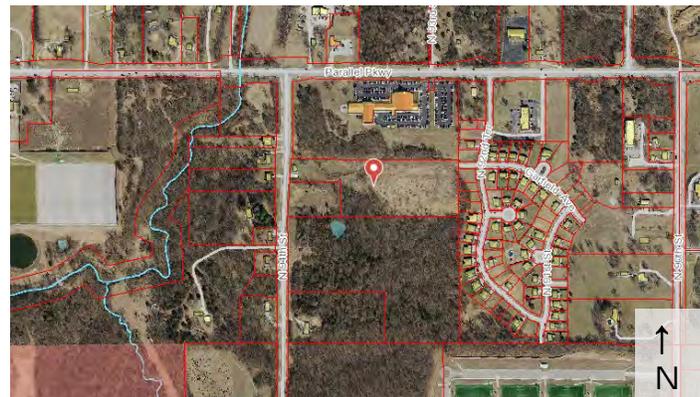
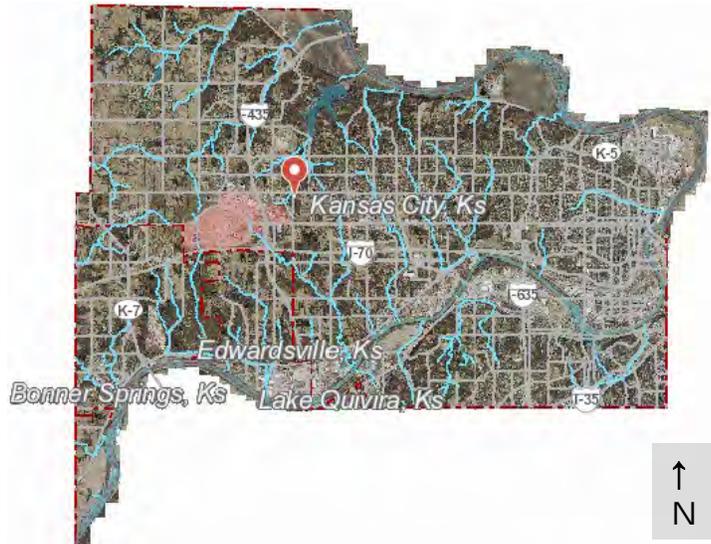
Status of Applicant:
Property Owner
1841 North 94th Street
Kansas City, KS 66112

Requested Actions:
Approval of a Change of Zone.

Date of Application:
January 15, 2021

Purpose:
To change the zoning district from
A-G Agriculture District to R-1
Single-Family District.

Property Location:
1841 North 94th Street,
Kansas City, Kansas 66112



| | |
|---------------------------------|---|
| Commission District: | Commissioner At Large: Tom Burroughs District #7 Commissioner: Jim Walters |
| Existing Zoning: | A-G Agriculture District |
| Adjacent Zoning: | North: A-G Agriculture District South: A-G Agriculture District East: R-1 Single-Family District West: A-G Agriculture District; R-1 Single-Family District |
| Adjacent Uses: | North: Church South: Undeveloped land (one parcel is owned by the applicant) East: Single-family residences West: Single-family residences; Undeveloped land (owned by the applicant) |
| Total Tract Size: | 7.86 Acres |
| Master Area Plan: | The subject property is within the Prairie-Delaware-Piper Area Master Plan. |
| Master Plan Designation: | The Prairie-Delaware-Piper Area Master Plan designates this property as Suburban Residential. Suburban Residential allows for single-family detached residential units on the typical “quarter-acre lot”. Such Suburban Residential developments should be primarily located between Leavenworth Road and the more intense commercial, industrial, and entertainment uses south of Parallel Parkway. |
| Major Street Plan: | The Major Street Plan classifies South 94 th Street/South 94 th Lane as a Collector Street. |
| Required Parking: | A-G (current zoning district): Section 27-452(e) requires two (2) off-street parking spaces to be provided on the premises for each single-family dwelling. The property has available paved parking, although the parking spaces are not marked. R-1 District (proposed zoning district): Section 27-454(e) requires two (2) parking spaces for each single-family residence, at least one (1) of which must be in a garage or carport. Two (2) parking spaces are required after rezoning. Two (2) spaces are provided (one (1) in the garage; one (1) in the driveway). |

| | |
|---------------------------|---|
| Advertisement: | <u>The Wyandotte Echo</u> – February 11, 2021 Letters to Property Owners – February 12, 2021 |
| Public Hearing: | March 15, 2021 |
| Public Support: | None to date. |
| Public Opposition: | None to date. |

PROPOSAL

Detailed Outline of Requested Action: The applicant, James B. Evans, has requested a Change of Zone for 1841 North 94th Street, from A-G Agriculture District to R-1 Single-Family District in order to perform a lot split of the parcel and allow future residential uses on both newly created parcels. The Change of Zone request has been filed in conjunction with BOZA2021-003, variances from front yard setback regulation and accessory unit maximum.

City Ordinance Requirements: Article VI, Sections 27-196 – 27-216

Code Enforcement History: There are no outstanding violations recorded at this property. The subject property has been previously cited by Code Enforcement:
October 20, 2015- Other Multiple Violations
September 11, 2008- Stop Work Order (Construction of a metal carport)

FACTORS TO BE CONSIDERED

Change of Zone

1. Character of the Neighborhood.

The subject property is within the I-435 West Statistical Neighborhood and is not within any Neighborhood Group boundary. The local neighborhood is a mix of large lots and single-family housing. The large lots are zoned A-G Agriculture, and the smaller lots that have been subdivided to accommodate single-family residences are zoned R-1 Single Family. There is also a church campus directly north of the subject property and uses such as a hospital within one-half (1/2) mile from the subject property.

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

The surrounding properties are a mix of zoning districts and uses. The properties are zoned A-G Agriculture District and are used as wildland, open space, farmland, or for a place of worship, or are zoned R-1 Single Family District and are used for single-family residences. As the applicant is requesting a Change of Zone from A-G to R-1 in order to split the lot and potentially develop single-family

residences, the parcel's zoning and allowed uses are compatible with the nearby properties.

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 to be rezoned to the R-1 District. It is adjacent to residential lots and to another property that is zoned agricultural but serves as a place of worship. The applicant is also proposing to split the subject property into lots of 1.15 and 6.71 acres, respectively. The 1.15-acre lot (Tract A) is under the requisite five (5) acres that a parcel zoned in the A-G Agriculture District, and therefore must be rezoned in order to comply with all lot size minimum requirements. Removal of the restrictions will not detrimentally affect nearby properties, as many of those properties are also engaged in similar uses.

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

The subject property is not vacant. There has been a primary residence on the property since 1946. The applicant currently resides there.

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 subject property is adjacent to properties zoned R-1 to both the east and west (the properties to the west are across South 94th Street), and to the south/southwest the parcel is owned by the applicant and is also requesting a Change of Zone from A-G to R-1. Tract B of the property is primed to be developed as a single-family residence, which would not be out of place adjacent to and across the right-of-way from other single-family residences that are zoned R-1. If Tract B were developed in the future, it would have to have access or at least be connected to Garfield Avenue. There is no indication that future residential use will permanently injure the appropriate use, visual quality, or marketability of the nearby properties.

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.*

The Change of Zone has not been requested in conjunction with a Preliminary/Final Plat. The applicant has not indicated interest in developing the subject property, proposed use would not change and hence will not increase the traffic or parking demand in ways that would adversely affect road capacity, safety, or create parking problems. If Tract B of the proposed lot split were to be developed in the future, traffic would increase on Garfield Avenue, but such a development would require its own plat review. Given the current plans (or lack thereof) for Tract B, the magnitude of traffic increase on Garfield Avenue cannot be predicted by Staff at this time.

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

The subject property is under the Prairie-Delaware-Piper Area Master Plan, which designates this property as Suburban Residential. Suburban Residential allows for single-family detached residential units on the typical “quarter-acre lot”. Such Suburban Residential developments should be primarily located between Leavenworth Road and the more intense commercial, industrial, and entertainment uses south of Parallel Parkway. Although the subject property is located south of Parallel Parkway, it is currently in the A-G District; the applicant’s current use of the property will not be different whether it is zoned A-G or R-1. Therefore, the proposed use relatively conforms with the City-Wide Master Plan.

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

In its proposed state, Tract B could be developed for one (1) single-family residence, and also has the potential to be replatted and developed for multiple residences, which would cause environmental harm. However, there is no proposed development on the subject property. If the applicant wishes to develop any resultant lot in the future, all proper planning actions must be undertaken in order for Staff to sufficiently review the proposed uses for environmental harm. Such future planning actions may include, but are not limited to, Preliminary & Final Plats, and Preliminary & Final Plan Review.

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

a. Water service

Water service is available to the subject property.

b. Sanitary sewer service

Sanitary sewer service is available to the subject property from North 94th Street.

c. Storm water control

A storm water discharge points are present on North 94th Street immediately adjacent to the north and south of the subject property.

d. Police

Police service is provided by West District, #223.

e. Fire

Fire service is provided by Fire Station #6.

f. Transit

Public transit ostensibly serves this property, but it is not convenient nor safe for a pedestrian to access. A sidewalk serves the west side of 94th Street, but not on the east side of the street where the subject property lies; there is also no designated crosswalk to allow a pedestrian to cross North 94th Street, a Collector Street, in order to reach the sidewalk. The closest public transit stops are 0.3 miles away at 94th Street and Parallel Parkway on the 116 (West Parallel) route, both eastbound and westbound.

g. Schools

Claude Huyck Elementary School, Arrowhead Middle School, and Washington High School are provided by Kansas City, Kansas USD #500.

h. Streets

The subject property is accessible by North 94th Street. Tract B will have access to Garfield Avenue to the east after the lot split.

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

The Change of Zone will allow the opportunity for future development on the parcel, including, but not limited to, a single-family residence. This may have a positive economic impact on the community as it would provide more housing in Wyandotte County.

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

The Change of Zone is occurring simultaneously with a variance request in order to comply with all ordinance requirements.

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

Due to the subject property's position in relation to adjacent parcels used for residential and religious purposes, a Change in Zone from the A-G Agriculture District to the R-1 Single Family District will not produce any uses that are not allowed by right in the R-1 District and therefore will not result in a hardship for the adjacent landowners.

PREVIOUS ACTIONS

BOZA2021-003 (simultaneous variances from front yard setback regulation and accessory unit maximum, 2021)

NEIGHBORHOOD MEETING

The applicant accepted emails and phone calls through February 22, 2021. The applicant reported that just one (1) neighbors contacted him, only to ask if they (the neighbor) were required to attend the meeting. Attached is the sample letter sent to the neighbors (see the “Attachments” section of this report).

KEY ISSUES

Future Development
Pedestrian and Vehicular Access
Sanitary Sewer Service
Violating Accessory Units
Water Service

STAFF COMMENTS AND SUGGESTIONS

Planning and Urban Design Comments:

- 1) Tract B must connect with or have access to Garfield Avenue.
- 2) Tract B must be assigned an address and connected off Garfield Avenue.

Applicant Response: *I don't mind getting an address for my property off of Garfield Ave but what dept. do I get it from?*

Staff Response: *The new parcel will be assigned an address by the Department of Planning and Urban Design.*

- 3) In the event that Tract B is developed as a subdivision (i.e. subdivided or replatted to create more than one (1) parcel), Tract A must be kept intact and the access to North 94th Street maintained.
- 4) Provide an updated plot plan or lot split survey demonstrating the following setbacks:
 - a. The front yard setback from the front property line to the front of the primary residence; and,
 - b. The side yard setback from the side property line to the northernmost accessory unit.

Applicant Response: *Attached is the plot plan.*

Staff Response: *A revised plot plan has been provided and can be found in the "Attachments" section of this report.*

- 5) When did the applicant purchase the subject property?

Applicant Response: *I bought 1841 N. 94th Street, in 2014.*

- 6) How long has the property been vacant?

Applicant Response: *I live in my house. It is not vacant*

- 7) What is the applicant's plan for the subject property after the lot split?

Applicant Response: *Plan to still live in my house at 1841 N. 94th St. The rest of the property I own, I plan to make it into a housing development and build houses with the "BEST" views in all of Kansas City, Kansas.*

Staff Response: *The housing development will need a Preliminary and Final Plat and may need a Preliminary and Final Plan Review before building permits can be issued.*

- 8) Is the property on city sewer or septic tank, or does the property currently have access to sanity sewer?

Applicant Response: *The house is currently on septic tank and I can also access city sewer from 94th Street.*

- 9) A building permit is required. Please contact the Building Inspection Division to begin that process.

- 10) Driveway permit needed. Please contact the Public Works Department to begin that process.

- 11) Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sec.8-610 through Sec.8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620.

- 12) 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.

Planning Engineering Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
 - 1) None.
- 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.

STAFF RECOMMENDATION

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 **COZ2021-002**, subject to all comments and suggestions outlined in this staff report, and summarized by the following conditions:

- 1) **All variances requested in BOZA2021-003 must be granted;**
- 2) **Tract B must connect with or have access to Garfield Avenue;**
- 3) **Tract B must be assigned an address and connected off Garfield Avenue;**
- 4) **A building permit is required. Please contact the Building Inspection Division to begin that process;**
- 5) **Driveway permit needed. Please contact the Building Inspection Division to begin that process;**
- 6) **Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sect. 8-610 through Sect. 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspection Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620; and,**
- 7) **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.**

ATTACHMENTS

Land Use Map
Aerial Map
Zoning Map
Photographs of the Property Provided by Staff, Dated February 21, 2021
Maps of Pre-Existing Accessory Structures
Proposed Lot Split, Submitted by the Applicant
Evidence of Demolition of Third Accessory Unit
Additional Information, Provided by the Applicant
Neighborhood Meeting Materials, February 22, 2021

REVIEW OF INFORMATION AND SCHEDULE

| <u>Action</u> | <u>Planning Commission</u> | <u>Board of Commissioners</u> |
|----------------------------------|----------------------------|-------------------------------|
| Public Hearing Change of Zone | March 15, 2021 | April 8, 2021 |

STAFF CONTACT: **Michael Farley**
 mfarley@wycokck.org

MOTIONS

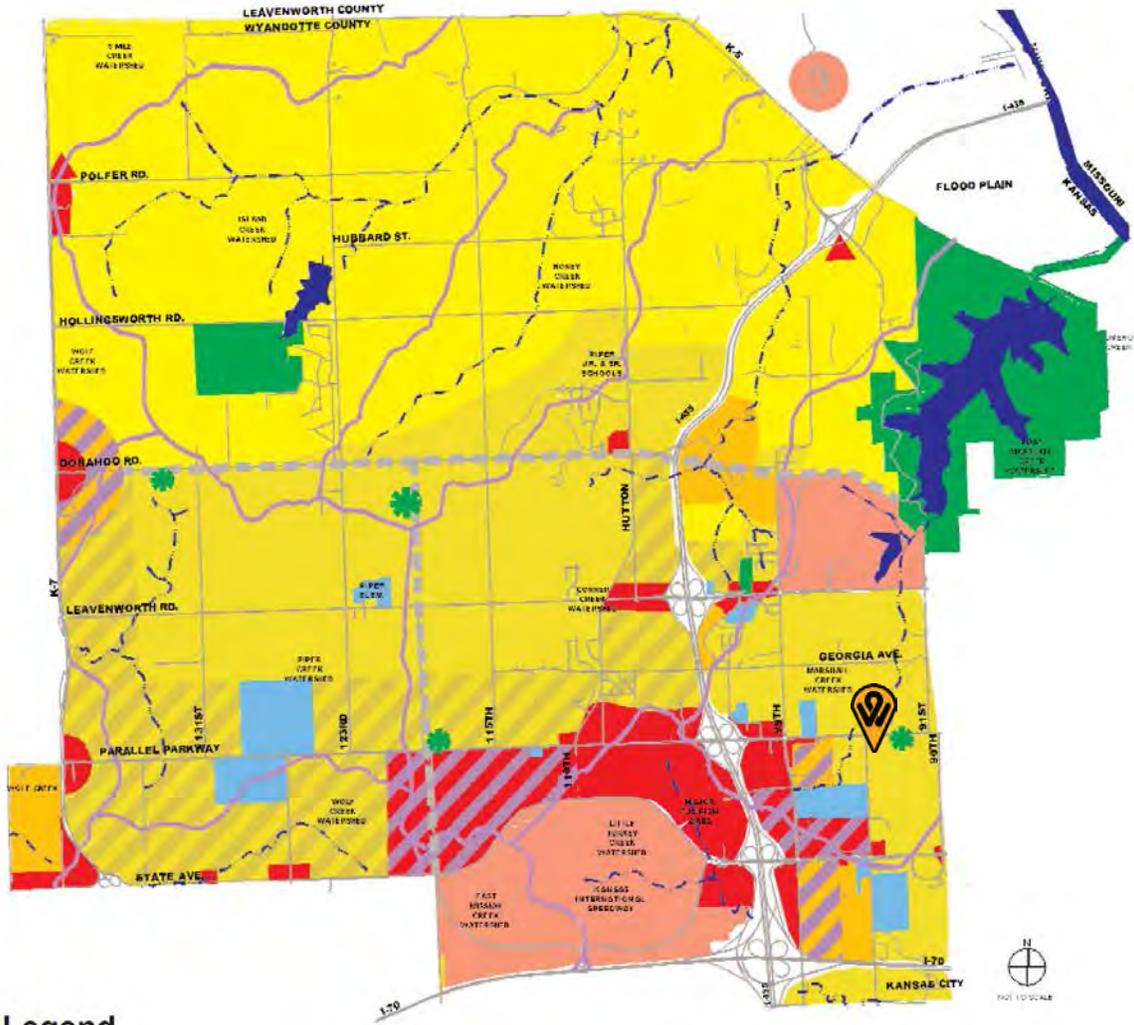
I move the Kansas City, Kansas City Planning Commission **RECOMMEND APPROVAL** of Petition **COZ2021-002** to the Unified Government Board of Commissioners as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications 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 **COZ2021-002**, 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.

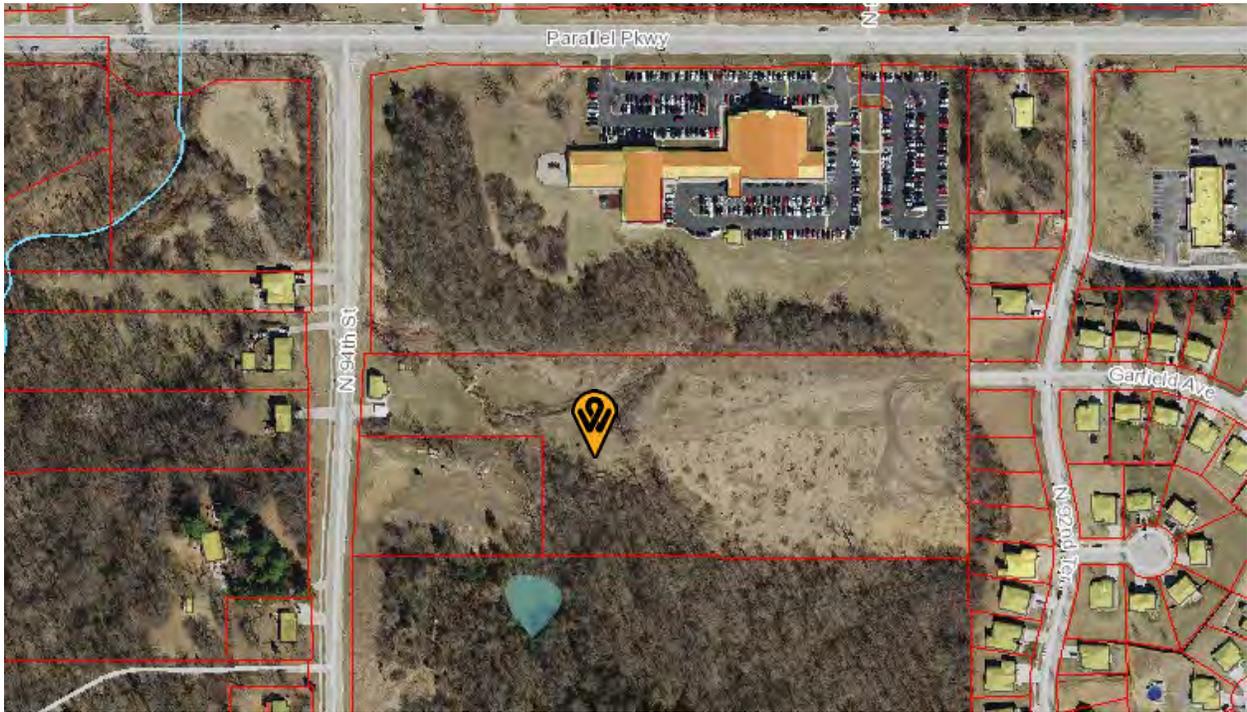
Map 11: Future Land Use



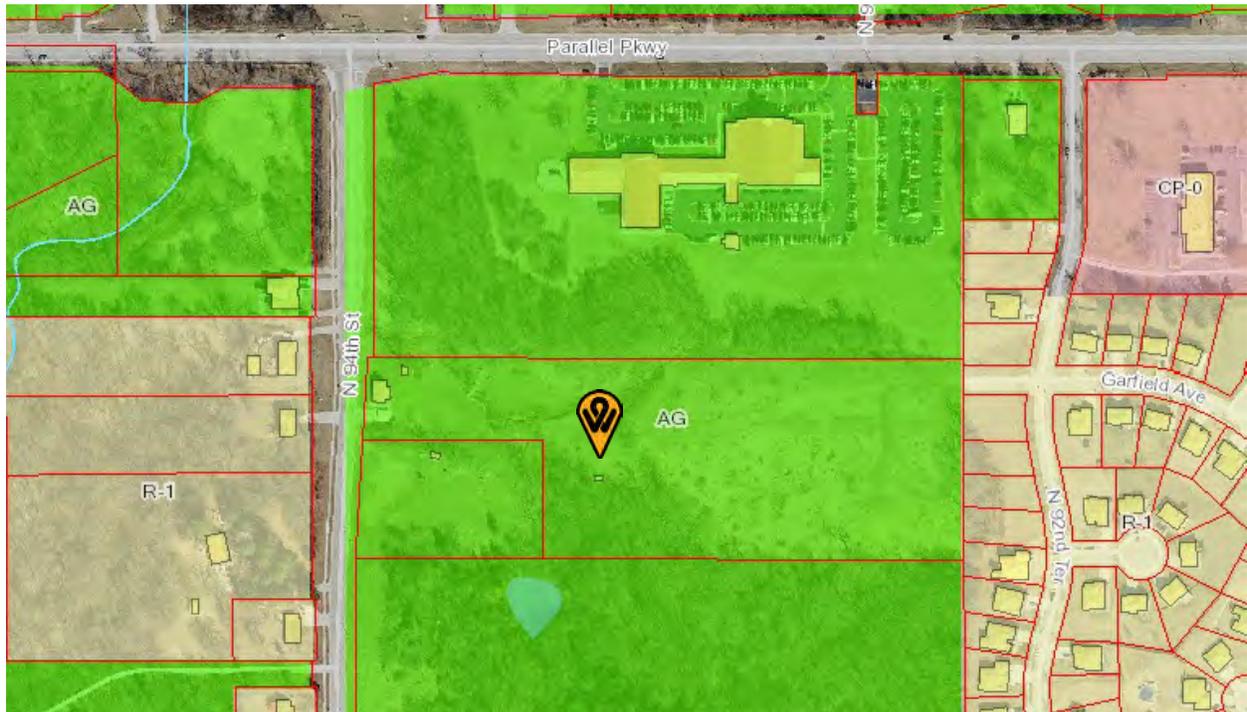
Legend

- | | |
|-------------------------|----------------------|
| LOW DENSITY RESIDENTIAL | OPEN SPACE |
| SUBURBAN RESIDENTIAL | ENTERTAINMENT |
| MIXED RESIDENTIAL | SMALL COMMERCIAL |
| OFFICE | POTENTIAL OPEN SPACE |
| BUSINESS PARK | PARKWAY |
| PLANNED COMMERCIAL | CREEK |
| PUBLIC / SEMI-PUBLIC | WATERSHED |

AERIAL MAP



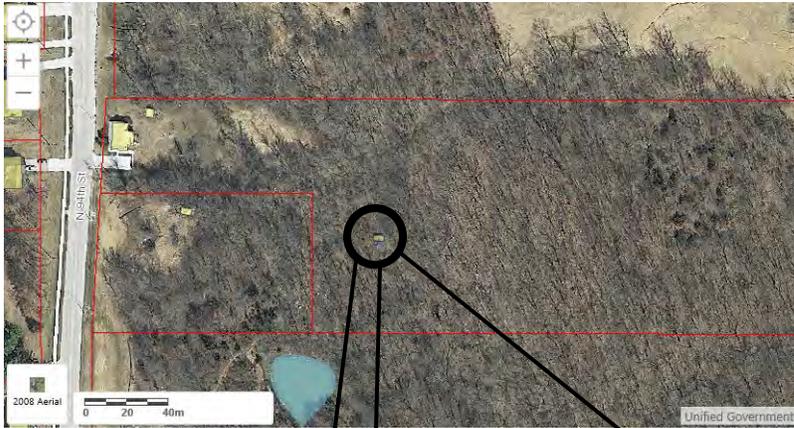
ZONING MAP



PHOTOGRAPHS OF THE PROPERTY PROVIDED BY STAFF, DATED FEBRUARY 21, 2021



EVIDENCE OF DEMOLITION OF THIRD ACCESSORY UNIT



ADDITIONAL INFORMATION, PROVIDED BY THE APPLICANT

***** What is "The James Evans Property" *****

"The James Evans Property" is potentially an exclusive housing development located in Western Wyandotte County. Offering country living with arguably the best view of the Greater Kansas City, Kansas area.

"The James Evans Property" offers convenience and accessibility to shopping, dining, entertainment, sports, etc. Unmatched anywhere with the Kansas City, Kansas area

Just minutes from one of Kansas City areas unsurpassed shopping centers, "The Legends Outlets Shopping Center", "The James Evans Property", is conveniently located just blocks away.

Right across from the "The James Evans Property" is the ultra-modern "Homefield Sports Complex" which is projected to be open in the Summer of 2022.

***** Who is James Evans? *****

While he may be remembered for playing DiCenzo from the ABC-TV long-running soap opera General Hospital or from other TV shows, James Evans is the developer and owner of "The James Evans Property". Mr. Evans has been in the real estate industry for over 40 years. Before the term was ever invented, Mr. Evans started to "flip houses" back in the early 1980's. Mr. Evans also has experience in commercial real estate, property management, etc.

Mr. Evans moved to Kansas City in 2014, to be closer to relatives, where his family has been since the 1800's.

In 2014 Mr. Evans bought the 7.69 acres of land, with a house on it at 1841 N. 94th St., Kansas City, KS 66112, and then bought the adjacent 1.75 acres of vacant land at 1825 N. 94th St., Kansas City, KS 66112 in 2015.

***** The Objective*****

The "objective" is to make all the property owned by James Evans as a "residential development", to maximize the properties potential.

Currently Mr. Evans owns two parcels of land. One being 7.69 acres, 1841 N. 94th St. and the other 1.75 acres at 1825 N. 94th St. and no other property in Kansas City, KS at this time.

The 7.69 acres is a parcel of land that is flat on the western side, often referred to as the panhandle. The property then gradually rises as the property goes east, up to the section off of Garfield Avenue, abutting to 6 residential lots which are part of the "Sunset Ridge Development". Because of high elevation from the properties east side, there is a spectacular view of Greater Western Wyandotte County. Once the "Homefield Sports Complex" is built, the "Hard Rock Cafe" is finished, etc. the view should be beyond comparison.

ADDITIONAL INFORMATION, PROVIDED BY THE APPLICANT, CONT.

The 1.75 acres of land is located on the Southwest section of the "The James Evans Properties". The property is touching 94th street, just south of the panhandle of the 7.69 parcel of land. To the west, the 1.75 acres of land has an excellent view of the "The Legends Outlets Shopping Center" and to the north is a spectacular view of the Woodlands area.

What makes the land so desirable to the potential residents, and to the community in general, is that the "The James Evans Properties" has a rare dual access to his property, being from both 94th Street and 92nd Street, via Garfield Avenue. No other current buildable piece of land in the Piper/Prairie/Delaware Map Area, on the eastern side of the Legends, has dual access like "The James Evans Property" has, except the "Homefield Sports Complex".

The dual access guarantees accessibility for daily traffic and emergency services for future residents of Kansas City, Kansas and "The James Evans Property".

***** Conclusion *****

When "The James Evans Property" has become surrounded by residential lots with houses on two side and a church on the third side, it is only sensible to make "The James Evans Property" zoned residential.

Variances are needed for a variety of reasons, including previously built buildings, setbacks, etc. that existed long before the new governmental agency ever took command and control of an existing community. "The James Evans Property" and house existed long before Wyandotte County started controlling the Piper/Prairie/Delaware area.

One planner actually told me that variances are for people who don't like to follow the law.

"The James Evans Property" have been evaluated by experienced builders, civil engineers, surveyors, contractors, realtors, etc. and an overwhelming majority agree with the current rezoning plans, plot lines, etc. The inexperienced person is always the first one to give me their free unwanted advice.

With the spectacular view "The James Evans Property" has the inherited potential to be one of the finest, if not the best development in Kansas City, Kansas.

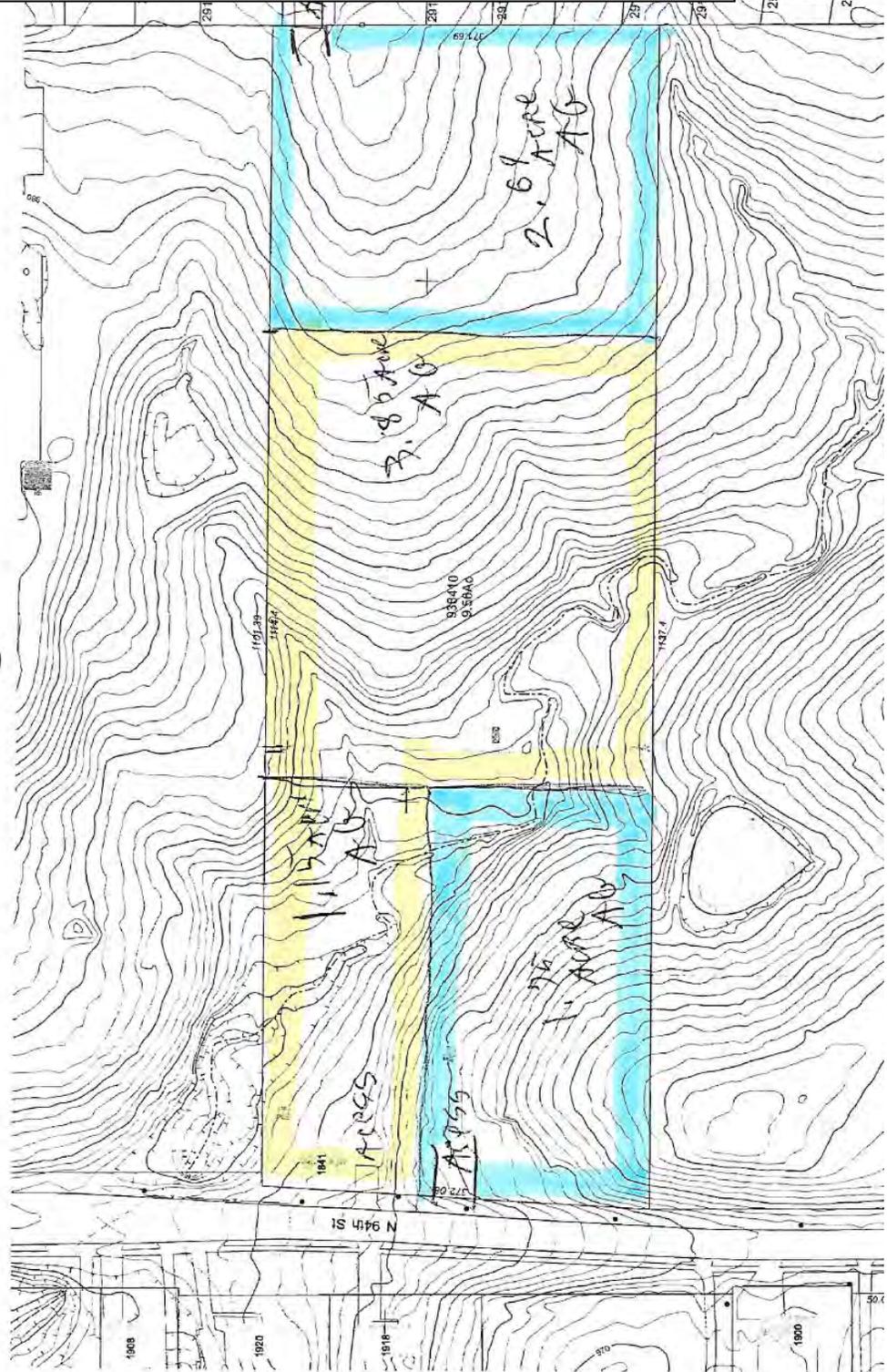
ADDITIONAL INFORMATION, PROVIDED BY THE APPLICANT, CONT.

The applicant has provided an alternative map that demonstrates the subject property and related property (1825 North 94th Street, COZ2021-001). Staff had offered this alternative, which would reduce the amount of land that would need to be rezoned. The applicant disagrees with this alternative.

Destruction of Access Idea



Bone Head Idea



NEIGHBORHOOD MEETING MATERIALS, FEBRUARY 22, 2021

Feb. 5, 2021

Neighbor Name
Street Address
City, State Zip Code

SUBJECT: Neighborhood Meeting
I have filed three applications with the Wyco Department of Urban Planning and Land Use #COZ2021-001, COZ2021-002 and BOZA2021-003.

The purpose is for a Change of Zoning for 1825 N.94th St., Kansas City, KS 66112 and a Change of Zoning and a Variance for 1841 N. 94th St., Kansas City, KS 66112

#COZ2021-001: This is a Change of Zoning for my property at 1825 N.94th St. from Agricultural to Residential. The Assessors Office currently considers the property Residential but the Planning Dept. considers it Agricultural. I want it to be Residential because that is what is has been used for most recently and for future use.

#COZ2021-002: This is a Change of Zoning for my property at 1841 N.94th St. from Agricultural to Residential. Same as #COZ2021-001

#BOZA2021-003: This is to have a Variance to keep my house and my shed, that was built many years ago, long before I bought my house and long before our area became part of Kansas City, KS boundary. When the house was built years ago no variance was needed for the house or shed. My house is 29 feet from the curb and this variance will not make anyone else get a variance.

With COVID 19, having an in-person meeting is not safe.

If you have any questions or comments, you can contact me by mail, email or call me.

Sincerely,

James B. Evans
P.O. Box 12925
Kansas City, KS 66112
(323) 997-1044
evansactor@aol.com

