



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 8, 2023
Re: Final Plat Petition PLAT2023-013 (Village Plaza Final Plat)

GENERAL INFORMATION

Applicant:
Andrew Harris

Status of Applicant:
Representative
REK Enterprise, Inc
1232 North 79th Street
Kansas City, Kansas 66112

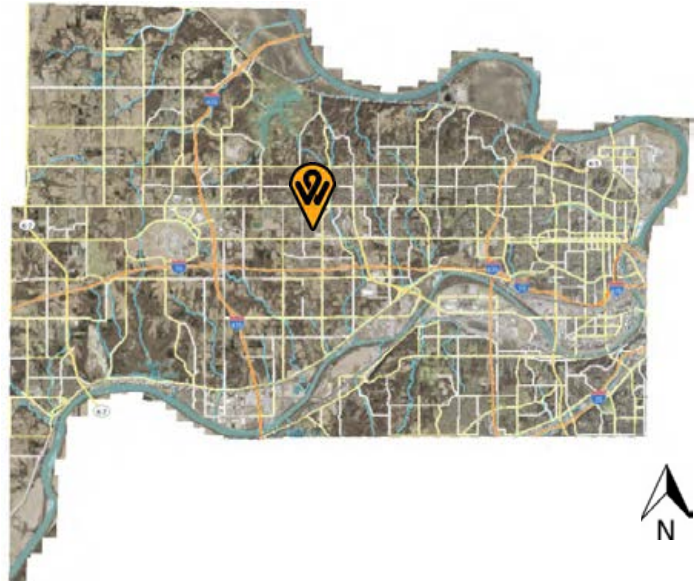
Requested Action:
Approval of a Final Plat.

Date of Application:
March 24, 2023

Purpose:
To approve a Final Plat to divide a commercial property into two (2) separate lots.

Property Location:
1232 North 79th Street
Kansas City, Kansas 66112

Commission Districts:
Commissioner At-Large, District #1:
Melissa Bynum
District #5 Commissioner:
Mike Kane



Existing Zoning:	CP-1 Planned Limited Business District
Adjacent Zoning:	<p>North: R-1 Single Family District</p> <p>South: CP-1 Planned Limited Business District</p> <p>East: CP-1 Planned Limited Business District</p> <p>West: R-1 Single Family District</p>
Adjacent Uses:	<p>North: Single Family Residences and a Church</p> <p>South: Commercial</p> <p>East: Commercial and Offices</p> <p>West: Single Family Residences</p>
Neighborhood Characteristics:	The subject property is located within the Victory Hills Statistical Neighborhood and the West Wyandotte Neighborhood Group. The neighborhood consists of a variety of uses, including big-box retail, smaller retail spaces, including restaurants, auto repair, specialty shops, as well as offices, and a variety of residential, including single-family and town-house style residences. The property is located near State Avenue, a major east to west throughfare, which runs west to Leavenworth County and east to Downtown KCK.
Total Tract Size:	7.06 Acres
Master Plan Designation:	The City-Wide Comprehensive Plan designates this property as Mixed-Use, which allows for the integration complimentary land uses such as retail, offices, small businesses, and mixed-use residential.
Major Street Plan:	The Major Street Plan designates North 79 th Street as a Local/Neighborhood Street.
Parking Requirements:	Section 27-464(e) states “uses in this district require paved off-street parking spaces at a ratio of not less than four spaces per 1,000 square feet of floor area in the building. A Final Development Plan is required for the future development of the site, at which time, the appropriate parking ratio will be determined.

Advertisement:	<u>Wyandotte Echo</u> – None Required Letters to Property Owners – April 14, 2023
Public Hearing:	May 8, 2023
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Outline of Requested Action: The applicant, Andrew Harris, is requesting a Final Plat to subdivide an existing commercial lot into two (2) separate lots (Village Plaza) at 1232 North 79th Street.

City Ordinance Requirements: Article XXI Sections 27-502 – 27-709

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There have been four (4) police calls for service at the subject property.
 - a. 2023 – 2023-14196 – Burglary
 - b. 2020 – 2020-82963 – Criminal Damage
 - c. 2019 – 2019-107764 – Criminal Damage
 - d. 2018 – 2018-99322 – Dead Body/Homicide

Building, Zoning, or Code Enforcement Complaints:

1. There are no active Notices of Violation on the subject property.

Outstanding or Related Permits and Cases:

1. There are no additional outstanding or related permits and cases on the subject property.

FACTORS TO BE CONSIDERED

1. ***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.***

There is currently no proposal to develop the subject property. In general, however, the development shall be of such character that it can be used safely without danger to health, or peril from fire, flood, erosion, excessive noise or other adversity.

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

a. *Water service*

BPU provides water service.

b. *Sanitary sewer service*

The UG provides sanitary sewer service.

c. *Storm water control*

The UG provides storm water control, with an inlet at 79th & Washington.

d. *Police*

Police service provided by West Patrol, District #225.

e. *Fire*

Fire service provided by Station #19, which is one (1) block away.

f. *Transit*

KCATA provides transit service along Route 101 – State Avenue, with a stop at 78th & State Avenue, one (1) block away. The UG provides transit with Route 199 – KCK Microtransit, which provides door to door demand response service.

g. *Schools*

Public Education is provided by Claude Huyck Elementary, Arrowhead Middle School, and Washington High School under Kansas City, Kansas USD 500

3. *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.*

There are no additional streets being created through this Final Plat. Future development may result in additional driveway access on North 79th Street. Future development shall also address the dead-end of North 79th Street. Such future driveways must meet all UG standards and requirements under district ordinances, as well as all lot design requirements.

- 4. 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.**

Each lot complies with the district's lot width and lot area, therefore, future commercial development can meet all setback requirements as well as provide adequate open space and light. No future development may violate the setback requirements, or other design requirements without a variance or deviation.

- 5. 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 proposed site is currently relatively flat. There is no proposed development at this time, therefore all existing natural features of the land and vegetation will be protected and enhanced. Any future development will be required to consider the natural topography or other enhancements to protect nearby properties. Future development shall also protect the existing tree stand, which acts as a buffer for properties to the west.

- 6. 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.**

The proposed plat is to split off a portion of the property for future commercial uses, which would not reasonably be required for these types of amenities to be provided. A future development would be required to provide pedestrian access to and from the site.

KEY ISSUES

Future Development
Natural Topography
Parking Lot Condition
Site Access

STAFF COMMENTS AND SUGGESTIONS

Planning and Urban Design Comments:

- 1. Does the applicant have plans to develop the new parcel? If so, will the development be commercial or residential?**

Applicant Response: No development is currently planned for North Lot 2.

2. **Any future development will have to address the North 79th Street, either by constructing a cul-de-sac or constructing a roadway through the development.**

Applicant Response: No development is currently planned for the North Lot 2. Previous 1983 plat of 'DEWERCs' vacated a previous configuration of 79th Street being a continuous street through the subject property. No intent of public right-of-way is planned through this proposed Lot 2, Village Plaza. This replat product of 'Village Plaza' for Lot 2/Lot 1 shows a lot line configuration similar to Lot 5/Lot 6 of a previous said plat 'DEWERCs'. The subject property currently includes these said Lots 5 & 6, which were combined by deed and the purpose of this proposed plat of 'Village Plaza' is to separate them into two similar separate parcels again.

3. **The parking lot shall be repaved or at least repaired. Curbing within the parking lot shall be repaired as well.**

Applicant Response: The Owner plans to repair deteriorated areas of paving and curbing, in the near future.

4. **Any proposed development must maintain the natural topography.**

Applicant Response: No development is currently planned for North Lot 2. Future development will maintain natural topography, as a future development design allows, at that time.

5. **The existing tree stand shall be protected and preserved.**

Applicant Response: The existing tree line on the West side of the lots will be protected and preserved.

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. Detailed engineering comments are made by separate technical review of the plans and submitted directly to the applicant. Provide revised plans and responses in accordance with the engineering comments.
- C. Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
 1. None.

Wyandotte County Surveyor Comments:

For detailed annotated comments, please refer to the “Attachments” section of the report under “Wyandotte County Surveyor Comments.”

1. Minor individual markup comments on the plat were addressed, respectively.
2. In response to the comment ‘Does there need to be labels for the cross access esmt?’ Yes, the cross access/utility easement is necessary to allow both Lot 1 and Lot 2 to utilize existing access to public right-of-way via an existing parking entrance. The easement area is hatched and noted with a label (See Detail) to note that a detail for clarification is also shown on the plat, showing the existing drive entrance area and existing utility.
3. In response to ‘Was there no controlling corners along the back of the subdivision to confirm location of the property line?’ Reconnaissance for interior lot line corners were originally looked for, and only a few were found near the Southwest corner of the subject plat boundary. Other monuments found throughout are now shown and documented on the plat. As a result, the boundary determination of said plat has been updated since prior submittal. Therefore, an updated legal description and closure calculations are also attached.

STAFF RECOMMENDATIONS

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 **APPROVE** Final Plat **PLAT2023-013**, subject to all comments and suggestions outlined in this staff report.

1. **When the mylars are submitted to Staff to be recorded, submit the following fees:**
 - a. **\$32.00 per page payable to the Register of Deeds;**
 - b. **\$7.00 per lot payable to the Unified Treasurer;**
2. **Any proposed development on Lot 2 must undergo a Preliminary and Final Development Plan Review;**
3. **Utility easements shall be provided along each side of the lot to form a continuous utility easement. All easements shall be at least ten (10) feet wide. The required ten-foot width may be provided through five (5) foot easements on either side of lot or parcel lines when lines do not form, in whole or in part, the outside boundaries of the plat;**
4. **Utility easements shall connect with easements established in adjoining properties;**
5. **Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided;**
6. **The parking lot shall be repaved or at least repaired. Curbing within the parking lot shall be repaired as well;**
7. **Any proposed development must maintain the natural topography;**
8. **The existing tree stand shall be protected and preserved;**

9. 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 to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
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. All existing and future driveways must feature curb cuts that are constructed to UG standards; and,
12. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed by right or by Special Use Permit under the new zoning district, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located.

ATTACHMENTS

Aerial Imagery
 Zoning Map
 Land Use Map
 Final Plat
 Wyandotte County Conservation District Comments
 Site Photos, Taken by Staff, Dated April 7, 2023

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing	May 8, 2023	TBD
Plat		

STAFF CONTACT: **James Molloy**
 jlmolloy@wycokck.org

MOTIONS

I move the Kansas City, Kansas, City Planning Commission **APPROVE** Petition **PLAT2023-013** 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

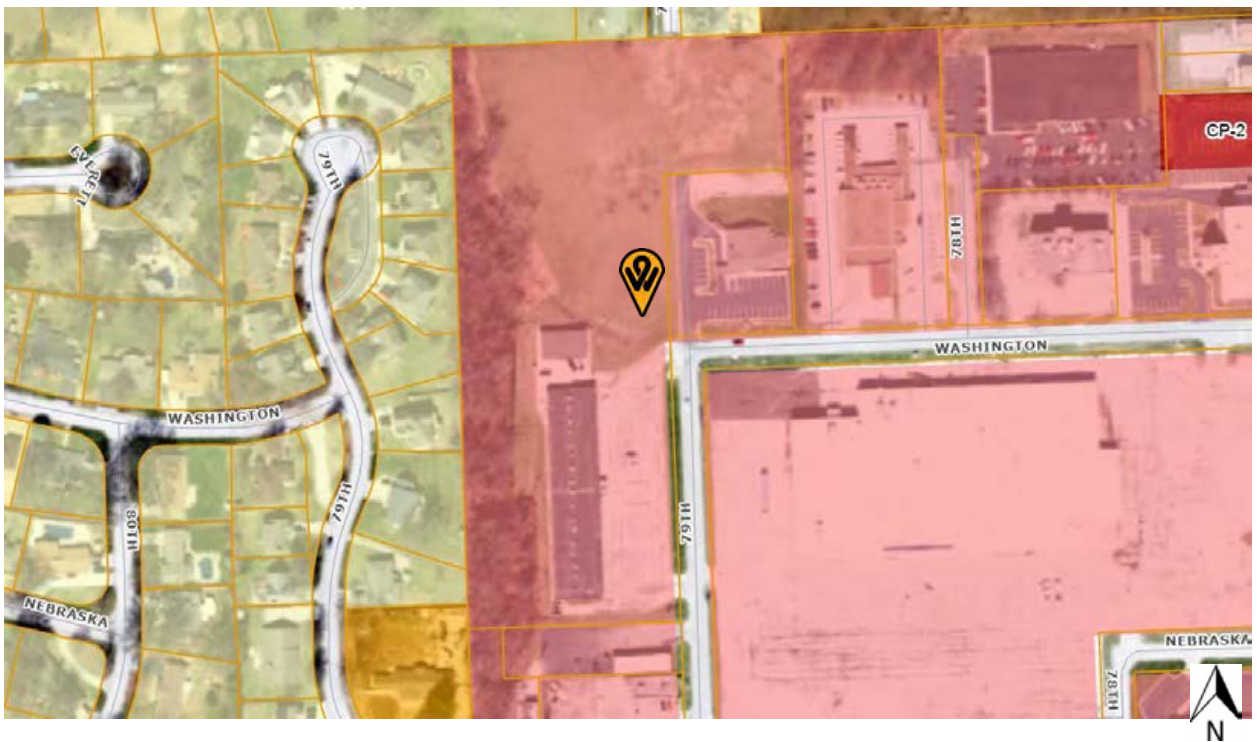
I move the Kansas City, Kansas City Planning Commission **DENY** Petition **PLAT2023-013**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

ATTACHMENTS

AERIAL IMAGERY



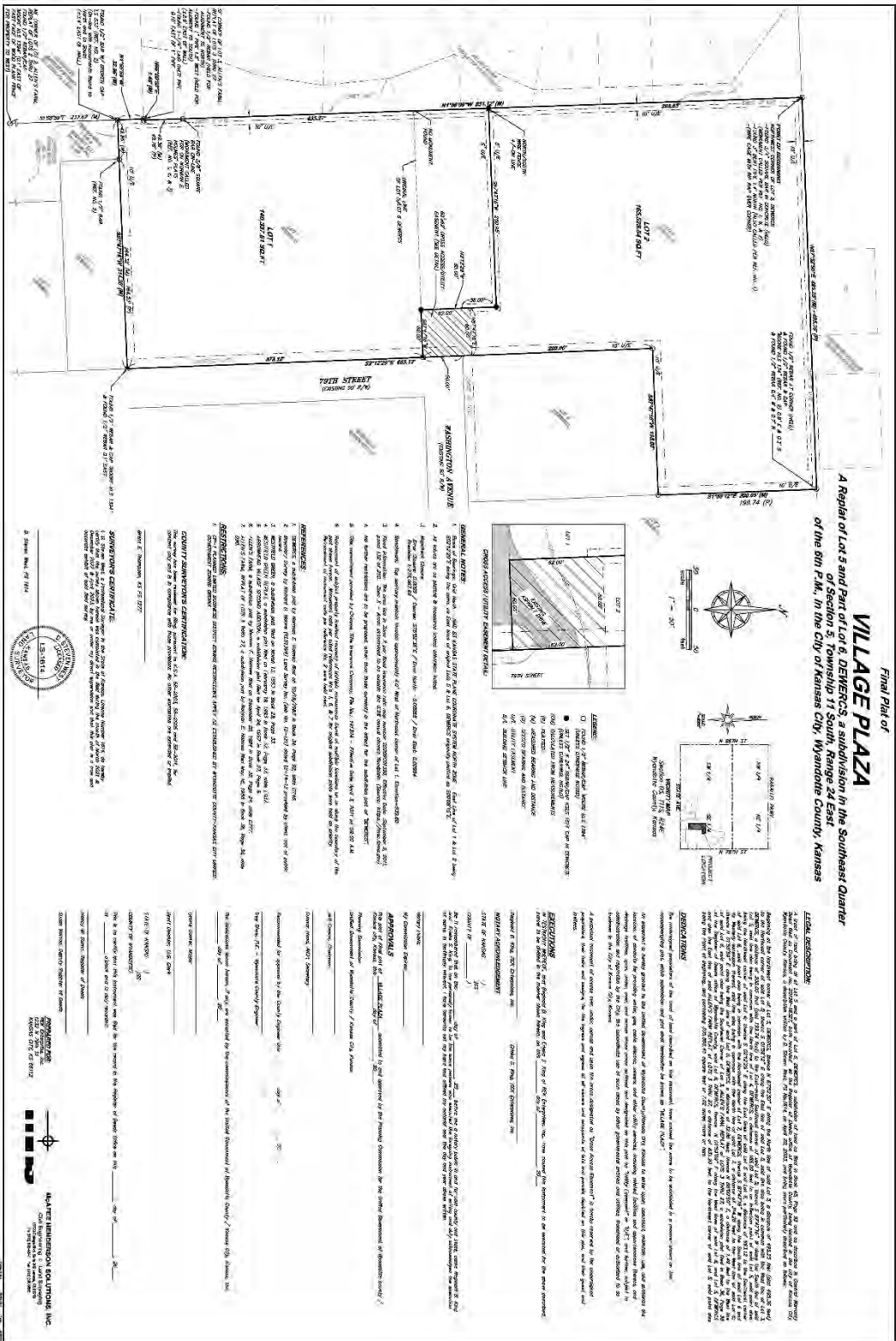
ZONING MAP



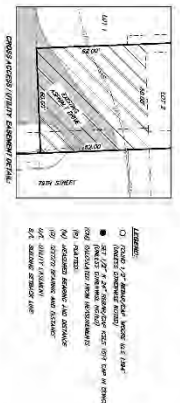
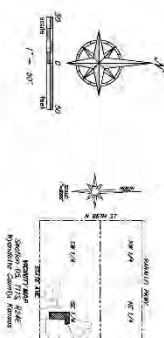
LAND USE MAP



Drawing Title: Village Plaza [2023-013] - 1300 North 75th - Full Legal [2023-013-01] - Final Plat.dwg
 Project No: 2023-013
 Date: APR 21, 2023



Final Plat of
VILLAGE PLAZA
 a subdivision in the Southeast Quarter
 of Section 5, Township 11 South, Range 24 East
 of the 8th P.M., in the City of Kansas City, Wyandotte County, Kansas



GENERAL NOTES:

1. The plat is subject to all existing laws, ordinances, rules and regulations of the City of Kansas City, Wyandotte County, Kansas, and the State of Kansas.
2. The plat is subject to all existing easements, rights and interests of record.
3. The plat is subject to all existing utility lines and easements.
4. The plat is subject to all existing encroachments and other matters of record.
5. The plat is subject to all existing liens and other matters of record.
6. The plat is subject to all existing conditions, covenants, restrictions and other matters of record.
7. The plat is subject to all existing conditions, covenants, restrictions and other matters of record.
8. The plat is subject to all existing conditions, covenants, restrictions and other matters of record.
9. The plat is subject to all existing conditions, covenants, restrictions and other matters of record.
10. The plat is subject to all existing conditions, covenants, restrictions and other matters of record.

ABSTRACTS:

1. Abstract of the plat is subject to all existing laws, ordinances, rules and regulations of the City of Kansas City, Wyandotte County, Kansas, and the State of Kansas.
2. Abstract of the plat is subject to all existing easements, rights and interests of record.
3. Abstract of the plat is subject to all existing utility lines and easements.
4. Abstract of the plat is subject to all existing encroachments and other matters of record.
5. Abstract of the plat is subject to all existing liens and other matters of record.
6. Abstract of the plat is subject to all existing conditions, covenants, restrictions and other matters of record.
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9. Abstract of the plat is subject to all existing conditions, covenants, restrictions and other matters of record.
10. Abstract of the plat is subject to all existing conditions, covenants, restrictions and other matters of record.

COVENANTS, CONDITIONS, RESTRICTIONS:

The plat is subject to all existing covenants, conditions, restrictions and other matters of record. The plat is subject to all existing conditions, covenants, restrictions and other matters of record. The plat is subject to all existing conditions, covenants, restrictions and other matters of record.



LEGAL DESCRIPTION:
 A certain portion of the Southeast Quarter of Section 5, Township 11 South, Range 24 East of the 8th P.M., in the City of Kansas City, Wyandotte County, Kansas, containing approximately 1.2 acres, more or less, as shown on the attached plat.

RESERVATIONS:
 The plat is subject to all existing utility lines and easements.

EXEMPTIONS:
 The plat is exempt from all existing laws, ordinances, rules and regulations of the City of Kansas City, Wyandotte County, Kansas, and the State of Kansas.

NOTARY PUBLIC:
 My name is _____, Notary Public for the State of Kansas, and I am duly qualified and sworn to perform the duties of my office.

APPROVALS:
 I, _____, the undersigned, being duly qualified and sworn to perform the duties of my office, do hereby certify that the above is a true and correct copy of the original plat as filed in my office.

PLAT NUMBER:
 2023-013

DATE:
 APR 21, 2023

DRAWN BY:

CHECKED BY:

DATE:

SCALE:
 1" = 50'

PROJECT:
 Village Plaza

OWNER:

AGENT:

DATE:

SCALE:
 1" = 50'

PROJECT:
 Village Plaza

OWNER:

AGENT:

DATE:

CLOSURE CALCULATIONS

Proj. 2019.006 – Final Plat of Village Plaza Closure Calculation

Boundary:

Point of Beginning:
North: 302188.5044' East: 2228901.0915'

Segment #1 : Line
Course: N87° 52' 50"E Length: 495.25'
North: 302206.8202' East: 2229396.0027'

Segment #2 : Line
Course: S01° 58' 12"E Length: 200.05'
North: 302006.8884' East: 2229402.8797'

Segment #3 : Line
Course: S87° 47' 16"W Length: 185.00'
North: 301999.7472' East: 2229218.0176'

Segment #4 : Line
Course: S02° 12' 29"E Length: 663.12'
North: 301337.1196' East: 2229243.5665'

Segment #5 : Line
Course: S87° 47' 16"W Length: 314.28'
North: 301324.9881' East: 2228929.5207'

Segment #6 : Line
Course: N01° 55' 59"W Length: 32.86'
North: 301357.8294' East: 2228928.4123'

Segment #7 : Line
Course: N88° 00' 50"E Length: 1.49'
North: 301357.8810' East: 2228929.9014'

Segment #8 : Line
Course: N01° 59' 09"W Length: 831.12'
North: 302188.5019' East: 2228901.1011'

Perimeter: 2723.17' Area: 305866.45 Sq. Ft.
Error Closure: 0.0099
Course: S75° 02' 36"E
Error North: -0.00255 East: 0.00954

Precision 1: 275067.6768

Lot 1:

Point of Beginning:
North: 301644.9812' East: 2228489.6111'

Segment #1 : Line
Course: S02° 12' 29"E Length: 373.12'
North: 301272.1383' East: 2228503.9868'

Segment #2 : Line
Course: S87° 47' 16"W Length: 314.28'
North: 301260.0068' East: 2228189.9410'

Segment #3 : Line
Course: N01° 55' 59"W Length: 32.86'
North: 301292.8481' East: 2228188.8326'

Segment #4 : Line
Course: N88° 00' 50"E Length: 1.49'
North: 301292.8997' East: 2228190.3217'

Segment #5 : Line
Course: N01° 59' 09"W Length: 435.27'
North: 301727.9083' East: 2228175.2386'

Segment #6 : Line
Course: N87° 47' 16"E Length: 250.95'
North: 301737.5952' East: 2228426.0015'

Segment #7 : Line
Course: S02° 12' 29"E Length: 95.00'
North: 301642.6657' East: 2228429.6617'

Segment #8 : Line
Course: N87° 47' 16"E Length: 60.00'
North: 301644.9818' East: 2228489.6170'

Perimeter: 1562.97' Area: 140337.61 Sq. Ft.
Error Closure: 0.0059
Course: N84° 33' 14"E
Error North: 0.00056 East: 0.00588

Precision 1: 264910.1695

Lot 2:

Point of Beginning:
North: 302378.6567' East: 2228125.4281'

Segment #1 : Line
Course: N87° 52' 50"E Length: 495.25'
North: 302396.9725' East: 2228620.3393'

Segment #2 : Line
Course: S01° 58' 12"E Length: 200.05'
North: 302197.0407' East: 2228627.2163'

Segment #3 : Line
Course: S87° 47' 16"W Length: 185.00'
North: 302189.8995' East: 2228442.3541'

Segment #4 : Line
Course: S02° 12' 29"E Length: 290.00'
North: 301900.1148' East: 2228453.5273'

Segment #5 : Line
Course: S87° 47' 16"W Length: 60.00'
North: 301897.7988' East: 2228393.5721'

Segment #6 : Line
Course: N02° 12' 29"W Length: 95.00'
North: 301992.7282' East: 2228389.9119'

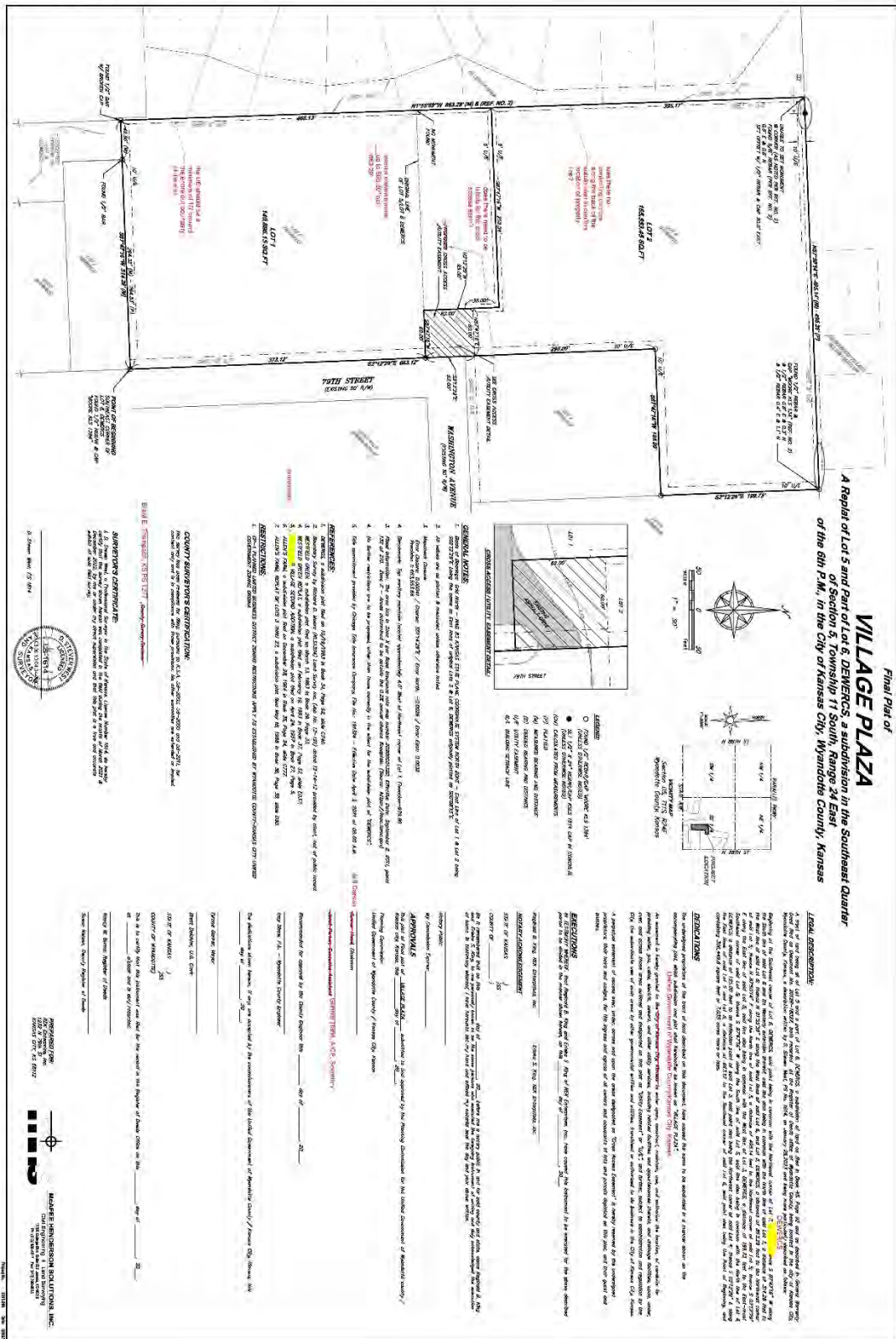
Segment #7 : Line
Course: S87° 47' 16"W Length: 250.95'
North: 301983.0413' East: 2228139.1489'

Segment #8 : Line
Course: N01° 59' 09"W Length: 395.85'
North: 302378.6536' East: 2228125.4318'

Perimeter: 1972.10' Area: 165528.84 Sq. Ft.
Error Closure: 0.0048
Course: S49° 38' 37"E
Error North: -0.00311 East: 0.00366

Precision 1: 410854.1667

Drawing Title: P: Active Projects\2023-008 - 1300 North 79th Plot\dwg\plat\19-006_Final Plat.dwg
 Date of: May 08, 2023 - 10:00am



SITE PHOTOS, TAKEN BY STAFF, DATED APRIL 7, 2023

