



Urban Planning and Land Use

701 North 7th Street, Room 423
Kansas City, Kansas 66101
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Phone: (913) 573-5750
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www.wycokck.org/planning

To: City Planning Commission
From: City Staff
Date: November 12, 2019
Re: **Final Plat – Honey Creek Estates Replat**

GENERAL INFORMATION

Applicant:
Colbert Family Living Trust

Status of Applicant:
Property Owner
10940 Parallel Parkway, Suite K-272
Kansas City, KS 66109

Requested Action:
Final plat

Date of Application:
September 27, 2019

Purpose:
To combine two residential lots into one and remove utility easements.

Property Location:
11530 Parkview Avenue and 11548 Parkview Avenue

Existing Zoning: R-1 (WYCO) Large Lot Single Family District

Existing Surrounding Zoning: North: AG Agriculture District



South: R-1 (WYCO) Large Lot Single Family District
East: R-1 (WYCO) Large Lot Single Family District
West: R (WYCO) Rural Residence District

Existing Uses: **North:** Single family home with agricultural uses
South: Single family homes
East: Single family homes
West: Single family home with agricultural uses

Neighborhood Characteristics: This is a rural residential neighborhood. The two lots in this replat are part of a 7-lot subdivision with surrounding larger lots used for rural and residential uses.

Total Tract Size: 1.98 acre

Master Plan Designation: The Prairie Delaware Piper Master Plan designates this property as Planned Mixed Residential District.

Major Street Plan: The Major Street Plan classifies Parkview venue as a local street.

Advertisement: Wyandotte Echo – None Required
Letters to Property Owners – October 17, 2019

Public Hearing: November 12, 2019

Public Opposition: Opposition has been expressed by the property owner to the west, owner of Fleming Acres Lot 1,2, and 3.

PROPOSAL

Outline of Requested Action: The applicant has proposed a replat of two residential lots to combine them as one lot and remove a 10-foot utility easement that runs between the two at 11530 and 11548 Parkview Avenue, for construction of a single-family residence.

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

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.***

Development shall be of such character that there is no 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

Available

b. Sanitary sewer service

Available

c. Storm water control

To meet code

d. Police

Police service provided by the West Patrol, District #225

e. Fire

Fire service provided by Station #8

f. Transit

Kansas City ATA does not provide transit service near this property.

g. Schools

Piper USD 203

- 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.***

Streets are existing and have been designed to meet these standards.

- 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.***

This replat will facilitate more open space by combining two residential lots into one, thus allowing only one residential structure rather than two.

- 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.***

Development patterns have been designed to enhance and protect natural features of the land and vegetation.

- 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.***

Amenities and community services have been designated with the previous preliminary and final plats. This action will not impact such items.

KEY ISSUES

None

STAFF COMMENTS AND SUGGESTIONS

Urban Planning and Land Use Comments:

1. Review and respond to the attached comments from GeoSpatial Services.

Applicants Response:

1. We have coordinated with the UG Treasurer and paid the previously unpaid 2017 taxes/ assessments of \$4.83.
 2. Floodplain information date is now specified.
 3. Ties to corners are now noted.
 4. The dedication has been revised to match the plat name in the title.
 5. Aileen Colbert's name is now correctly spelled on jurat.
2. Review and respond to the attached comments from the County Surveyor.

Applicants Response: All of the County Surveyor Comments have been incorporated into the revised plat, which is provided with this response.

3. Review and respond to the attached comments from the Conservation District.

Applicants Response: After speaking with Ms. Cheri Miller, I provided her copies of the original replat application and the WYCO Draft Comments, as well as the following information, all in an email dated Oct 22, 2019.

"We initially purchased 11548 Parkview Ave (Lot 3), Honey Creek Estates in Aug 2018, intending to build a house on it. Subsequently, we determined that, due to boundary setbacks, the dedicated drainage easement and the MLO of 935', we would be unable to build our planned home on that lot. We also determined that for the reasons noted, it would be virtually impossible to build a house on that lot commensurate with the other houses in the subdivision.

In Jan 2019, we bought 11530 Parkview Ave (Lot 2) from PCDI Homes, Inc. for the purpose of having them build our house on it. To the best of our knowledge, PCDI obtained the necessary permit(s) from the Unified Government of Wyandotte County and built the house. The final inspection was conducted by

the Unified Government housing inspector on Oct 21, 2019. Once the discrepancies noted are corrected, we expect the house to be released to us within the next 7-14 days.

For the reasons noted above and for simplicity, we are seeking to combine the two lots into one and have no intention of ever developing any further whatsoever on 11548 Parkview and are willing to so-stipulate on the appropriate dedication, deed, etc., if required. As noted in the attached action, we are required, and have always fully intended, to maintain the established drainage easement(s).

Please let me know if I can provide any further input to assist in your review/comments. My suspense for reply back to the Urban Planning and Land Use Office is noon, Oct 28, 2019.”

In an email dated Oct 25, 2019, Ms. Miller stated that, given the facts as they now exists, the Conservation District “...has no issues with this change.”

4. Note on the plat that this replat shall be subject to the existing covenants and restrictions of Honey Creek Estates.

Applicants Response: The statement is now on the plat that this replat shall be subject to the existing covenants and restrictions of Honey Creek Estates.

5. 25 foot Drainage Easement to remain.

Applicants Response: The 25 foot Drainage Easement remains on the plat.

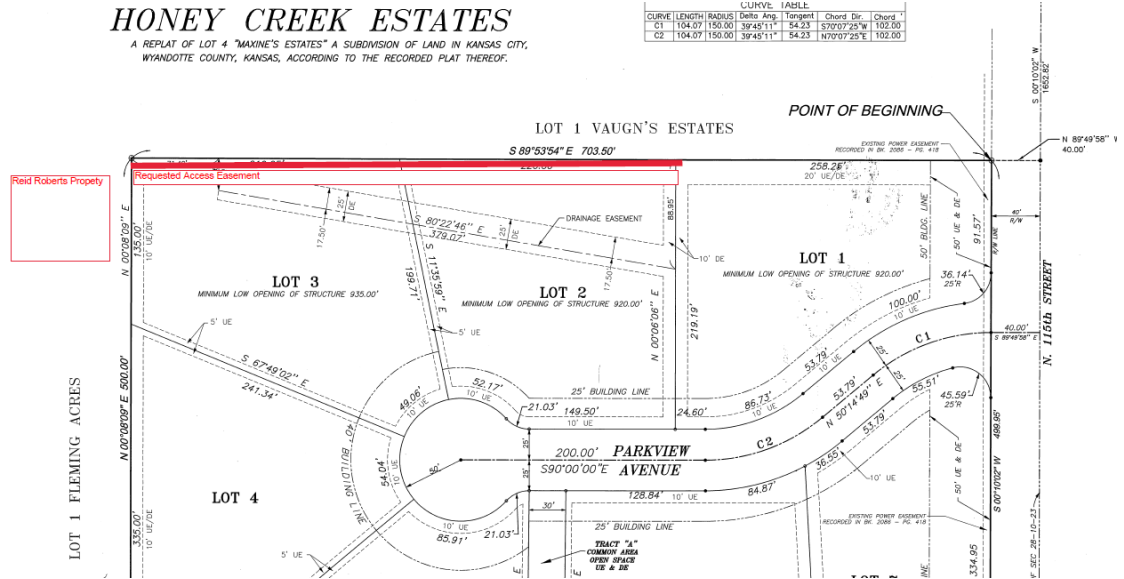
6. For the Mylars, remove previous lot lines and easements that will no longer be on the plat.

Applicants Response: For the Mylars, previous lot lines and easements that will no longer be on the plat have been removed.

7. Staff has been contacted by legal representation of the property owner of Fleming Acres Lots 1-3, which is immediately adjacent to the west of this property. The property owner, Reid Roberts, has expressed that they believe they have claim to an access easement along the north property lines of Lot 3 and 4. There was an access easement at one point, but it was not shown with the Honey Creek Estates Final Plat of 2007. The property owner of Fleming Acres believes he should still have claim to the easement. The easement is not shown on the recorded plat of Honey Creek Estates in 2007. Staff is not sure that the previous easement was legally vacated as it was not noted on the plat. Staff would request that the easement be properly shown on the new plat.

Mr. Roberts does have access to public right-of-way and has a drive entrance off Leavenworth Road to the south. Mr. Roberts reasoning for needing the access easement on Mr. Colbert’s property is that; there is a creek crossing Mr. Roberts property. If the bridge over the creek were to wash out, he would not have access onto the back portion of his property. The requested easement would

provide access from N. 115th Street. However, there is not an easement on Lot 1 of Honey Creek Estates, which is between Mr. Colbert's property and N. 115th Street. Granting of this easement would only allow Mr. Roberts access onto the back portions of Mr. Colbert's property, but not all the way through to N. 115th Street, unless such easement is also dedicated by the property owner of Lot 1. Staff does not feel this is adequate reason to require an access easement. See below diagram for further clarification.



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) 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:
 - 1) None

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 of Honey Creek Estates Replat**, subject to all comments and suggestions outlined in this staff report.



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: October 10, 2019

RE: **HONEY CREEK ESTATES REPLAT**

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

On:
August 27, 2019

And we have determined the following:

Takes all of CIC-TAS Parcels:
296301 & 296302

Owner-of-Record:
Colbert Family Living Trust

Jurat Signatures:
Charles & Ailen (Aileen) Colbert – Colbert Family Trust

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 296302 has unpaid 2017 taxes and/or assessments currently total: \$4.83. For exact payoff amount the tax payer should contact the Unified Government Treasurer. These taxes must be satisfied prior to recording.

2) Floodplain

The floodplain (FIRM) information needs to specify the date.

3) Corner Ties

I don't find any ties to corners found.

4) Dedication

The dedication needs to be revised to match the plat name in the title.

5) Owner

One of the owners' (Aileen Colbert) names is misspelled on jurat.



**UNIFIED GOVERNMENT OF WYANDOTTE COUNTY
& KANSAS CITY, KANSAS
PUBLIC WORKS DEPARTMENT**

ONE McDOWELL PLAZA

701 NORTH 7TH STREET, 66101

(913) 573-5700
FAX (913) 573-5727

October 16, 2019

Larry T. Hann, LS
PO Box 41
Lansing KS, 66043

Re: Final Plat of HONEY CREEK ESTATES REPLAT

Dear Mr. Hann

I have reviewed your submittal of the above captioned plat and have these comments for your review:

- Need to have a Metes and Bounds legal description for the out boundary of the plat per code
- Call out acreage and square footage in legal
- Show the Point of Beginning on the face of the plat
- Need to show controlling corners used to establish corners
- Need to provide reference ties to at least 2 controlling corners for the plat
- Need owners / developer name and address
- Need to provide basis of bearing
- Need dedication verbiage for what D/E is. If this is a Drainage Easement there needs to be verbiage that states, no structures including fences are to be erected that will impede the natural flow of water
- Please check the radius of 25.00 feet and the length of 21.03 feet
- Please add Jeff Carson as the Planning Chairman
- Add the words "Project Location" to the Vicinity map

- Show section township range under the vicinity map

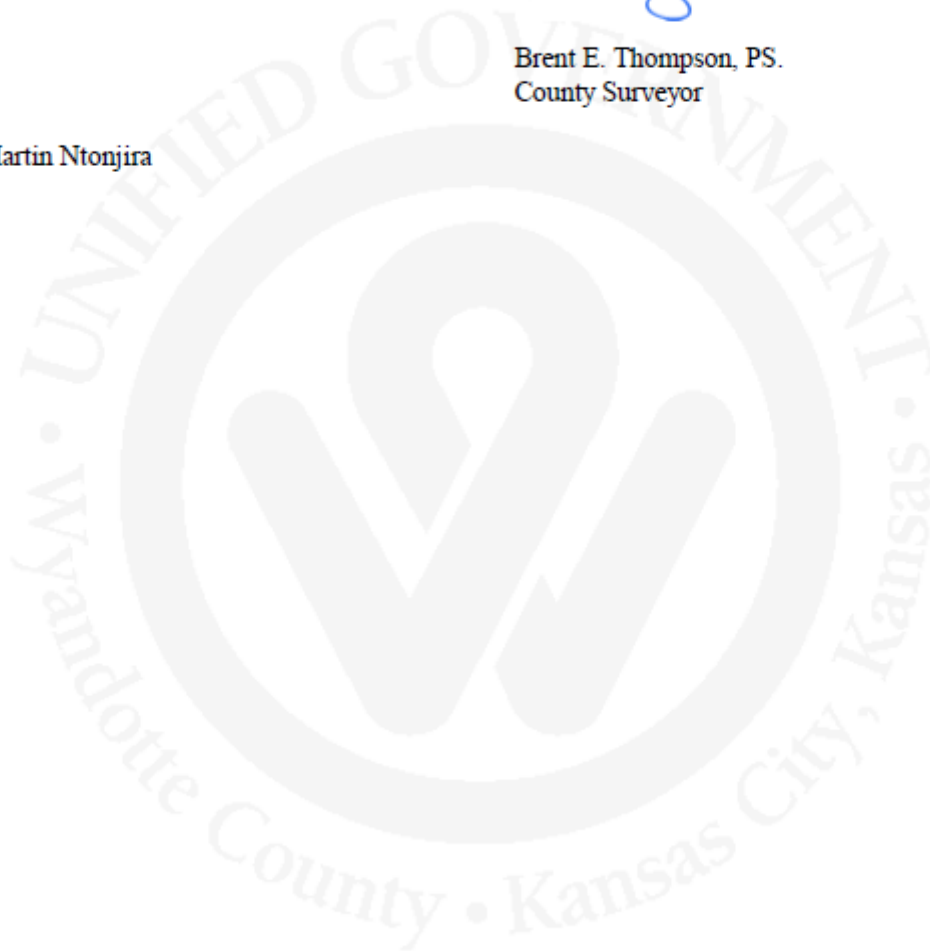
If I can be of any further assistance, please feel free to contact me at your convenience.

Sincerely,



Brent E. Thompson, PS.
County Surveyor

Cc: Martin Ntonjira





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

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

October 15, 2019

RE: Subdivision Plat, Honey Creek Estates

Dear Mr. Richardson:

The Wyandotte County Conservation District, with technical assistance from the Natural Resources Conservation Service, has completed an environmental review of Subdivision Plat for Honey Creek Estates, 11530 Parkview Avenue.

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)
Soil Features

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

- There were two soil types that were identified: Sharpsburg silty clay loam 4-8% slope and Shelby loam 3-7% slope
- We would not recommend further development on this site until we are able to review the erosion control plan.

Technical assistance is available from our office. Limitation maps, detail soil 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 have 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,

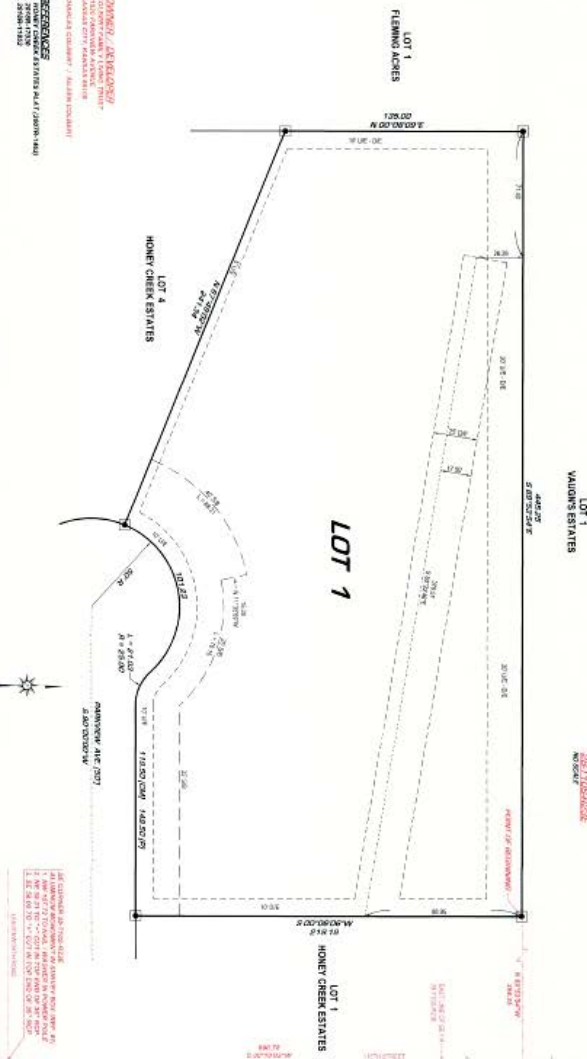
Cheri Miller
District Manager

enclosures



HONEY CREEK ESTATES REPLAT

A REPLAT OF LOTS 2 AND 3 HONEY CREEK ESTATES
CITY OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS
FINAL PLAT



OWNER / DEVELOPER
 1. THE PROPERTY IS OWNED BY:
 2. THE PROPERTY IS BEING DEVELOPED BY:
 (Check one box) (Check one box)

REFERENCE
 1. THE PROPERTY IS SHOWN AS LOT 1 OF THE HONEY CREEK ESTATES.
 2. THE PROPERTY IS SHOWN AS LOT 2 AND 3 OF THE HONEY CREEK ESTATES.
 3. THE PROPERTY IS SHOWN AS LOT 4 OF THE HONEY CREEK ESTATES.

REMARKS
 1. ALL DIMENSIONS ARE IN FEET AND INCHES.
 2. ALL BEARINGS ARE IN DEGREES, MINUTES AND SECONDS.
 3. ALL DISTANCES ARE MEASURED ALONG THE CENTERLINE OF THE ROAD.
 4. ALL DISTANCES ARE MEASURED ALONG THE CENTERLINE OF THE ROAD.
 5. ALL DISTANCES ARE MEASURED ALONG THE CENTERLINE OF THE ROAD.

LEGEND

- 1. 4" x 4" REBAR SET WITH 1/2" DIA. M. CONCRETE
- 2. 4" x 4" REBAR SET WITH 1/2" DIA. M. CONCRETE
- 3. 4" x 4" REBAR SET WITH 1/2" DIA. M. CONCRETE
- 4. 4" x 4" REBAR SET WITH 1/2" DIA. M. CONCRETE
- 5. 4" x 4" REBAR SET WITH 1/2" DIA. M. CONCRETE
- 6. 4" x 4" REBAR SET WITH 1/2" DIA. M. CONCRETE
- 7. 4" x 4" REBAR SET WITH 1/2" DIA. M. CONCRETE
- 8. 4" x 4" REBAR SET WITH 1/2" DIA. M. CONCRETE
- 9. 4" x 4" REBAR SET WITH 1/2" DIA. M. CONCRETE
- 10. 4" x 4" REBAR SET WITH 1/2" DIA. M. CONCRETE

NOTES

1. THIS IS A 1/4 ACRE 1/4 SECTION 36, T23N, R12E, S12E.
2. THE PROPERTY IS SHOWN AS LOT 1 OF THE HONEY CREEK ESTATES.
3. THE PROPERTY IS SHOWN AS LOT 2 AND 3 OF THE HONEY CREEK ESTATES.
4. THE PROPERTY IS SHOWN AS LOT 4 OF THE HONEY CREEK ESTATES.
5. THE PROPERTY IS SHOWN AS LOT 1 OF THE HONEY CREEK ESTATES.
6. THE PROPERTY IS SHOWN AS LOT 2 AND 3 OF THE HONEY CREEK ESTATES.
7. THE PROPERTY IS SHOWN AS LOT 4 OF THE HONEY CREEK ESTATES.
8. THE PROPERTY IS SHOWN AS LOT 1 OF THE HONEY CREEK ESTATES.
9. THE PROPERTY IS SHOWN AS LOT 2 AND 3 OF THE HONEY CREEK ESTATES.
10. THE PROPERTY IS SHOWN AS LOT 4 OF THE HONEY CREEK ESTATES.

STATE OF KANSAS - COUNTY OF WYANDOTTE

PLAT NO. _____

FILED _____

RECORDED _____

DATE _____

DESCRIPTION

THE ABOVE DESCRIBED TRACT OF LAND IS THE SAME TRACT OF LAND AS SHOWN ON THE PLAT OF THE HONEY CREEK ESTATES, CITY OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS, FILED FOR RECORD IN THE OFFICE OF THE REGISTER OF DEEDS OF WYANDOTTE COUNTY, KANSAS, ON _____, 2018, AND IS SHOWN AS LOT 1, 2 AND 3 OF SAID PLAT.

RECORDATION

THE ABOVE DESCRIBED TRACT OF LAND IS THE SAME TRACT OF LAND AS SHOWN ON THE PLAT OF THE HONEY CREEK ESTATES, CITY OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS, FILED FOR RECORD IN THE OFFICE OF THE REGISTER OF DEEDS OF WYANDOTTE COUNTY, KANSAS, ON _____, 2018, AND IS SHOWN AS LOT 1, 2 AND 3 OF SAID PLAT.

APPROVALS

APPROVED BY _____, CITY COMMISSIONER

APPROVED BY _____, COUNTY ENGINEER

APPROVED BY _____, COUNTY SURVEYOR

NOTARY PUBLIC

NOTARY PUBLIC

NOTARY PUBLIC

NOTARY PUBLIC

NOTARY PUBLIC

STATE OF KANSAS - COUNTY OF WYANDOTTE

PLAT NO. _____

FILED _____

RECORDED _____

DATE _____

