



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: February 8, 2021
Re: **Vacation Petition VAC2020-001**

GENERAL INFORMATION

Applicant:
Scannell Properties #459, LLC

Status of Applicant:
Representative
Seth Reece with Olsson Associates
7301 West 133rd Street, Suite 200
Overland Park, KS 66213

Requested Action:
To approve a right-of-way vacation.

Date of Application:
December 28, 2020

Purpose:
To align the property line along Leavenworth Road and clear up a discrepancy between the survey and plat.

Property Location:
9700 Leavenworth Road
Kansas City, KS 66109



Commission District:	Commissioner At Large: Melissa Bynum District #5 Commissioner: Michael (Mike) Kane
Existing Zoning:	MP-2 Planned General Industrial District
Adjacent Zoning:	North: A-G Agriculture and R-1 Single Family Districts South: A-G Agriculture District East: R-1 Single Family, CP-1 Planned Limited Business and CP-2 Planned General Business Districts West: A-G Agriculture, R-1 Single Family and CP-2 Planned General Business Districts
Adjacent Uses:	North: Single family homes (across Hurrelbrink Road) South: Large lot single family homes (across Leavenworth Road) East: Wyandotte County Lake Park, a commercial event center and single-family homes West: Single family homes (across North 99 th Street)
Neighborhood Characteristics:	The area is dominated by the vacant Woodlands facility, which is currently being developed into a warehouse and distribution center. Other prominent features include large lot residences to the north and south, an established single-family neighborhood to the west and Wyandotte County Lake Park to the north and east.
Total Tract Size:	1.77 Acres
Master Plan Area:	Prairie Delaware Piper Master Plan.
Master Plan Designation:	The Prairie Delaware Piper Master Plan designates this property as Business Park, which allows manufacturing, light industrial uses, distribution-warehouse, trucking and other employment activity.
Major Street Plan:	The Major Street Plan classifies Leavenworth Road as a Class A Thoroughfare. The Prairie Delaware Piper Master Plan classifies 99 th Street as a Major Arterial.
Required Parking:	Not applicable.
Advertisement:	<u>Wyandotte Echo</u> – January 14, 2021 Letters to Property Owners – January 13, 2021
Public Hearing:	February 8, 2021

Public Support: None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Scannell Properties #459, LLC is developing an industrial business park with Building A under construction at 9400 Leavenworth Road. Scannell Properties #459, LLC wants to vacate a portion of right-of-way along the north side of Leavenworth Road to straighten the property line and clear up a discrepancy between the survey and plat.

City Ordinance Requirements: Article XXI Sections 27-502 – 27-709 and K.S.A. 12-504 to 12-506 and 12-512b.

Code Enforcement History: None.

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 is of such character that it can be used safely without danger to health, or peril from fire, flood, erosion, excessive noise or other adversity because the portion of right-of-way along Leavenworth Road will align with the existing right-of-way as it is currently illustrated on the plat.

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 be designed to meet City Code.

- d. ***Police***

Police service provided by West Patrol, District #223.

e. Fire

Fire service provided by Station #4 located at 81st Street and Leavenworth Road.

f. Transit

Kansas City ATA provides transit service along Leavenworth Road, Route #113 with a transit stop proposed at the neighborhood retail center at 99th Street and Leavenworth Road.

g. Schools

Public education is provided by 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 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 probably future land and building uses.

Vehicle access is prohibited at the northern most drive on North 99th Street and is reserved for emergency response vehicles only. The southern drive is a secondary entrance and exit for patrons of the retail node and employees. Truck traffic is strictly limited to Leavenworth Road.

- 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.***

Buildings 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 as the majority of the site will be screened by landscaping and berms.

- 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 are existing with single family homes bordering the property to the north, south, and west and Wyandotte County Lake to the northeast. The proposed industrial park development will be developed with due regard to topography, so the natural features, existing ridge lines and tree stands will be preserved around Bennett Lake, Wyandotte County Lake and the perimeter of the site to screen the buildings from the

adjacent single-family homes.

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.***

There are sidewalks and trails around the perimeter of the property that are part of the Sidewalk and Trails Master Plan and will make a connection to Wyandotte County Lake Park, which is a significant benefit to all neighborhoods and Wyandotte County residents.

7. ***Vacation will not create utility conflicts.***

The Kansas Department of Transportation and Public Works Department are determining any conflicts with existing infrastructure in the right-of-way.

KEY ISSUES

Kansas Department of Transportation (KDOT) Review

STAFF COMMENTS AND SUGGESTIONS

Planning and Urban Design Comments:

1. Does this vacation request impact the sidewalk on Leavenworth Road or the pedestrian crossing at the main entrance?

Applicant Response: The right-of-way vacation does not impact the sidewalk and pedestrian crossing on Leavenworth Road.

2. 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.

Applicant Response: Acknowledged, the applicant will pay the necessary fees.

3. The City of Kansas City, Kansas reserves to itself the right to, at any time after the effective date of this ordinance, reenter or permit a public utility to reenter that portion of said tract of land hereby vacated for the purpose of repairing installing, constructing or reconstructing any public utilities, including, but not limited to sewers, conduits, electric light pole lines, etc. that are now or may hereafter be installed in the tract of land hereby vacated.

Applicant Response: Acknowledged.

4. Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, as applicable.

Applicant Response: Acknowledged.

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) The County Surveyor makes separate technical review of the vacation documents and submits comments directly to the preparer of the vacation. Provide revised documents in accordance with County Surveyor comments.
 - 2) 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 recommends **APPROVAL** of Vacation Petition **VAC2020-001** subject to all comments and suggestions outlined in this staff report summarized by the following:

1. **The City of Kansas City, Kansas reserves to itself the right to, at any time after the effective date of this ordinance, reenter or permit a public utility to reenter that portion of said tract of land hereby vacated for the purpose of repairing installing, constructing or reconstructing any public utilities, including, but not limited to sewers, conduits, electric light pole lines, etc. that are now or may hereafter be installed in the tract of land hereby vacated;**
2. **Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, as applicable; and,**
3. **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

Aerial Map
Zoning Map
Land Use Map
Applicant Response Letter
Vacation Exhibit
Site Photographs taken by Staff dated July 2020

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing	February 8, 2021	February 25, 2021
Vacation		

STAFF CONTACT: **Byron Toy, AICP**
 btoy@wycokck.org

MOTIONS

I move the Kansas City, Kansas City Planning Commission recommend **APPROVAL** of Petition **VAC2020-001** 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 **VAC2020-001**, to the Unified Government Board of Commissioners as they are 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.

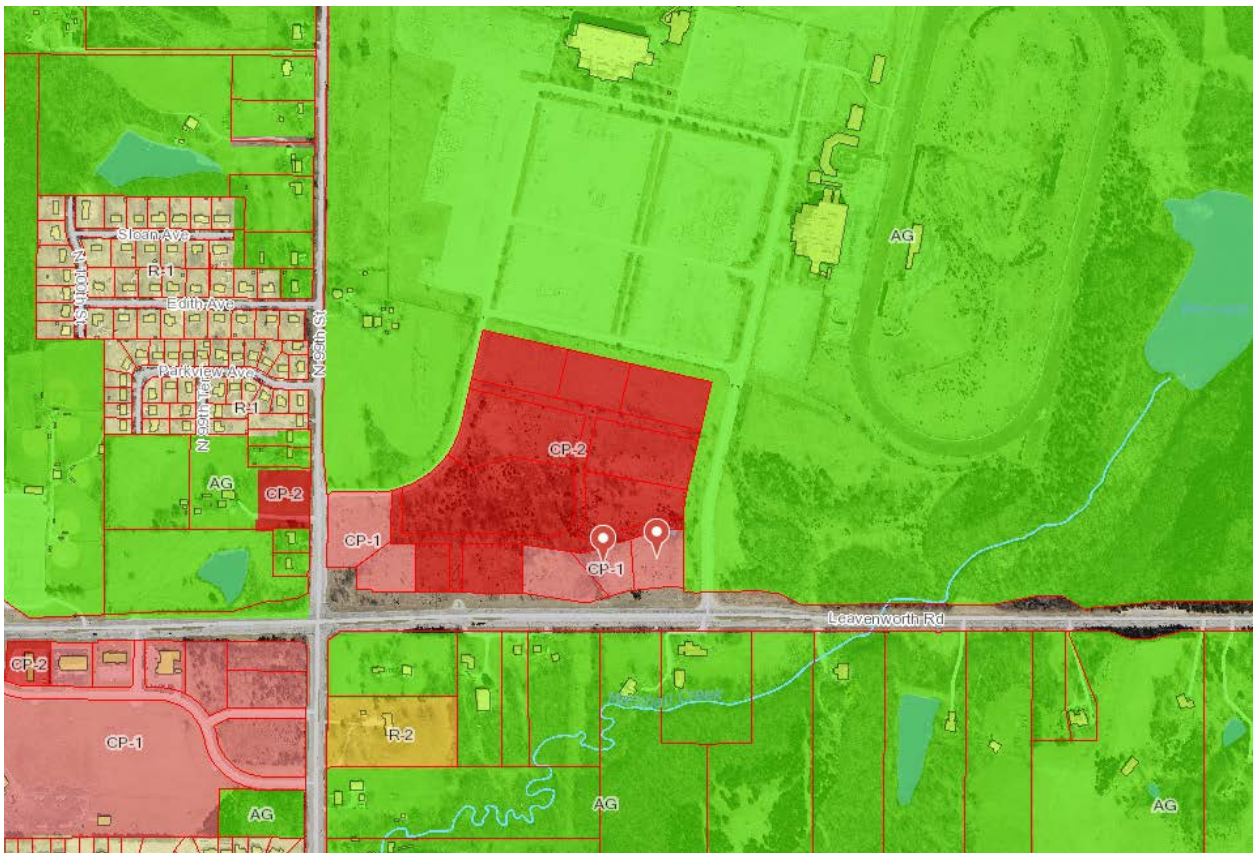


Figure 1. Zoning Map for 9700 Leavenworth Road (provided by UG Maps). Note: The zoning map has not officially changed due to current map editing.



Figure 2. Aerial photograph of 9700 Leavenworth Road (provided by UG Maps).

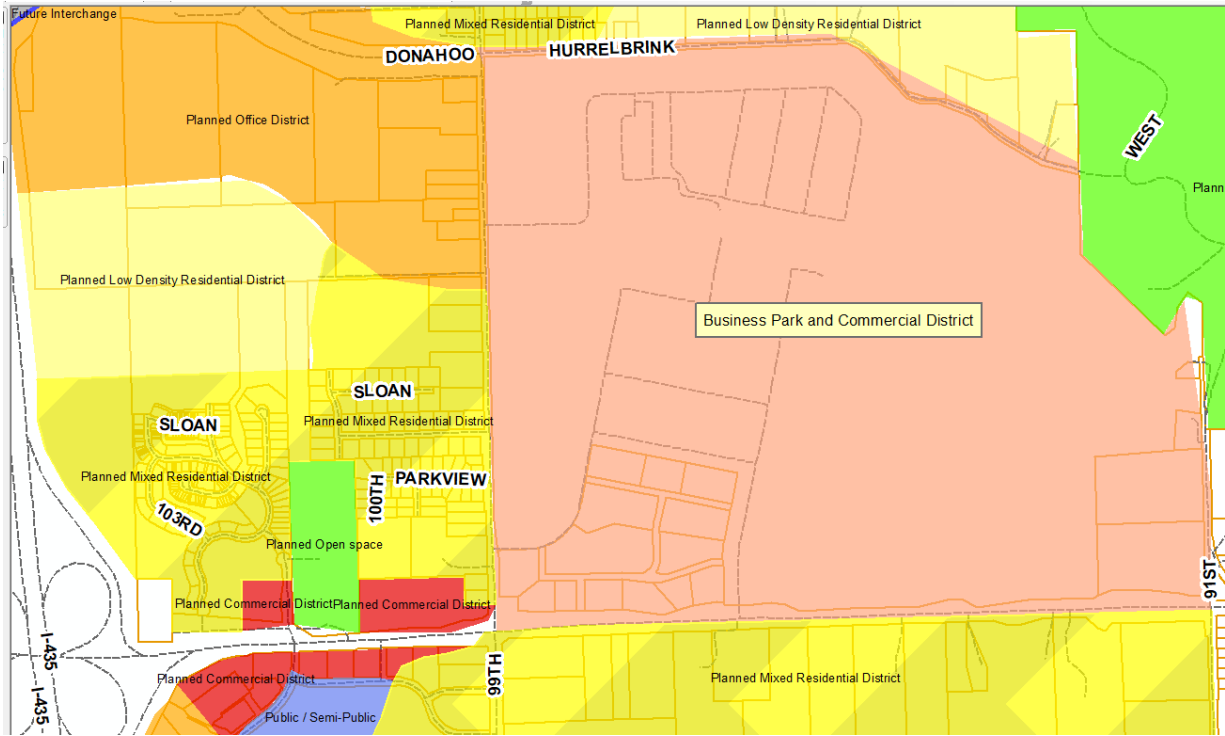


Figure 3. Prairie Delaware Piper Master Plan Land Use Map (provided by ArcMap).

STAFF COMMENTS AND SUGGESTIONS

Planning and Urban Design Comments:

- 1.** Does this vacation request impact the sidewalk on Leavenworth Road or the pedestrian crossing at the main entrance?
The R/W vacation does not impact the sidewalk and pedestrian crossing on Leavenworth Road.
- 2.** 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.
Acknowledged, the applicant will pay the necessary fees.
- 3.** The City of Kansas City, Kansas reserves to itself the right to, at any time after the effective date of this ordinance, reenter or permit a public utility to reenter that portion of said tract of land hereby vacated for the purpose of repairing installing, constructing or reconstructing any public utilities, including, but not limited to sewers, conduits, electric light pole lines, etc. that are now or may hereafter be installed in the tract of land hereby vacated.
Acknowledged.
- 4.** Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets,
Acknowledged.

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and Retaining Walls, as applicable.

Planning Engineering Comments:

- A)** Items that require plan revision or additional documentation before engineering can recommend 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.
Acknowledged. We have worked with staff to address questions and comments.
- 2)** The County Surveyor makes separate technical review of the plat documents and submits comments directly to the preparer of the plat. Provide revised plat documents in accordance with County Surveyor comments.
Acknowledged. We have worked with the county surveyor to address questions and comments.
- 3)** Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.
Acknowledged.
- 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.

