



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: March 13, 2023
Re: **Vacation Petition #VAC2023-001**

GENERAL INFORMATION

Applicant:
Ryan Simpson

Status of Applicant:
Representative
Olsson Associates
2111 South 67th Street, Suite 200
Omaha, Nebraska 68106

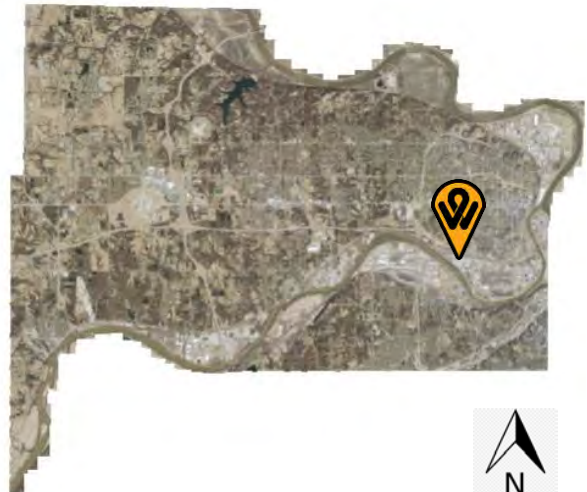
Requested Actions:
Approval of a Vacation of right-of-way.

Date of Application:
February 21, 2023

Purpose:
To vacate the right-of-way adjacent to the property in order to privatize the roadway for the expansion of the Union Pacific Intermodal facility. To dedicate new Right-of-Way for public access to Levee Trail.

Property Location:
2600 Bayard Avenue
Kansas City, Kansas 66105

Commission Districts:
Commissioner At-Large, District #2:
Tom Burroughs
District #2 Commissioner: Brian McKiernan



Existing Zoning:	M-3 Heavy Industrial District
Adjacent Zoning:	North: BNSF Railroad Right-of-Way South: M-3 Heavy Industrial District East: M-3 Heavy Industrial District West: M-3 Heavy Industrial District
Adjacent Uses:	North: Union Pacific Railway South: Towing Company East: Vacant Railway Station West: Union Pacific Railway
Total Tract Size:	.496 Acre
Master Plan Area:	The Subject Property is within the Armourdale Area Master Plan.
Master Plan Designation:	The Armourdale Master Plan does not specifically designate this property's land use, however, its adjacent uses are designated as Industrial. Industrial uses include processing, manufacturing, fabrication, distribution, salvage, outdoor storage, and commercial support businesses, such as truck stops and service stations. Residential uses are discouraged.
Major Street Plan:	The City-Wide Master Plan designates Bayard Avenue as a Local Street. There are proposed improvements to expand parts of Bayard Avenue to accommodate larger traffic but that is outside the scope of this report.
Parking Requirement:	M-3 District: Section 27-470(f) requires one (1) parking space for every 500 square feet of building area. There is no building proposed on this development, thus no parking is required.
Advertisement:	<u>The Wyandotte Echo</u> – February 16, 2023 Letters to Property Owners – February 17, 2023
Public Hearing:	March 13, 2023
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The Applicant, Ryan Simpson DBA Olsson, is seeking approval for the vacation of the Right-of-Way at 2600 Bayard Avenue. The subject property is a roadway that runs parallel to the Union Pacific Railroad tracks that lie South of City Park and Interstate I-70. The Vacation has been requested to privatize the roadway as part of the construction of a detention pond with a controlled access gate for the Union Pacific Railroad Company as part of a larger improvement project. An additional portion of the property has been dedicated for public Right-of-Way as an alternative route to reach the Levee Trail, which was previously accessed via the area requested to be vacated.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765 and Article VII Sections 27-454 – 27-457, Sections 27-592 – 27-606.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. The current property owner has received no noise or disturbance complaints.

Building or Code Enforcement Complaints:

1. The subject property currently has no outstanding code violations. There were several violations on the property with a prior owner that are now alleviated.

Outstanding or Related Permits and Cases:

1. The current property owner has no outstanding Building Permits.
2. The current property owner has no outstanding Code Inspection Cases.

FACTORS TO BE CONSIDERED

1. Neighborhood character.

The neighborhood is industrial in character. Streets are often a combination of asphalt, concrete, or gravel with vast open spaces. Parcels are lined with various large trees and brush against open grasses, with few improvements to sidewalks, curbs, or stormwater. This block portion of Bayard continues to run adjacent to the Proctor & Gamble manufacturing and distribution plant.

2. 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.

The subject property borders between the large Union Pacific Railroad Matoon Creek Yard and the adjacent industrial parcels. This tract is being used as an informal accessway between the industrial parcels and the material stockpile of

earthwork materials. South 26th Street is informally connected to Bayard Road through a forged gravel roadway, although it is important to note that this informal roadway bisects the adjacent parcel and is not an officially designated street by Public Works. The current design of the vacation is designed to formalize an access road as the primary access to the parcel, however, it gives no public frontage to the property. To address this and avoid conflicts with frontage and to provide continuous access to Levee Trail, the applicant is dedicating the southern portion of the property back to the Unified Government. This will create an alternate route to Levee trail and will provide access to adjacent parcels.

3. 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.

There will be no change in the arrangement of buildings, parcels, streets, or otherwise with this vacation that would affect adequate light, open space, or air as currently designed. The vacation includes parcel design that provides frontage to the adjacent parcel to the south to hold future real estate values and to ensure the property receives the opportunity of fire protection, should this property be redeveloped in the future. The additional dedication of land back to the Unified Government will provide Levee Trail Access.

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

There may be some change to the topography and natural features of the land and vegetation, as the roadway is proposed to be privatized as part of a detention pond construction. The applicant will provide more details to the development of the detention pond for evaluation, including stormwater and soil conservation efforts, as part of the larger development application through the Development Review Committee Process.

5. 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 will be no change in accessibility for schools, parks, playgrounds, or other community services as this is an existing built-out industrial district.

6. Vacation will not create utility conflicts.

The adjacent parcels have a septic system and no public utility access, although future development may require the replacement of a septic system with a formal sewer connection. The elimination of the frontage of the adjacent parcel may diminish this property's ability to connect to future utilities as there will be no public right-of way, although this is remedied through the creation of the new dedicated right-of-way at the south of the parcel.

NEIGHBORHOOD MEETING

A neighborhood meeting is not required to be held for a vacation application.

KEY ISSUES

Levee Trail Access
Neighborhood Character
Right-of-Way
Parcel Access
Land Use
Traffic
Site Access
Utility Access

STAFF COMMENTS AND SUGGESTIONS

Planning and Urban Design Comments:

General:

1. An access agreement with the Kaw Valley Drainage District shall be maintained.
2. Construction and access shall be coordinated with the Kaw Valley Drainage District and associated parties or contractors to ensure smooth transition and access to any roadway construction.

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 recommends **APPROVAL** of Petition **VAC2023-001** subject to all comments and suggestions outlined in this staff report, and summarized by the following conditions:

1. An access agreement with the Kaw Valley Drainage District shall be maintained;
2. Construction and access shall be coordinated with the Kaw Valley Drainage District and associated parties or contractors to ensure smooth transition and access to any roadway during construction phases;
3. A Right of Way Permit is Required. Please contact the Public Works Department at (913) 573-5311 to begin this process;
4. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
5. A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) Permit. Any improvements to, construction or alteration of: sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by info@wycokck.org prior to construction to arrange this meeting;
6. 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; 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

Zoning Map
 Aerial Map
 Land Use Map
 Vacation Exhibits
 Staff Site Visit Photos dated October 22, 2023

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Unified Government Board of Commissioners</u>
Public Hearing Vacation	March 13, 2023	March 30, 2023

STAFF CONTACT: **Kallie McLaughlin**
 kdmclaughlin@wycokck.org

MOTIONS

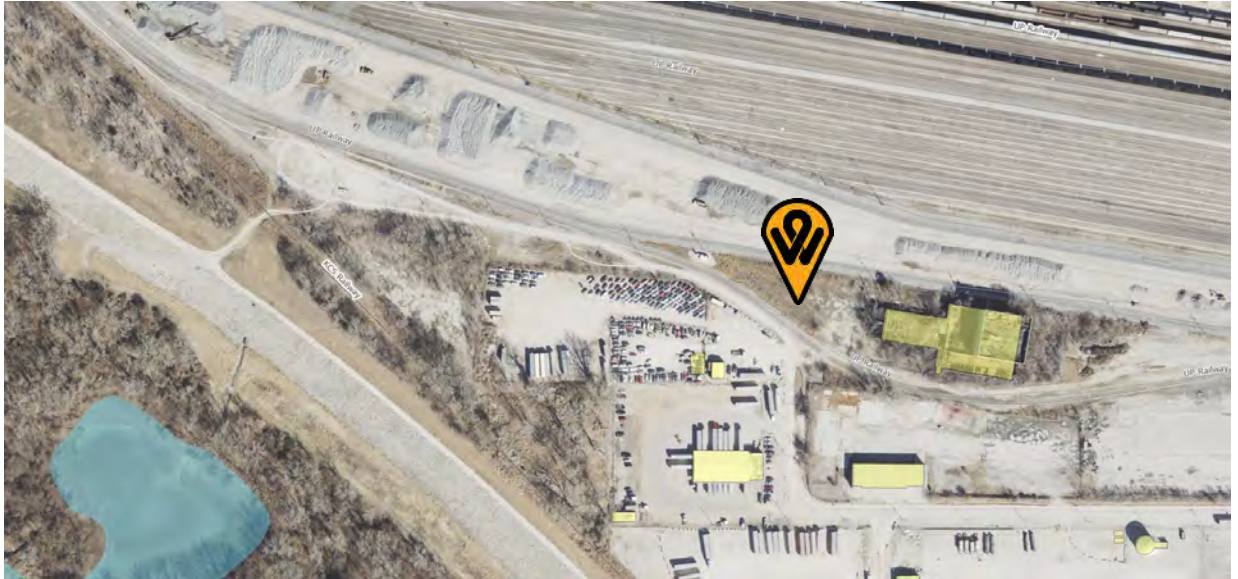
I move the Kansas City, Kansas City Planning Commission **RECOMMEND APPROVAL** of Petition **VAC2022-008** to the Unified Government Board of Commissioners as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications 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. _____.

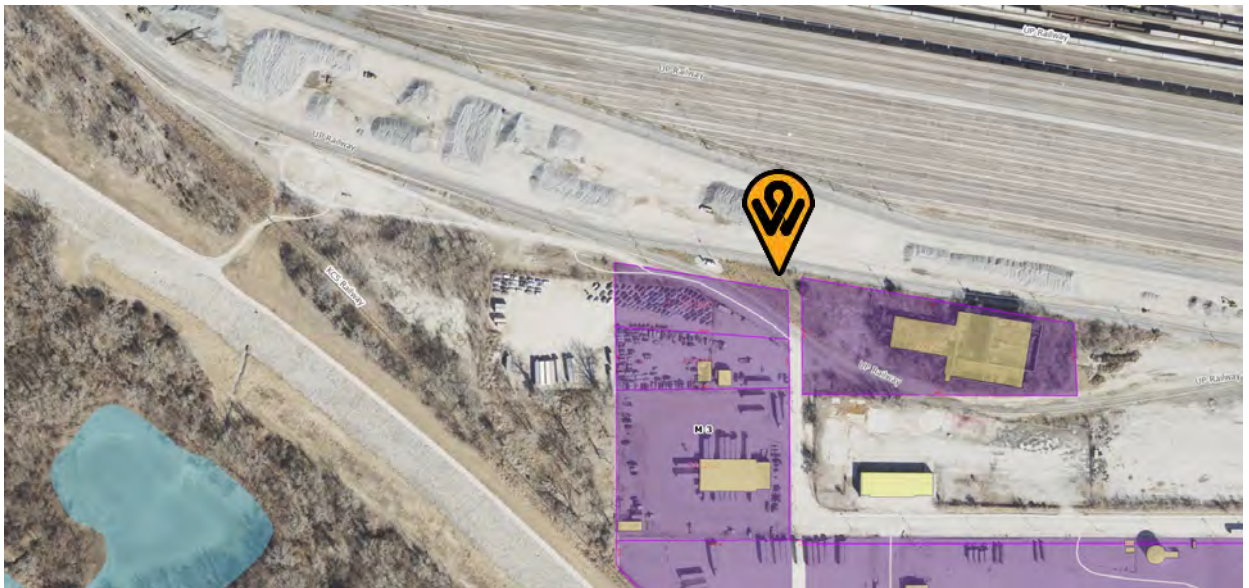
OR

I move the Kansas City, Kansas City Kansas Planning Commission **RECOMMEND DENIAL** of Petition **VAC2022-008** to the Unified Government Board of Commissioners as it is not in compliance with the City Ordinances and as it will not promote the health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

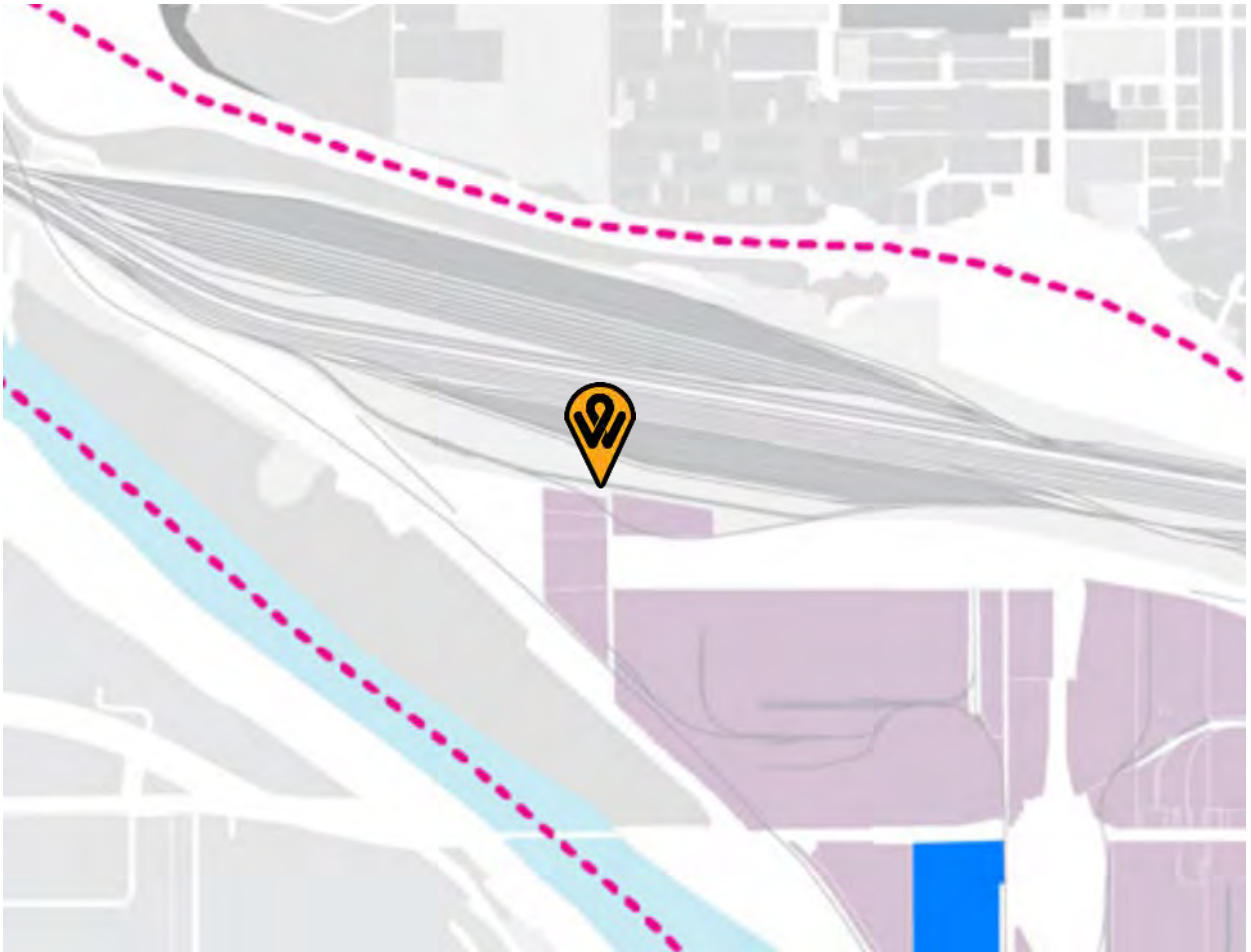
AERIAL MAP



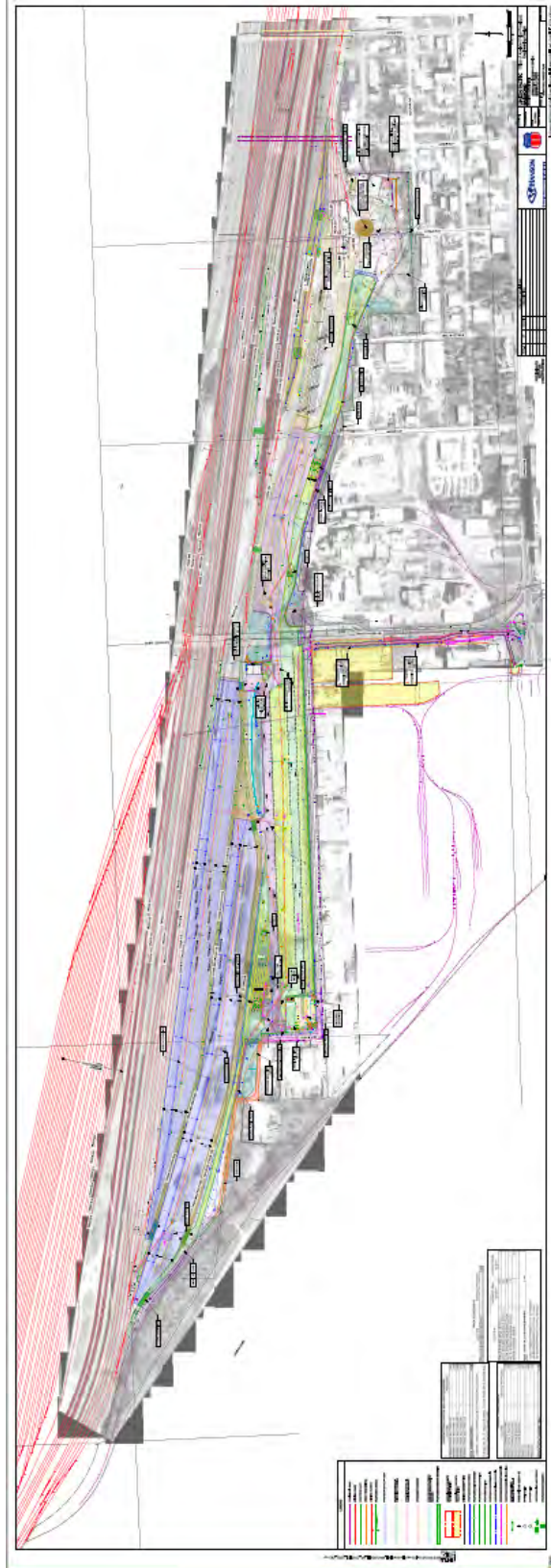
ZONING MAP



LAND USE MAP

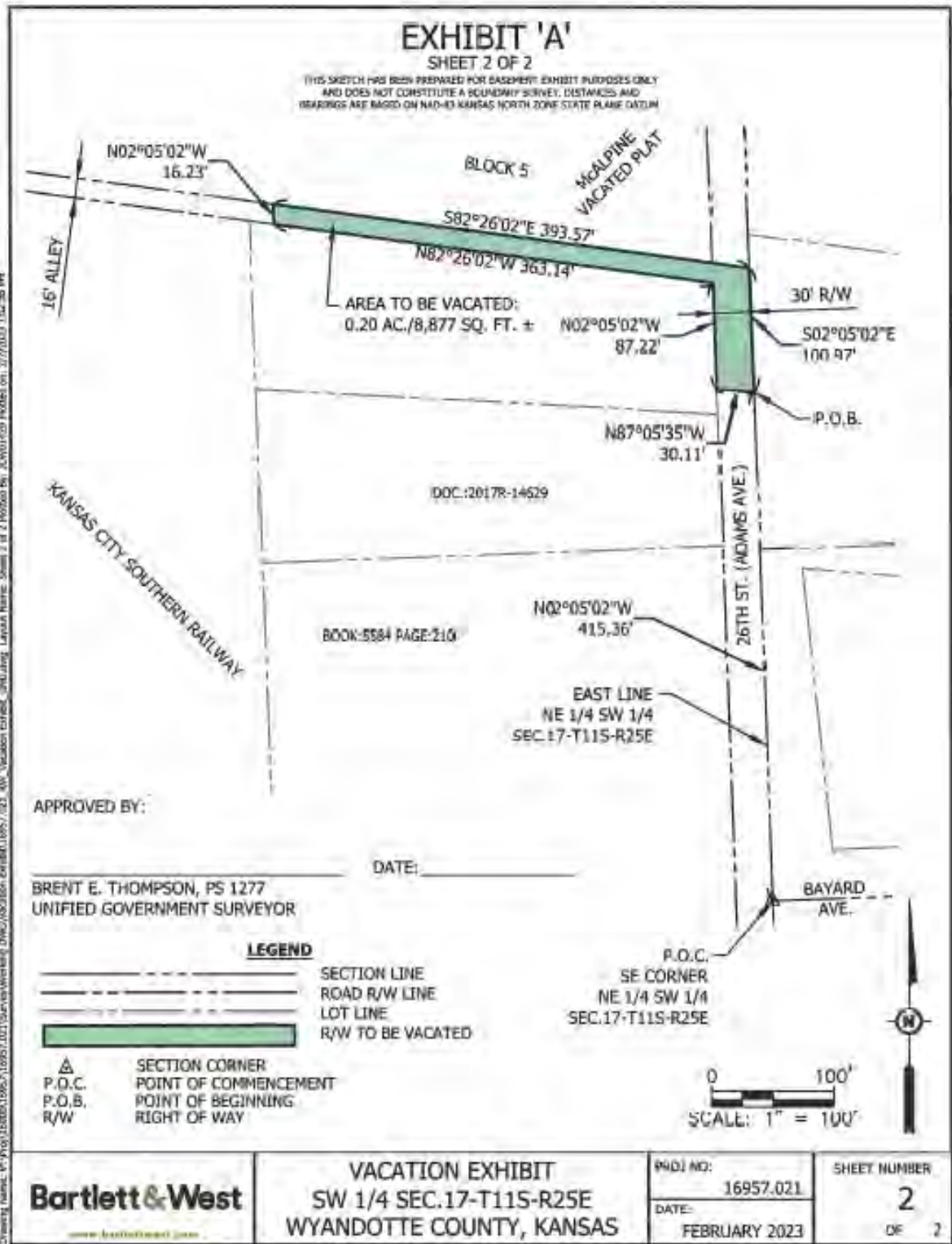


VACATION EXHIBITS



Note: Full Development Concept Map

VACATION EXHIBITS



Note: Full exhibit is available upon request.

VACATION EXHIBITS



Note: Full exhibit is available upon request.

STAFF SITE VISIT PHOTOS DATED OCTOBER 22, 2022



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