

COMMUNITY PROJECT/ZONING

Ordinance Fact Sheet

Case No. 1673-V

Brief Title

“To vacate portions of Bennington Avenue and E. 21st Street.”

Details

GENERAL LOCATION

North of E. 23rd Street Trafficway, east of the J.A. Rogers Elementary School and a mile west of Interstate 435.

PLAN REVIEW/ANALYSIS

The street rights of way to be vacated lie north of E. 23rd Street Trafficway, just east of the J.A. Rogers Elementary school and about a mile west of Interstate 435. There are two street portions proposed to be vacated. The first is Bennington Avenue from E. 19th Street on the north to its terminus on the south, which is where it intersects with E. 23rd Street Trafficway. The second piece is E. 21st Street from its intersection with Bennington Avenue on the west to where it meets the remainder of E. 21st Street on the east, which was previously vacated. All of the roads are essentially “paper” streets that were never constructed. All of the land immediately surrounding the proposed streets is vacant, but some residential development is found on the northern fringe. There is no access to the constructed E. 23rd Street Trafficway or to the constructed Bennington Avenue north of E. 19th Street.

The applicant wishing to vacate these streets owns most of the property abutting the rights-of-way. The Kansas City, MO School District owns one parcel abutting the streets. The only consent received to vacate these streets was from Clarkson Construction. The School District was asked to consent to the vacation but declined the request. The School District was not informed as to the future development intent, and this was the reason for not giving consent. The City’s Code requires that consent of the owners of ¾ of the property fronting the proposed vacation be acquired for the vacation to pass. Clarkson Construction owns 85% of the property fronting the proposed vacation.

All utility comment sheets have been obtained, and all but three utilities had no objection. KCP&L, Time Warner Cable and KCMO Water Services all objected on the premise that easements should be retained.

The streets being vacated have never been constructed and do not connect to any other roads in the City of Kansas City. The vacation of these streets will not cause any traffic issues within the City of Kansas City and does not harm individual rights.

RECOMMENDATIONS:

Staff recommended approval of Case No. 1673-V with the following condition:

1. That a full-width utility easement be retained.

The City Plan Commission recommended approval on March 4, 2014, with 1 condition.

Reason

Positions/Recommendations

SPONSORS	Bob Langenkamp, AICP Director, City Planning and Development
AREA AFFECTED	Council District 3 (Reed, Curls) School District Kansas City Missouri
APPLICANTS/ PROPOSERS	Mark Webster Lathrop & Gage, LLP – applicant 10851 Mastin Blvd., Suite 1000 Overland Park, KS 66210
OPPONENTS	Groups or Individuals None. Basis of opposition N/A
STAFF RECOMMENDATIONS	<input checked="" type="checkbox"/> For with conditions <input type="checkbox"/> Against Reason Against
BOARD OR COMMISSION RECOMMENDATION	City Plan Commission 3-4-14 Vote results 7-0: Baker Hughes, Gutierrez, Krum, Martin, May, Van Zandt and Macy. Absent: Archie <input type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> no action taken <input checked="" type="checkbox"/> For, with revisions or conditions (see details column for conditions)
COUNCIL COMMITTEE ACTIONS	<input type="checkbox"/> Do pass <input type="checkbox"/> Do pass (as amended) <input type="checkbox"/> Committee Sub. <input type="checkbox"/> Without Recommendation <input type="checkbox"/> Hold

140231

Ordinance Number

Details

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Policy/Program Impact

POLICY OR PROGRAM CHANGE	<input type="checkbox"/> No <input type="checkbox"/> Yes
OPERATIONAL IMPACT ASSESSMENT	

Finances

COST & REVENUE PROJECTIONS -- INCLUDING INDIRECT COSTS	<input type="checkbox"/> No <input type="checkbox"/> Yes
OPERATIONAL IMPACT ASSESSMENT	
FUND SOURCE(S) AND APPROPRIATION ACCOUNT CODES	

Plan Submitted
January 27, 2014

for CPC of
March 4, 2014

Final CPC
March 4, 2014

Revised Plans Received
N/A

Projected Start Date
Not stated

Projected Completion or Occupancy Date

Fact Sheet Prepared by:
Sarah Anzicek, AICP, Staff Planner, Development Management Division

Date:
March 5, 2014

Reviewed by:
Diane Binckley, AICP, Manager, Development Management Division

Date:
March 5, 2014

Reference or Case Numbers: Case No. 1673-V