

CITY PLAN COMMISSION STAFF REPORT

City of Kansas City, Missouri
City Planning & Development Department
www.kcmo.gov/cpc

December 19th, 2023

5900 MLK BLVD VACATION Project Name

Docket #4

Request

CD-ROW-2023-00043 Vacation of ROW

Applicant

Husnain Qaiser Midwest Fuels

Location 5900 Dr. MLK Jr. Blvd Area About 0.1 acres **Zoning** B3-2, R-7.5

Council District3rdCountyJacksonSchool DistrictRaytown 150

Surrounding Land Uses

North: Vacant, zoned R-7.5 South: Outdoor Sales, zoned B3-2

East: Outdoor Sales, zoned B3-2 **West:** Auto Repair, zoned B3-2, R-5

Major Street Plan

The City's Major Street Plan does not identify Bellaire at this location

Land Use Plan

The Blue Ridge Area Plan recommends Mixed Use Community/Open Space Buffer uses for the subject property.

APPROVAL PROCESS



PROJECT TIMELINE

The application for the subject request was filed on October 12th, 2023.

Scheduling deviations from 2022 Cycle U have occurred.

Applicant had to gather Utility Comment sheets.

NEIGHBORHOOD AND CIVIC ORGANIZATIONS NOTIFIED

A public hearing notification is not required for Vacations therefore notice is not sent.

REQUIRED PUBLIC ENGAGEMENT

Public engagement as required by 88-505-12 does not apply to this request.

EXISTING CONDITIONS

This is a vacant alley with public infrastructure in the alley. To the north is a vacant parcel. To the south is outdoor auto sales that is no longer in use.

SUMMARY OF REQUEST + KEY POINTS

The applicant is seeking approval of a vacation of public right of way in District B3-2 (Business three dash two) on about 0.1 acres generally located at the corner of Bellaire Rd and Sni-A-Bar rd.

PROFESSIONAL STAFF RECOMMENDATION

Docket #4 Recommendation: Approval, Subject to Conditions

VACATION REVIEW

This is a vacation of public right of way, off Bellaire Ave, the alley separates two properties to the north and south. The applicant is requesting to vacate the alley, approval would bring the street into more conformance, with the deletion of a dead-end alley. The applicant plans to combine the two lots in order to seek a rezoning for future development. There is currently public sewer in the alley, which Water Services has requested that the sewer line between manholes 5083-103 be abandoned if this vacation is approved. Other private facilities are also in this alley, which have requested easements. No dead ends will be created with the approval of this vacation.

STREET. ALLEY OR PLAT VACATIONS

In order to determine that no private rights will be unreasonably injured or endangered by the vacation and the public will suffer no unreasonable loss or inconvenience, the city planning and development director, city plan commission, and city council must consider at least the following factors:

88-560-10-A. All property owners adjacent to the right-of-way shall have legal access to another public right-of-way. Such access shall be physically feasible and shall not result in an unreasonable burden or unsafe conditions on the alternate right-of-way.

This right of way vacation is for the eastern alley on the block bounded by Bellaire Ave. All adjacent property owners will retain legal access to public right-of-way.

88-560-10-B. The retention of the public right-of-way or subdivision serves no current purposes and no future useful public purpose is anticipated.

The alley in question does not serve any current or future public purpose other than general alley-connectivity.

88-560-10-C. The vacation will not result in a violation of 88-405.

The vacation will not be in violation of 88-405.

88-560-10-D. The vacation shall not disrupt the constructed street network or reduce existing physical connectivity.

The vacation will not disrupt any street network.

88-560-10-E. The vacation shall not result in a dead-end street or alley.

The proposed vacation will not result in a dead-end street or alley, as the entirety of the alley is proposed for vacation.

88-560-10-F. The vacation shall not result in street traffic being routed through an alley.

No traffic will be routed through an alley as a result of this vacation.

88-560-10-G. The vacation shall not vacate half the width of a street or alley.

This vacation will not vacate half the width of any street or alley.

88-560-10-H. The right-of-way to be vacated is not on the Major Street Plan.

The area being vacated is not on the Major Street Plan.

ATTACHMENTS

- 1. Conditions Report
- 2. Applicants Submittal

PROFESSIONAL STAFF RECOMMENDATION

City staff recommends **Approval Subject to Conditions** as stated in the conditions report.

Respectfully Submitted,

furt Smit

Justin Smith

Planner

KANSAS CITY Planning & Dev

Plan Conditions

Report Date: December 14, 2023

Case Number: CD-ROW-2023-00043

Project: 5900 MLK BLVD Vacation

Condition(s) by City Planning and Development Department. Contact Justin Smith at (816)513-8823 / Justin.Smith@kcmo.org with questions.

- 1. That the applicant retains a utility easement and protect facilities for Spire utilities located in the right-of-way.
- 2. That the applicant provides a savings clause to be included in the vacation ordinance.
- 3. That the developer shall abandon in place a portion of the existing 8" VCP sanitary sewer line between manholes 5083-103 and 5083-102. A stub shall remain out of manhole 103 to the east and onto the private property where it is to be capped and location marked for future connection of the private service line to the public main via the stub.
- 4. That the applicant retains a utility easement and protect facilities for AT&T utilities located in the right-of-way.



PETITION FOR VACATION OF STREETS, ALLEYS AND PLATS

City Planning & Development Department
City Hall, 414 E. 12° Street, 15° floor; Kansas City, MO 64106-2795
Phone (816) 513-2846 | Fax (816) 513-2838 | www.kcmo.gov/planning

To the Honorable Council of Kansas City, Missouri:

The undersigned, being an owner of real estate fronting and abutting on the portion of the area hereinafter described, for the vacation of which this petition is filed, does hereby petition the Council of Kansas City to pass an ordinance vacating:

All that part of Missouri State Highway No. 9 Right of Way as contained in Blocks 9, 10 and their adjoining street rights of way, Willson Ritchey Addition, a subdivision lying in the Fractional Northwest Quarter of Section 10, Township 50 North, Range 33 West, in Kansas City, Clay County, described as follows:

COMMENCING at the Northeast corner of the Fractional Northwest Quarter of Section 10, Township 50 North, Range 33 West; thence North 88 degrees 59 minutes 27 seconds West along the North line of said Fractional Northwest Quarter of Section 10 a distance of 364.06 feet to a point; thence South 0 degrees 49 minutes 11 seconds West a distance of 1058.99 feet to a point lying on the South right of way line of Missouri State Highway No. 9 as established in Book 1029 at Page 509 and in Book 857 at Page 43, the POINT OF BEGINNING; thence in a Northeasterly direction along a curve to the right whose initial tangent bears North 76 degrees 05 minutes 36 seconds East, having a radius of 235.00 feet, through a central angle of 27 degrees 08 minutes 15 seconds, an arc distance of 111.30 feet to a point; thence South 69 degrees 10 minutes 06 seconds East a distance of 152.23 feet to a point; thence South 65 degrees 24 minutes 29 seconds West a distance of 65.33 feet to a point; thence North 64 degrees 02 minutes 29 seconds West a distance of 371 97 feet to the POINT OF

The undersigned petitioner agrees in consideration of the vacation that if, because of said vacation, any public improvements are to be made, or repaired, or made or repaired by the City on any street, avenue, alley, thoroughfare or public property intersected by the area to be vacated, the cost of such improvements or repairs shall be paid by the undersigned petitioner upon demand from the City.

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Following are the names of the property owners owning or claiming to own all the property abutting said area proposed to be vacated:

Owner's name	Legal description of property	Residence of owner



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Phone (816) 513-2846	Fax (816) 513-2838 www.kcmo.gov/plannir		
Bloyce M Cleaver	EASTWOOD PLAZA	Residence Address:	
	LOTS 3 THRU 8		
(attach additional sheets if required	i)		
Blogge M. Cl	e au le la	Petitioner	
		MERSON-WILSON	
07475.05	Notary Pu	blic - Notary Seal ty - State of Missouri	
	STATE OF Commission Number 20208235 My Commission Expires Aug 5, 2024		
COUNTY OF)		
	in the year 2023 before me, a No.		
	at the persons named on the above in the property set opposite their name		
own all the property abutting said a	area to be vacated.		
Subscribed and sworn to b	pefore me on this 24th day of OC	tober, 20 <u>23</u>	
	Notary Public in and fo	or Said County and State	
Notary Public in and for Said County and State Notary Public Notary Public			
	Notary Public		
My Commission Expires:			
August 5,2024	Case No. 1760-V		
Owner's name	Legal description of property	Residence of owner	
- 0			



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Case No. CD-ROW-2023-00043

In the matter of the vacation of:

Know all men by these presents: That the undersigned, being owners of the real estate described below set opposite our names respectively and immediately adjoining the area for the vacation of which a petition has been filed, do as such abutting owners hereby consent that said area may be vacated in manner and form, as set out in said petition. We severally own the property set opposite our names printed and signed below.

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	by
City Clerk	Deputy

CONSENT OF CORPORATIONS

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Bloyce M Cleaver	5900 BLUE PKY / EASTWOOD PLAZA LOTS 10 TO 13 INCL
(print)	
(signal (Vice) President	EASTWOOD PLAZA LOTS 3 THRU 8
(print)	
(sign) Secretary (if no corporate seal) (also to be notarized)	The state of the second of the
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Corporate seal above	A CONTROL OF THE CONT
(additional sheets attached as requir	III DONNA JIMMENJOH III III
STATE OF	Notary Public - Notary Seal Jackson County - State of Missouri Commission Number 20208235 Ny Commission Expires Aug 5, 2024
COUNTY OF	
personally known, who being by in	before me, appeared Boyce M Cleaver, to me ne personally sworn, did say that He/she is the (Vice) President of a corporation, and that the seal affixed to the te seal of said corporation, and that said instrument was signed and coration by authority of its Board of Directors, and said acknowledged said instrument to be the free act and deed of said
corporation.	241 011 22
Subscribed and sworn to be	fore me on this 24th day of October, 2023
	Notary Public in and for Said County and State
	Donna Dimmerson-Wilson Notary Public
My Commission Expires:	

DONNA JIMMERSON-WILSON Notary Public - Notary Seal Jackson County - State of Missouri Commission Number 20208235 My Commission Expires Aug 5, 2024



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Know all men by these presents: That the undersigned, being owners of the real estate described below set opposite our names respectively and immediately adjoining the area for the vacation of which a petition has been filed, do as such abutting owners hereby consent that said area may be vacated in manner and form, as set out in said petition. We severally own the property set opposite our names printed and signed below.

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City Clerk		Deputv

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Owner's name	Legal description of property



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Corporate seal above	
(additional sheets attached as require	red)
STATE OF	DONNA JIMMERSON-WILSON Notary Public - Notary Seal) Jackson County - State of Missouri Commission Number 20208235 My Commission Expires Aug 5, 2024
personally known, who being by n	2023 before me, appeared Boyce McLeAver, to me ne personally sworn, did say that be/she is the (Vice) President of a corporation, and that the seal affixed to the te seal of said corporation, and that said instrument was signed and coration by authority of its Board of Directors, and said coration by authority of its Board of Directors, and the Board of Directors of Direc
	_ acknowledged said instrument to be the free act and deed of said
corporation.	Oll Molder 22
	fore me on this 24 day of October, 2023
PC NA JIMMERSON-WILSON Notary Public - Notary Seal Jackson County - State of Missouri Commission Number 20208235 My Commission Expires Aug 5, 2024 My Commission Expires:	Notary Public in and for Said County and State Notary Public Notary Public