



CITY PLAN COMMISSION STAFF REPORT

City of Kansas City, Missouri

Department of City Planning and Development
Development Management Division

414 E 12th Street, 15th Floor
Kansas City, Missouri 64108
www.kcmo.org/planning

Project

Vacation of Right of Way at 506 E 31st St

Hearing Date February 15, 2022

Item #	Case	Request
#5	CD-ROW-2021-00031	Vacation

Item #	Staff Recommendation(s)
#5	Approval with conditions

Applicant

Lamin Nyang
Taliaferro & Brown
1020 E 8th St Kansas City, MO 64106

Location	506 E 31 st St
Area	About 0.03 acres
Zoning	UR
Council District	4 th
County	Jackson
School District	KCMO 110

Surrounding Land Uses

North: Commercial, zoned UR
East: Light industrial, zoned M1-5
South: Light industrial, zoned M1-5
West: Commercial and mixed use, zoned M1-5

Land Use Plan

The Greater Downtown Area Plan recommends Downtown Mixed Use land use at this location. The request conforms to this recommendation.

Major Street Plan

Gillham Rd is identified as a boulevard in the Major Street Plan; E 31st St at this location is identified as Commerce/Mixed Use.

APPROVAL PROCESS



PUBLIC HEARING REQUIRED

Yes

NEIGHBORHOOD AND CIVIC ORGANIZATIONS NOTIFIED

Notice of the public hearing was sent to the Longfellow Community Association. **Posted notice by the applicant is also required via signage obtained from City Hall. This requirement was recent reinstated after previous postponement due to Covid-19. The applicant failed to pick up signage from City Hall and post it; however, staff feels this does not affect the case's ability to move forward and request the Commission waive the requirement for this case.**

REQUIRED PUBLIC ENGAGEMENT

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

SUMMARY OF REQUEST

Applicant is seeking approval of a right of way vacation.

PURPOSE

The proposed right of way vacation is to allow for the construction of a previously approved mixed-use development the northeast corner of E 31st St and Gillham Rd.

EXISTING CONDITIONS

The alley connects Gillham Rd to Cherry St. The portion proposed to be vacated is the west portion of the alley abutting vacant land to the north, and an existing building to the south.

NEARBY DEVELOPMENTS

Variety of residential, commercial, and industrial uses. Subject site is nearby Sol Cantina, Mayweather Boxing & Fitness, and 816 Bicycle Collective.

KEY POINTS

- Right of way vacation behind 506 E 31st St.

RELEVANT RELATED CASES

Case No. CD-CPC-2020-00137 – Ordinance No. 210965 -- A request to rezone approximately 0.96 acre generally located at 506 E. 31st Street (northeast corner of E. 31st Street and Gillham Road) from District M-1.5 (Manufacturing 1, Intensifier 5) to District UR (Urban Redevelopment) and approve a development plan for a new structure with 163 multi-family units with amenity space and a restaurant.

PLAN REVIEW

The request for this alley vacation is based on the approved rezoning to UR and corresponding development plan for a mixed use building with 163 residential units, 4,900 square feet of restaurant space, and additional square footage for apartment amenities. The approved plans indicate the need to vacate the alley to accommodate the building footprint. The proposed vacation is approximately 120 feet long and 15 feet wide.

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 a portion of an existing alley connecting Gillham Rd and Cherry St. 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.

Preserving the existing right of way, proposed for vacation, in its current condition does, not serve any current or future public purpose.

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 or physical connectivity.

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. The remaining portion of alley off of Cherry St will turn to the alley running parallel to Cherry St and exit onto E 30th St.

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.

PROFESSIONAL STAFF RECOMMENDATION

The requested vacation of the portion of alley behind 506 E 31st St will not affect any other public rights-of-way and complies with all vacation approval criteria. Therefore, City Planning and Development Staff recommends **approval subject to the conditions** on the following page. Additionally, **staff requests the Commission waive the requirement that the applicant post signage** with the details of the case hearing.

Respectfully Submitted,



Genevieve Kohn
Staff Planner



Plan Conditions

Report Date: February 10, 2022

Case Number: CD-ROW-2021-00031

Project: Levy at Martini Corner

Condition(s) by City Planning and Development Department. Contact Genevieve Kohn at (816) 513-8808 / Genevieve.Kohn@kcmo.org with questions.

1. The developer shall retain utility easement and protect facilities owned and operated by Evergy. (1/13/2022)
2. The developer shall retain an easement or relocate facilities, at the developer's expense, owned and operated by ATT. (1/13/2022)
3. The developer shall retain utility easement and protect facilities owned and operated by Charter. (1/13/2022)
4. The developer shall obtain Service Line Kill Permit for Reg. 85544 and Reg. 82283 prior to issuance of demolition permit or building permit, whichever occurs first. (1/13/2022)
5. The developer shall coordinate with Evergy to provide a source of power to the existing streetlight poles (SBF0267, SBF0269, SBF0270) owned and operated by KCMO Department of Public Works. (1/13/2022)



UTILITY/AGENCY COMMENTS VACATION OF STREETS, ALLEYS AND PLATS

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

CASE NO. CD-ROW-2021-000

UTILITY CO. Evergy

Be it known that MW Development Enterprises, LLC, being owners of real estate abutting on the below described street, alley or plat desires to petition the City of Kansas City, Missouri to pass an ordinance vacating:

Case No. CD-ROW-2021-00031 - A request to vacate a portion of an alley in District UR generally located north of E. 31st Street in between Oak Street to the west and Gillham Road to the east.

for the following purpose: CONSTRUCTION OF LEVY AT MARTINI CORNER

REDEVELOPMENT

1. Our utility/agency has facilities or interest within this right of way:

- Yes (proceed to #2)
- No (form complete)

2. Our utility/agency:

- has no objections
- objects to the vacation and will not waive objection under any conditions (describe below)
- will waive objections subject to the following conditions (describe below)
 - Retain utility easement and protect facilities
 - Relocate facilities
 - Other: _____

- Please discuss objections or conditions with applicant and/or City Staff Prior to returning this form.
- Please return this form to the applicant within 30 days.

AMAR CHEEMA

Authorized Representative

12/01/2021

Date

Return this form to:

Lamin Nyang

Applicant Name

816-283-3456

Phone

1020 E 8th Street

Kansas City, MO 64106

Address

lnyang@tb-engr.com

Email



UTILITY/AGENCY COMMENTS VACATION OF STREETS, ALLEYS AND PLATS

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CASE NO. CD-ROW-2021-00031

UTILITY CO. ATT

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for the following purpose: CONSTRUCTION OF LEVY AT MARTINI CORNER REDEVELOPMENT

1. Our utility/agency has facilities or interest within this right of way:

- Yes (proceed to #2) No (form complete)

2. Our utility/agency:

- has no objections
objects to the vacation and will not waive objection under any conditions (describe below)
will waive objections subject to the following conditions (describe below)
Retain utility easement and protect facilities
Relocate facilities
Other:

ATT HAS CABLE, MANHOLE AND A DUCT PACKAGE IN TEH AREA OF THE VACATE. ATT WILL WAIVE OBJECTIONS IF AN EASEMENT REMAINS FOR THE FACILITIES OR FACILITIES ARE RELOCATED AT PARTITIONERS EXPENSE

- Please discuss objections or conditions with applicant and/or City Staff Prior to returning this form.
Please return this form to the applicant within 30 days.

RUSSELL CROFT

Russell Croft

Authorized Representative

12/14/21

Date

Return this form to:

Lamin Nyang

Applicant Name

816-283-3456

Phone

1020 E 8th Street

Kansas City, MO 64106

Address

lnyang@tb-engr.com

Email



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CASE NO. CD-ROW-2021-000

UTILITY CO. Spire

Be it known that MW Development Enterprises, LLC, being owners of real estate abutting on the below described street, alley or plat desires to petition the City of Kansas City, Missouri to pass an ordinance vacating:

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 Retain utility easement and protect facilities
 Relocate facilities
 Other: _____

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- Please return this form to the applicant within 30 days.

Johnny Strauss - ROW Representative for Spire

10/28/2021

Authorized Representative

Date

Return this form to:

_____	_____
Applicant Name	Phone
_____	_____
Address	Email

Signature: Jose Arellano
Jose Arellano (Oct 25, 2021 06:48 CDT)

Email: jose.arellano@spireenergy.com

Signature: Julie King
Julie King (Oct 28, 2021 08:20 CDT)

Email: julie.king@spireenergy.com



UTILITY/AGENCY COMMENTS VACATION OF STREETS, ALLEYS AND PLATS

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CASE NO. CD-ROW-2021-000

UTILITY CO. Charter

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- Yes (proceed to #2)
- No (form complete)

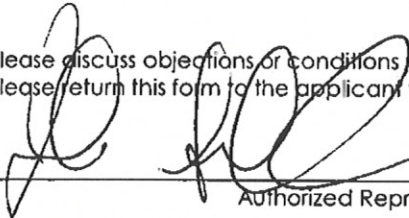
2. Our utility/agency:

- has no objections
- ~~objects to the vacation and will not waive objection under any conditions (describe below)~~
- will waive objections subject to the following conditions (describe below)
 - Retain utility easement and protect facilities
 - Relocate facilities
 - Other: _____

MARKED BOX INCORRECTLY. CHARTER NEEDS TO RETAIN UTILITY EASEMENT FOR THE AERIAL POLES ON THE SOUTH SIDE OF THE ALLEY

ADD 1/13/2022

- Please discuss objections or conditions with applicant and/or City Staff Prior to returning this form.
- Please return this form to the applicant within 30 days.


Authorized Representative
12/6/21
Date

Return this form to:	
<u>Lamin Nyang</u> Applicant Name	<u>816-283-3456</u> Phone
<u>1020 E 8th Street</u>	
<u>Kansas City, MO 64106</u> Address	<u>lnyang@tb-engr.com</u> Email



UTILITY/AGENCY COMMENTS VACATION OF STREETS, ALLEYS AND PLATS

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CASE NO. CD-ROW-2021-00031

UTILITY CO. KCMO Water Services Department

Be it known that MW Development Enterprises, LLC being owners of real estate abutting on the below described street, alley or plat desires to petition the City of Kansas City, Missouri to pass an ordinance vacating:

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- Retain utility easement and protect facilities
- Relocate facilities
- Other:

It Reg. # 85544 and Reg # 82283 are killed prior to the vacation.

- Please discuss objections or conditions with applicant and/or City Staff Prior to returning this form.
- Please return this form to the applicant within 30 days.

Charles W. Ringer
Authorized Representative

10/20/2021
Date

Return this form to:

Lamin Nyang

Applicant Name

816-283-3456

Phone

1020 E 8th Street

Kansas City, MO 64106

Address

lnyang@tb-engr.com

Email



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CASE NO. **CD-ROW-2021-0031**

UTILITY CO. KCMO Fire Department

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[Signature]
Authorized Representative

11/1/21
Date

Return this form to:

Lamin Nyang

Applicant Name

816-283-3456

Phone

1020 E 8th Street

Kansas City, MO 64106

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Lnyang@tb-engr.com

Email



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CASE NO. CD-ROW-2021-00031

UTILITY CO. KCMO Public Works Department

Be it known that MW Development Enterprises, LLC, being owners of real estate abutting on the below described street, alley or plat desires to petition the City of Kansas City, Missouri to pass an ordinance vacating:

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 - Other: _____

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- Please return this form to the applicant within 30 days.

Jeff Bray

Authorized Representative

10/29/21

Date

Return this form to:

Lamin Nyang

Applicant Name

816-283-3456

Phone

1020 E 8th Street

Kansas City, MO 64106

Address

lnyang@tb-engr.com

Email



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 - Relocate facilities
 - Other: See email

- Please discuss objections or conditions with applicant and/or City Staff Prior to returning this form.
- Please return this form to the applicant within 30 days.

Octavio Moncada
Authorized Representative

10/20/2021
Date

Return this form to:

Lamin Nyang
Applicant Name

816-283-3456
Phone

1020 E 8th Street

Kansas City, MO 64106
Address

lnyang@tb-engr.com
Email

January 11, 2022

City Planning & Development
15th Fl., City Hall
414 E 12th St.
Kansas City, MO 64106

Re: The Levy At Martini Corner – Partial Alley Vacation Request
Case No. CD-ROW-2021-00031
T&B Job. No. 77-1580

Dear Sir/Madam,

Taliaferro & Browne has completed UR Rezoning Plan (Case No. CD-CPC-2020-00137) that will provide new building structure for 163 multi-family units with amenity space and a restaurant at the northeast corner of 31st Street and Gillham Road intersection.

The new building will be constructed on the existing alley. The Developer is requesting partial vacation of the alley on the project site where the building will be constructed. The easement rights can be retained after the alley is vacated. The utilities in the portion of the alley to be vacated will be removed or relocated and the easement released later.

We hope this letter of purpose and the attached documents provide the necessary information to evaluate the alley. We would appreciate your timely attention to this project.

If you have any questions or need additional information, please contact me.

VERY TRULY YOURS
TALIAFERRO & BROWNE, INC.



Lamin Bumi Nyang, PE
Senior Project Manager

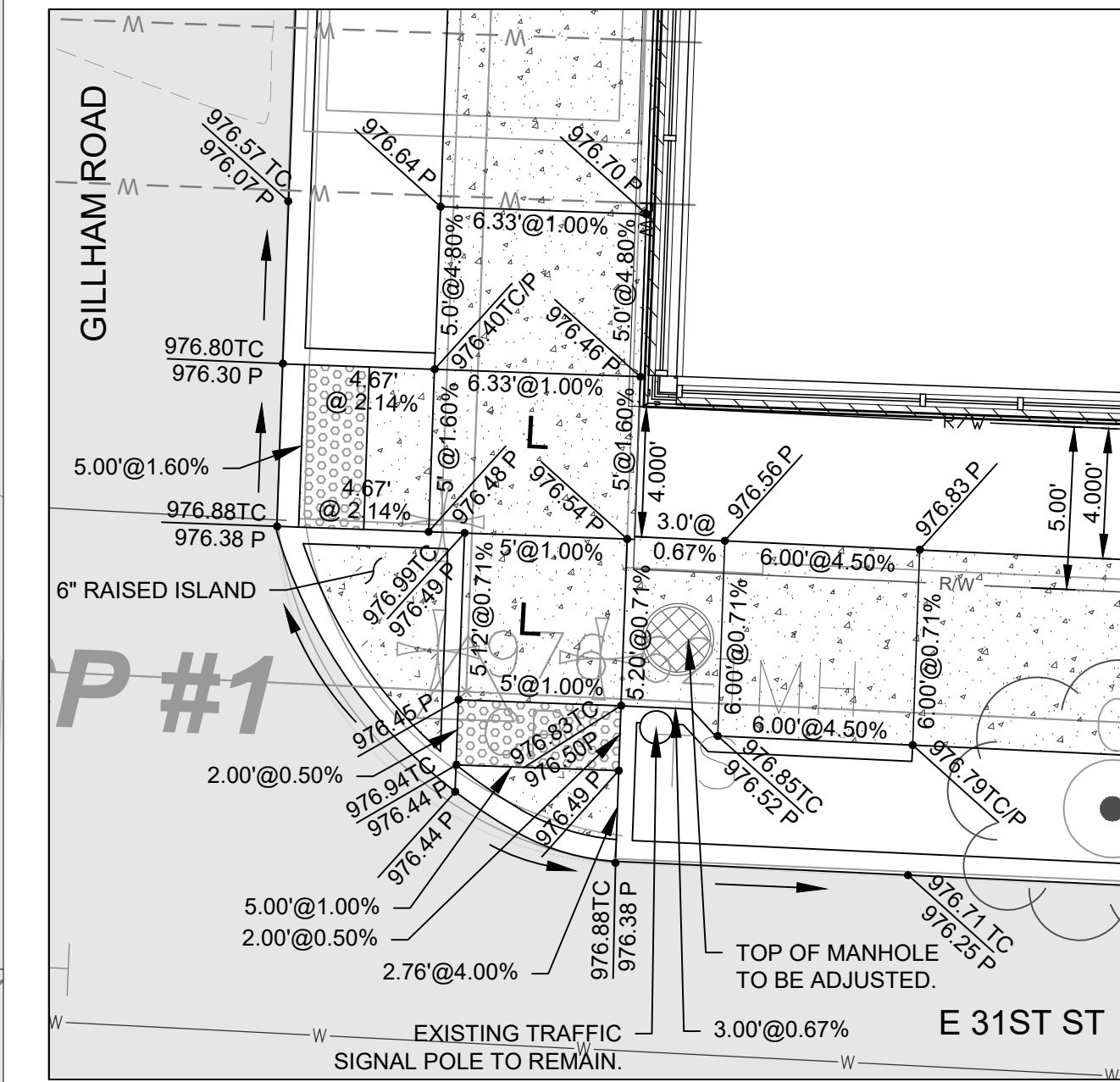
Attachments:
Site Plan



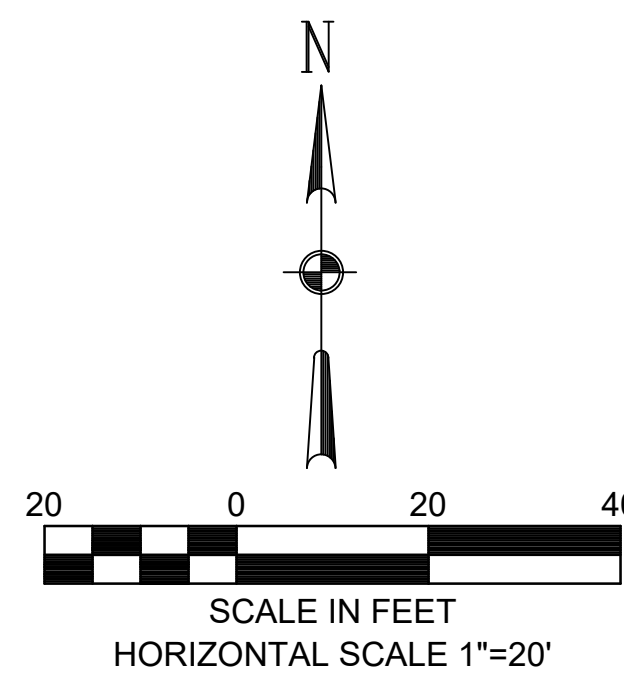
SITE KEYNOTES #

- A. UNDERGROUND DETENTION BASIN. REQUIRED STORAGE VOLUME 5249 CUBIC FEET.
 - B. OUTLET CONTROL STRUCTURE
 - C. STORM SEWER 18" LINE
 - D. STORM SEWER 4" LINE.
 - E. SANITARY 6" SERVICE
 - F. 4" SAMPLING MANHOLE.
 - G. DOMESTIC SERVICE 6". THIS SERVICE MAY BE RELOCATED TO 31ST STREET DEPENDING ON FLOW TEST RESULTS.
 - H. FIRE PROTECTION 6". THIS SERVICE MAY BE RELOCATED TO 31ST STREET DEPENDING ON FLOW TEST RESULTS.
 - I. WATER METER
-
- a. EXISTING 21" BRICK SEWER
 - b. EXISTING 28" BRICK SEWER
 - c. EXISTING 32" BRICK SEWER
 - d. EXISTING 8" SANITARY SEWER TO BE ABANDONED
 - e. EXISTING 6" CIP WATER MAIN
 - f. EXISTING 10" CIP WATER MAIN

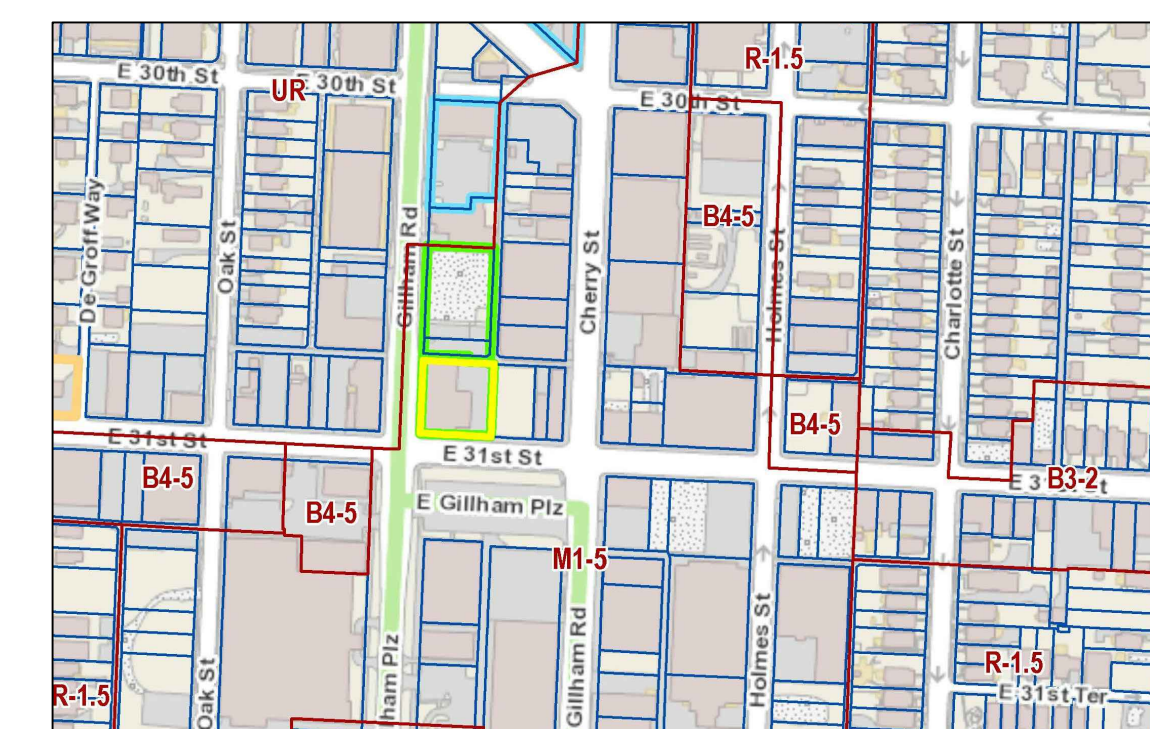
- 1. PROPOSED BUILDING
- 2. TRASH ENCLOSURE
- 3. 24' WIDE TYPE D2 TYPE 6 DRIVE APRON
- 4. SIDEWALK/CONCRETE
- 5. PARKING STRIPE
- 6. PROPOSED STREET TREE FROM APPROVED STREET TREE LIST
- 7. PROPOSED SHORT TERM BICYCLE PARKING
- 8. POOL/OUTDOOR AMENITY
- 9. R10-11B NO TURN ON RED SIGN (BY OTHERS)
- 10. CYCLE TRACK PAVEMENT MARKINGS (BY OTHER) COORDINATE WITH KCMO PUBLIC WORKS DEPARTMENT



ADA RAMP DETAIL
SCALE 1" = 5'



CURRENT ZONING:



Levy at Martini Corner
Development Plan

500 E. 31st Street

Kansas City, MO 64108

rev	issue	date
	Development Plan	08.21.2020

19.05.Levy at Martini Corner

PROPOSED CONDITIONS

SHEET C1-03



CONSENT TO VACATION OF STREETS, ALLEYS AND PLATS

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Phone (816) 513-2846 | Fax (816) 513-2838 | www.kcmo.gov/planning

CONSENT OF LIMITED LIABILITY COMPANIES

CD-ROW-2021-000

Owner's name	Legal description of property
Martini Corner Housing Qozb LLC	S 29.3 FT OF E 120.95 FT LOT 18 BENTLEYS SPRINGFIELD ADD TOGETHER WITH; 500-506 E 31ST ST BENTLEYS SPRINGFIELD ADD LOTS 19 THRU 22 & E 27.8 FT LOT 23

(additional sheets attached as required)

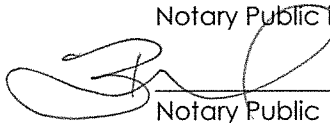
STATE OF MO)
COUNTY OF Jackson) ss.

On this 21 day of Oct, 2021 before me, a Notary Public in and for said state, personally appeared Garrison Hassen who being by me duly sworn did say that he/she is the managing member of Jackson, a MO limited liability company, and that the within instrument was signed and sealed in behalf of said limited liability company by authority of its members, and acknowledged said instrument to be the free act and deed of said limited liability company for the purposes therein stated.

BM
Martini Corner Housing Qozb LLC

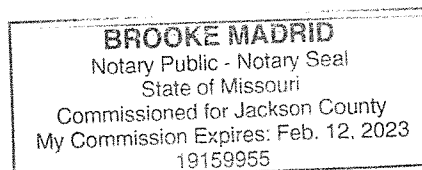
Subscribed and sworn to before me on this 21 day of Oct, 2021

Notary Public in and for Said County and State


Notary Public

My Commission Expires:

2/12/23





PETITION FOR VACATION OF STREETS, ALLEYS AND PLATS

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

CD-ROW-2021-000

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

Table with 3 columns: Owner's name, Legal description of property, Residence of owner. Contains two entries for Martini Corner Housing Qozb LLC.

(attach additional sheets if required)

Handwritten signature of the petitioner over a horizontal line, with the word 'Petitioner' printed below.

STATE OF MO)
COUNTY OF Jackson) ss.

On this 21 day of Oct in the year 2021, before me, a Notary Public in and for said state, personally appeared Garrison Hassen FK known to me to be the person who executed the within instrument and acknowledged to me that he/she executed the same for the purposes therein stated, and that he/she knows personally that the persons named on the above and foregoing petition are the persons owning or claiming to own the property set opposite their names, and that they own or claim to own all the property abutting said area to be vacated.

Subscribed and sworn to before me on this 21 day of Oct, 2021

Notary Public in and for Said County and State

Handwritten signature of the notary public over a horizontal line, with the words 'Notary Public' printed below.

My Commission Expires: 2/12/23

