



CITY PLAN COMMISSION STAFF REPORT

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

December 19, 2023

Project Name
938 Mulberry- Alley Vacation

Docket #7

Request
CD-ROW-2023-00015
Vacation of Public Right of Way

Applicant
Stephen Brefo
SK Design Group, Inc
4600 College Ave Unit 100
Overland Park, Kansas 66211

Location 938 Mulberry Ave
Area About 1440 SF
Zoning Zoning
Council District 4th
County Jackson
School District KANSAS CITY
MISSOURI 110

Surrounding Land Uses

North: Mixed Use UR, Zoned UR
South: Mixed Use UR, Zoned UR
East: Mixed Use UR, Zoned UR
West: Mixed Use UR, Zoned UR

Major Street Plan

The City's Major Street does not identify the requested right of way to be vacated

Land Use Plan

The Greater Downtown Area Plan recommends Downtown Mixed Use uses for the subject property.

APPROVAL PROCESS



PROJECT TIMELINE

The application for the subject request was filed on February 24, 2023. Vacations require consent from multiple utility companies. The applicant uploaded all required documents on November 15, 2024.

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

The existing alley is unimproved and not accessible to the general public. This alley runs through an existing parking lot and does not serve any buildings. There is a fence blocking access to the right of way.

SUMMARY OF REQUEST + KEY POINTS

The applicant is seeking approve a vacation of public right of way in the form of an alley of about 89 feet generally located west Mulberry Street to the Union Pacific Rail Road north of Union Avenue.

CONTROLLING CASE

Case Number CD-CPC-2022-00078- Ordinance 220555: On June 30, 2022 City Council approved an ordinance which rezoned an area of 22 acres from Districts DX-10, M3-5, and UR to District UR, and approving a development plan which also serves as a preliminary plat to allow for a multi-phase mixed use redevelopment, including a hotel.

PROFESSIONAL STAFF RECOMMENDATION

Docket #7 Recommendation: Approval Subject to Conditions

VACATION REVIEW

The alley requested to be vacated is currently an unimproved alley which dead-ends 89 feet to the west of Mulberry Street. Currently the alley is fenced off and not accessible to the general public. It does not serve as access to any property. The subject site is a parking lot which will be utilized for adjacent development.

There is no public utilities within the right of way proposed to be vacated. Spectrum Charter has utilities within the right of way and has requested to maintain an easement.

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 western alley on the block bounded by Union Avenue, Mulberry Street, and Union Pacific Rail Road Right of Way. 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.

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 reduce the 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, as the proposed vacation eliminates a dead-end alley.

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,

A handwritten signature in black ink, appearing to read "Matthew Barnes", with a stylized flourish at the end.

Matthew Barnes
Planner



Plan Conditions

Report Date: December 14, 2023

Case Number: CD-ROW-2023-00015

Project: 938 Mulberry- Alley Vacation

Condition(s) by City Planning and Development Department. Contact Matthew Barnes at (816) 513-8817 / matthew.barnes@kcmo.org with questions.

1. That Spectrum Charter has facilities or interest within the right of way and will waive objections to the vacation subject to the applicant retaining a utility easement and protecting facilities.

\\SKFS\LA\2023\22-10\1\vacations\04-MULBERRY ALLEY @ 938 MULBERRY ST\1-DRAFT\2023-04-24 MULBERRY ALLEY VACATION EXHIBIT.DWG



**938 MULBERRY
ALLEY VACATION**
IN CONNECTION WITH THE WEST BOTTOMS DEVELOPMENT
RESIDENTIAL 1 BUILDING

West Bottoms Redevelopment

Project No. 21.70187.00

Kansas City, Missouri

938 MULBERRY ST - ALLEY

ALLEY VACATION

AN ALLEY VACATION IS PROPOSED DESCRIBED BELOW, LOCATED IN THE NORTHWEST ¼ OF SECTION 6, TOWNSHIP 49 N, RANGE 33 W IN THE CITY OF KANSAS CITY, JACKSON COUNTY, MISSOURI, DESCRIBED AS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 6, TOWNSHIP 49 N, RANGE 33 W;

THENCE N 01°-55'-34" E ALONG THE EAST LINE OF THE NW ¼ OF SAID SECTION, A DISTANCE OF 880.32 FEET;

THENCE N 88°-04'-26" W, A DISTANCE 646.64 FEET TO THE POINT OF BEGINNING;

THENCE S 02°-02'-21" W, A DISTANCE 10.00 FEET;

THENCE N 87°-47'-31" W, A DISTANCE OF 88.89 FEET;

THENCE N 61°-11'-45" E, A DISTANCE OF 19.41 FEET;

THENCE S 87°-47'-0" E, A DISTANCE OF 72.22 FEET TO THE POINT OF BEGINNING.

CONTAINING 805.55 SQUARE FEET OF LAND MORE OR LESS.



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

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:

Case No. CD-ROW-2023-00015 - A request to vacate an alley, located in the Northwest $\frac{1}{4}$ of Section 6, Township 49 North, Range 33 West in the City of Kansas City, Jackson County, Missouri, described as:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 6,
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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.

Filed _____, 20____

City Clerk

by _____
Deputy



PETITION FOR VACATION OF STREETS, ALLEYS AND PLATS

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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
West Bottoms - Propco Master, LLC (Fergus Campbell, Authorized Signatory)	(attached)	One Hanover Square New York, NY 10004 (Entity Address)

(attach additional sheets if required)

Petitioner

STATE OF New York)
COUNTY OF New York) ss.

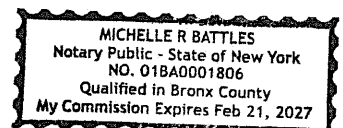
On this 16th day of November in the year 2023 before me, a Notary Public in and for said state, personally appeared Fergus Campbell, known to me to be the person who executed the within instrument and acknowledged to me that he/she executed the same for the purposes therein stated, and that he/she knows 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 16th day of November, 2023.

Notary Public in and for Said County and State

Notary Public

My Commission Expires: 02/21/2027





CONSENT TO VACATION OF STREETS, ALLEYS AND PLATS

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Case No. CD-ROW-2023-00015

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CONTAINING 805.55 SQUARE FEET OF LAND MORE OR LESS.

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.

Filed _____, 20____

City Clerk

by _____
Deputy

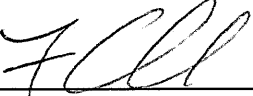


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CONSENT OF LIMITED LIABILITY COMPANIES

Case No. CD-ROW-2023-00015

Owner's name	Legal description of property
West Bottoms – Propco Master, LLC (Fergus Campbell, Authorized Signatory)  (sign) Authorized Signatory	(Multiple Neighboring Properties Owned by Same Entity) 938 Mulberry Street, Kansas City, MO 64101 Legal Description: TURNER & COS ADD ALL LOTS 17 18 19 & THAT PRT LOTS 20 21 & 22 LY S OF MO PAC R/W BLK 39 930 Mulberry Street, Kansas City, MO 64101 Legal Description: BEG AT SE COR LOT 16 TH W TO SW COR LOT 14 TH NELY 83.14 FT TO A PT 43.2 FT N OF POB TH S TO POB PRT LF LOTS 14 15 16 BLK 39 TURNER & COS ADD

(additional sheets attached as required)

STATE OF New York)
COUNTY OF New York) ss.

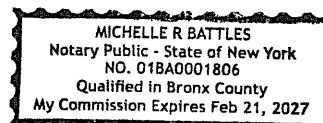
On this 16th day of November, 2023, before me, a Notary Public in and for said state, personally appeared Fergus Campbell, who being by me duly sworn did say that he/she is the managing member of West Bottoms – Propco Master, LLC, a Missouri limited liability company, and that the within instrument was 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.

Subscribed and sworn to before me on this 16th day of November, 2023.

Notary Public in and for Said County and State


Notary Public

My Commission Expires: 02/21/2027





UTILITY/AGENCY COMMENTS VACATION OF STREETS, ALLEYS AND PLATS

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

Case No. CD-ROW-2023-00015

UTILITY CO. AT&T

Be it known that West Bottoms - Propco Master, 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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For the following purpose: For Proposed Residential Development

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.

Jeremy Watson

Authorized Representative

7/12/2023

Date

Return this form to:

Stephen Brefo, PE, Project Manager	913-451-1818
Applicant Name	Phone
SK Design Group, Inc. 4600 College Boulevard, Suite 100	
Overland Park, KS 66211	sbrefo@skdg.com
Address	Email



UTILITY/AGENCY COMMENTS VACATION OF STREETS, ALLEYS AND PLATS

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UTILITY CO. EVERGY

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AMAR CHEEMA 
Authorized Representative

05/15/2023
Date

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Stephen Brefo, PE, Project Manager	913-451-1818
Applicant Name	Phone
SK Design Group, Inc. 4600 College Boulevard, Suite 100	
Overland Park, KS 66211	sbrefo@skdg.com
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UTILITY/AGENCY COMMENTS VACATION OF STREETS, ALLEYS AND PLATS

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Case No. CD-ROW-2023-00015

UTILITY CO. KCMO PUBLIC WORKS – STREET LIGHTING

Be it known that West Bottoms - Propco Master, 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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☐ objects to the vacation and will not waive objection under any conditions (describe below)
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- Please return this form to the applicant within 30 days.

Octavio Moncada

Authorized Representative

May 15, 2023

Date

Return this form to:

Stephen Brefo, PE, Project Manager	913-451-1818
Applicant Name	Phone
SK Design Group, Inc. 4600 College Boulevard, Suite 100	
Overland Park, KS 66211	sbrefo@skdg.com
Address	Email



UTILITY/AGENCY COMMENTS VACATION OF STREETS, ALLEYS AND PLATS

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Case No. CD-ROW-2023-00015

UTILITY CO. KCMO FIRE DEPARTMENT

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M Schroeder

Authorized Representative

7/6/2023

Date

Return this form to:

Stephen Brefo, PE, Project Manager	913-451-1818
Applicant Name	Phone
SK Design Group, Inc. 4600 College Boulevard, Suite 100	
Overland Park, KS 66211	sbrefo@skdg.com
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UTILITY CO. KCMO PUBLIC WORKS – STREETS & TRAFFIC

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Sam Akula, KCMO, Public Works Dept.

Authorized Representative

7/13/2023

Date

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Stephen Brefo, PE, Project Manager	913-451-1818
Applicant Name	Phone
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UTILITY CO. KCMO WATER SERVICES

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CONTAINING 805.55 SQUARE FEET OF LAND MORE OR LESS.

For the following purpose: For Proposed Residential Development

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.

Charles W. Kup
Authorized Representative

09/26/2023
Date

Return this form to:

Stephen Brefo, PE, Project Manager	913-451-1818
Applicant Name	Phone
SK Design Group, Inc.	
4600 College Boulevard, Suite 100	
Overland Park, KS 66211	sbrefo@skdg.com
Address	Email



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-2023-00015

UTILITY CO. SPECTRUM-CHARTER

Be it known that West Bottoms - Propco Master, 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:

AN ALLEY VACATION IS PROPOSED DESCRIBED BELOW, LOCATED IN THE NORTHWEST ¼ OF SECTION 6, TOWNSHIP 49 N, RANGE 33 W IN THE CITY OF KANSAS CITY, JACKSON COUNTY, MISSOURI, DESCRIBED AS:
COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 6, TOWNSHIP 49 N, RANGE 33 W;

THENCE N 01°-55'-34" E ALONG THE EAST LINE OF THE NW ¼ OF SAID SECTION, A DISTANCE OF 880.32 FEET;

THENCE N 88°-04'-26" W, A DISTANCE 646.64 FEET TO THE POINT OF BEGINNING;

THENCE S 02°-02'-21" W, A DISTANCE 10.00 FEET;

THENCE N 87°-47'-31" W, A DISTANCE OF 88.89 FEET;

THENCE N 61°-11'-45" E, A DISTANCE OF 19.41 FEET;

THENCE S 87°-47'-0" E, A DISTANCE OF 72.22 FEET TO THE POINT OF BEGINNING.

CONTAINING 805.55 SQUARE FEET OF LAND MORE OR LESS.

For the following purpose: For Proposed Residential Development

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.

Will R. Moberg

Authorized Representative

7-25-23

Date

Return this form to:

Stephen Brefo, PE, Project Manager	913-451-1818
Applicant Name	Phone
SK Design Group, Inc. 4600 College Boulevard, Suite 100	
Overland Park, KS 66211	sbrefo@skdg.com
Address	Email



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-2023-00015

UTILITY CO. SPIRE

Be it known that West Bottoms - Propco Master, 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:

All that part of Missouri State Highway No. 9 Right of Way as contained in Blocks 9, 10 and their adjoining street
AN ALLEY VACATION IS PROPOSED DESCRIBED BELOW, LOCATED IN THE NORTHWEST ¼ OF SECTION 6, TOWNSHIP 49 N, RANGE 33 W IN THE CITY OF KANSAS CITY, JACKSON COUNTY, MISSOURI, DESCRIBED AS:
COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 6, TOWNSHIP 49 N, RANGE 33 W;
THENCE N 01°-55'-34" E ALONG THE EAST LINE OF THE NW ¼ OF SAID SECTION, A DISTANCE OF 880.32 FEET;
THENCE N 88°-04'-26" W, A DISTANCE 646.64 FEET TO THE POINT OF BEGINNING;
THENCE S 02°-02'-21" W, A DISTANCE 10.00 FEET;
THENCE N 87°-47'-31" W, A DISTANCE OF 88.89 FEET;
THENCE N 61°-11'-45" E, A DISTANCE OF 19.41 FEET;
THENCE S 87°-47'-0" E, A DISTANCE OF 72.22 FEET TO THE POINT OF BEGINNING.
CONTAINING 805.55 SQUARE FEET OF LAND MORE OR LESS.

For the following purpose: For Proposed Residential Development

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.

Johnny Strauss - Right of Way Representative for Spire

Authorized Representative

5/16/2023

Date

Return this form to:

Stephen Brefo, PE, Project Manager	913-451-1818
Applicant Name	Phone
SK Design Group, Inc. 4600 College Boulevard, Suite 100	
Overland Park, KS 66211	sbrefo@skdg.com
Address	Email



UTILITY/AGENCY COMMENTS VACATION OF STREETS, ALLEYS AND PLATS

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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-2023-00015

UTILITY CO. VICINITY

Be it known that West Bottoms - Propco Master, 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:

AN ALLEY VACATION IS PROPOSED DESCRIBED BELOW, LOCATED IN THE NORTHWEST $\frac{1}{4}$ OF SECTION 6, TOWNSHIP 49 N, RANGE 33 W IN THE CITY OF KANSAS CITY, JACKSON COUNTY, MISSOURI, DESCRIBED AS:
COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 6, TOWNSHIP 49 N, RANGE 33 W;

THENCE N 01°-55'-34" E ALONG THE EAST LINE OF THE NW $\frac{1}{4}$ OF SAID SECTION, A DISTANCE OF 880.32 FEET;

THENCE N 88°-04'-26" W, A DISTANCE 646.64 FEET TO THE POINT OF BEGINNING;

THENCE S 02°-02'-21" W, A DISTANCE 10.00 FEET;

THENCE N 87°-47'-31" W, A DISTANCE OF 88.89 FEET;

THENCE N 61°-11'-45" E, A DISTANCE OF 19.41 FEET;

THENCE S 87°-47'-0" E, A DISTANCE OF 72.22 FEET TO THE POINT OF BEGINNING.

CONTAINING 805.55 SQUARE FEET OF LAND MORE OR LESS.

For the following purpose: For Proposed Residential Development

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.

Craig McNeil, Vicinity Distribution Supervisor

Authorized Representative

Craig McNeil

5/15/2023

Date

Return this form to:

Stephen Brefo, PE, Project Manager	913-451-1818
Applicant Name	Phone
SK Design Group, Inc. 4600 College Boulevard, Suite 100	
Overland Park, KS 66211	sbrefo@skdg.com
Address	Email