

1710-V

Case No. 1710-V -- A request to vacate the alley next east of Benton Boulevard from the south line of E 22nd Street to the north line of E 23rd Street.



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STAFF REPORT July 21, 2015 (4)

RE: Case No. 1710-V

APPLICANT: Michael Jantsch
523 Walnut Street
Kansas City, MO 64106

PROPERTY OWNER: Seton Center
2800 & 2816 E 23rd Street
Kansas City, MO 64127

LOCATION: generally located at the southeast corner of E 22nd Street and Benton Boulevard

REQUEST: a request to vacate the alley next east of Benton Boulevard from the south line of E 22nd Street to the north line of E 23rd Street.

SURROUNDING LAND USE:
North – single family residential
South – commercial, single family residential
East – institutional, Montgall Park, single family residential
West – multifamily residential, single family residential

LAND USE PLAN: The Heart of the City Area Plan recommends Institutional uses for this location.

MAJOR STREET PLAN: Benton Boulevard, a Historic Boulevard on the Major Street Plan, borders the site to the west. The Major Street Plan also identifies E 22nd Street, which borders the site to the north, as a Thoroughfare.

ARTERIAL STREET IMPACT FEE: This property is located in an exempt district.

PREVIOUS CASES:
Case No. 11864-A – 2816 East 23rd Street – On September 10, 1996, the Board of Zoning Adjustment GRANTED a variance to the minimum required front yard

setback in the amount of 20 feet from the east property line to allow for the construction of an addition to an existing building with a zero lot line setback.

Case No. 11864-A-2 – On May 27, 2008, the Board of Zoning Adjustment APPROVED an auxiliary parking lot to serve 2816 East 23rd Street (Seton Center) and GRANTED a variance to the requirement that an enclosure be at least 4 feet tall for all sides of a parking lot for the north, south and west sides of the parking lot, subject to the condition that the applicant will submit evidence that all the lots have been combined into one lot.

Case No. 11864-A-3 – On September 12, 2012 a request to administratively approve an alternative parking plan allowing off-site parking for the Seton Center located at 2816 E. 23rd Street was GRANTED.

Case No. 11864-A-4 – On November 13, 2012, the Board of Zoning Adjustment APPROVED the following variances: a variance to permit parking within a required front yard setback, a variance to the minimum required side yard setback of a vehicular use area in a residential district, a variance to the maximum amount of a required front yard setback allowed to be paved or used for vehicular use in a residential district, a variance to the maximum amount of a required side yard setback allowed to be paved or used for vehicular use in a residential district, and a variance to the minimum width of a landscape buffer strip required to buffer a vehicular use area in a residential district, all to allow for the construction of an off-site parking lot to be constructed with no required landscaping

Case No. 11964-A-5 - On November 12, 2013, the Board of Zoning Adjustment APPROVED the following Special Exceptions: to the maximum height of a fence in the front yard of a residential lot in the amount of 2 feet and to the maximum height of a fence in the street-side yard of a residential lot in the amount of 2 feet.

PLAN REVIEW/ANALYSIS:

The property owner, Seton Center, is proposing the vacation of a north/south alley bound by E 22nd Street to the north, E 23rd Street to the south, Kansas Avenue to the east and Benton Boulevard to the west. The alley divides two lots which are both owned by the Seton Center. The lot east of the alley is developed with a single story building and the lot west to the alley is undeveloped and was formerly developed with a large church. Vacating the alley would allow the Seton Center to fence in the entire property.

There are no immediate plans for the undeveloped lot. If the lot is developed in the future and alley access is needed the developer will be required to reestablish the alley or provide an easement. It is not anticipated that this vacation will result in loss of access or convenience for any adjacent property owners.


The vacation of this alley will not affect traffic circulation or access availability within the block or the city as a whole. The applicant has received the required property owner and utility consents to vacate the right-of-way. AT&T, KCPL, Time Warner Cable Kansas City

Public Works Streetlighting and Water Services Departments have identified existing facilities in the alley and require an easement and that existing services be protected. The Fire Department requires that the fence have a siren sensing device in case of emergency.

Staff recommends approval of Case No. 1710-V with the following conditions:

1. That a full-width utility easement be retained.
2. That any existing facilities within the right of way be protected.
3. That any security gates which cross a fire access road have an approved means of emergency operation.
4. That the streetlights are re-fed electricity at the cost of the applicant.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ashley Winchell". The signature is written in a cursive, flowing style.

Ashley Winchell
Staff Planner