



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 Portion of Norton Ave

Hearing Date January 18, 2022

Item #	Case	Request
#1	CD-ROW-2021-00038	Vacation

Item #	Staff Recommendation(s)
#1	Approval with Conditions

Applicant

Trevor Fox
Anderson Engineering
941 W. 141st Terrace, Suite A
Kansas City, MO 64145

Location Norton Avenue between E. 38th Street on the north and E. 39th Street on the south.

Area About 30,000 square feet

Zoning R-2.5

Council District 3rd

County Jackson

School District KCMO 110

Surrounding Land Uses

North: zoned R-2.5, SF residences.

East: zoned B1-1/ R-2.5, Seven Oaks park.

South: zoned B1-1, residences.

West: zoned R-2.5, SF residences.

Land Use Plan

The Heart of the City Area Plan recommends Residential Urban Low Density land use at this location. This proposal is consistent with the future land use plan.

Major Street Plan

East 39th Street is classified as a two lane through streets with a local link typology by the City's Major Street Plan at this location. Jackson and Norton Avenue are not classified at this location.

APPROVAL PROCESS



PUBLIC HEARING REQUIRED

Yes

NEIGHBORHOOD AND CIVIC ORGANIZATIONS NOTIFIED

Notice of the public hearing was sent to Oak Park Neighborhood Association and the Palestine Neighborhood Development Corporation.

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

Applicant is proposing to develop the area to the east of the proposed vacated area which requires approval of the above-referenced request.

EXISTING CONDITIONS

The area to be vacated is currently undeveloped and is zoned R-2.5 and B1-1. There is a curb cut at the south end of the subject site from E. 39th Street. There is vacant brick building built up to the right-of-way line on the southwest corner. The majority of the nearby homes are single-family and Seven Oaks Park is located a block to the east.

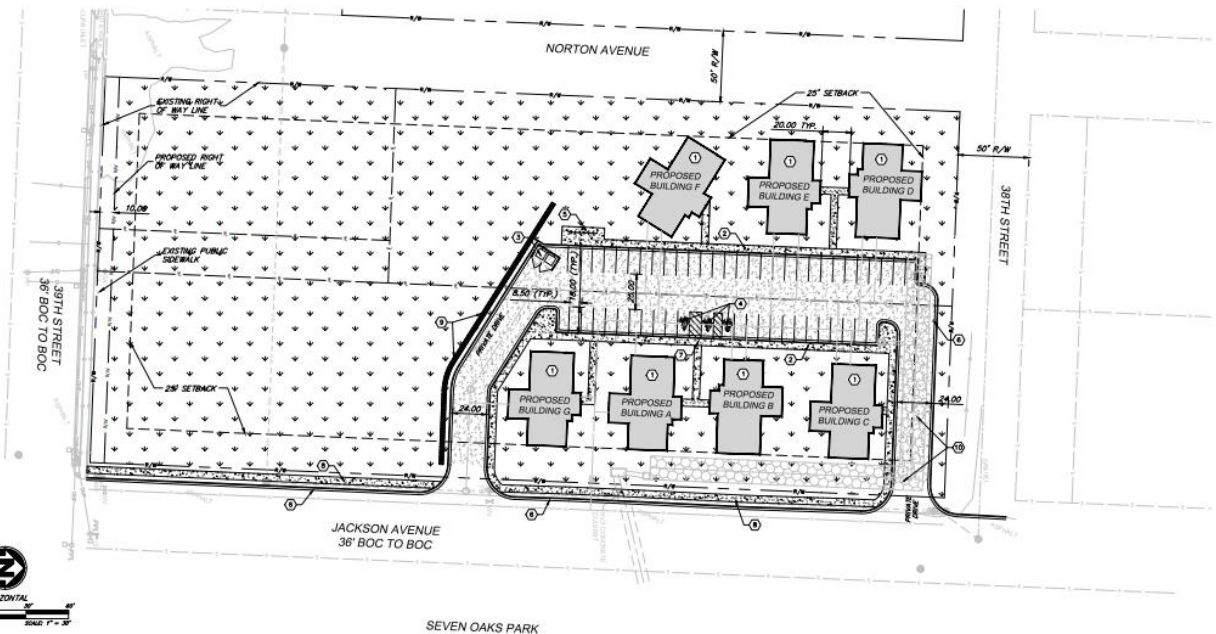
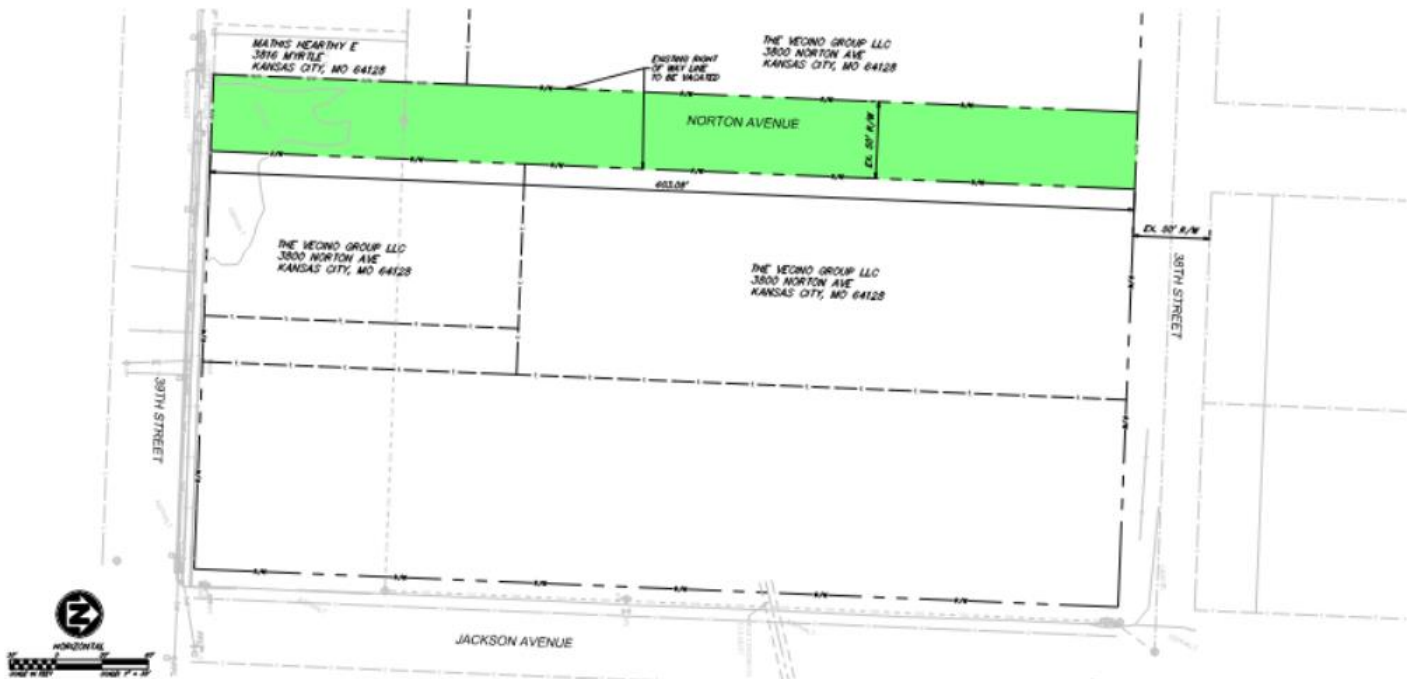
KEY POINTS

- The applicant intends to vacate a portion of unbuilt Norton Avenue in order to develop multifamily housing on the site adjacent to the east.

PLAN REVIEW

The area to be vacated is an unbuilt portion of Norton Avenue and is located north of E. 39th Street between Myrtle Avenue to the west and Jackson Avenue to the east. The subject site will only extend northward to the south right-of-way line of E. 38th Street. The applicant is intending to vacate the this unimproved portion of the street in order to provide additional developable property for the Bodhi development on the to the

east. The Bodhi development will consist of 7 multifamily residential structures with a total of 53 units. The applicant does not intend to develop within the street in the future. It has been requested by Water Services staff that a utility easement be retained and that no buildings shall be constructed over the easement or WSD infrastructure.



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.

The adjacent property owners will retain legal access to other public rights-of-way and will not result in unreasonable burden or unsafe conditions in the alternate 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.

This portion of Norton Avenue has historically not provided useful access to the general public and is currently unpaved. Based on this, staff believes that no future useful public purpose is reasonably anticipated.

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 right-of-way proposed for vacation is not currently part of the constructed street network. The vacation will not disrupt any street network or physical connectivity in any way.

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

The proposed vacation will not result in any dead-end alleys.

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.

The full width of the right-of-way area is proposed to be vacated.

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


Staff believes that this vacation request complies with the vacation criteria of the Zoning and Development Code. This portion of Norton Avenue is currently unconstructed and does not serve the overall public in terms of connectivity. For these reasons, City Planning and Development Staff **approval subject to the conditions in the attached conditions report.**

Respectfully Submitted,



Zach Nelson
Lead Planner

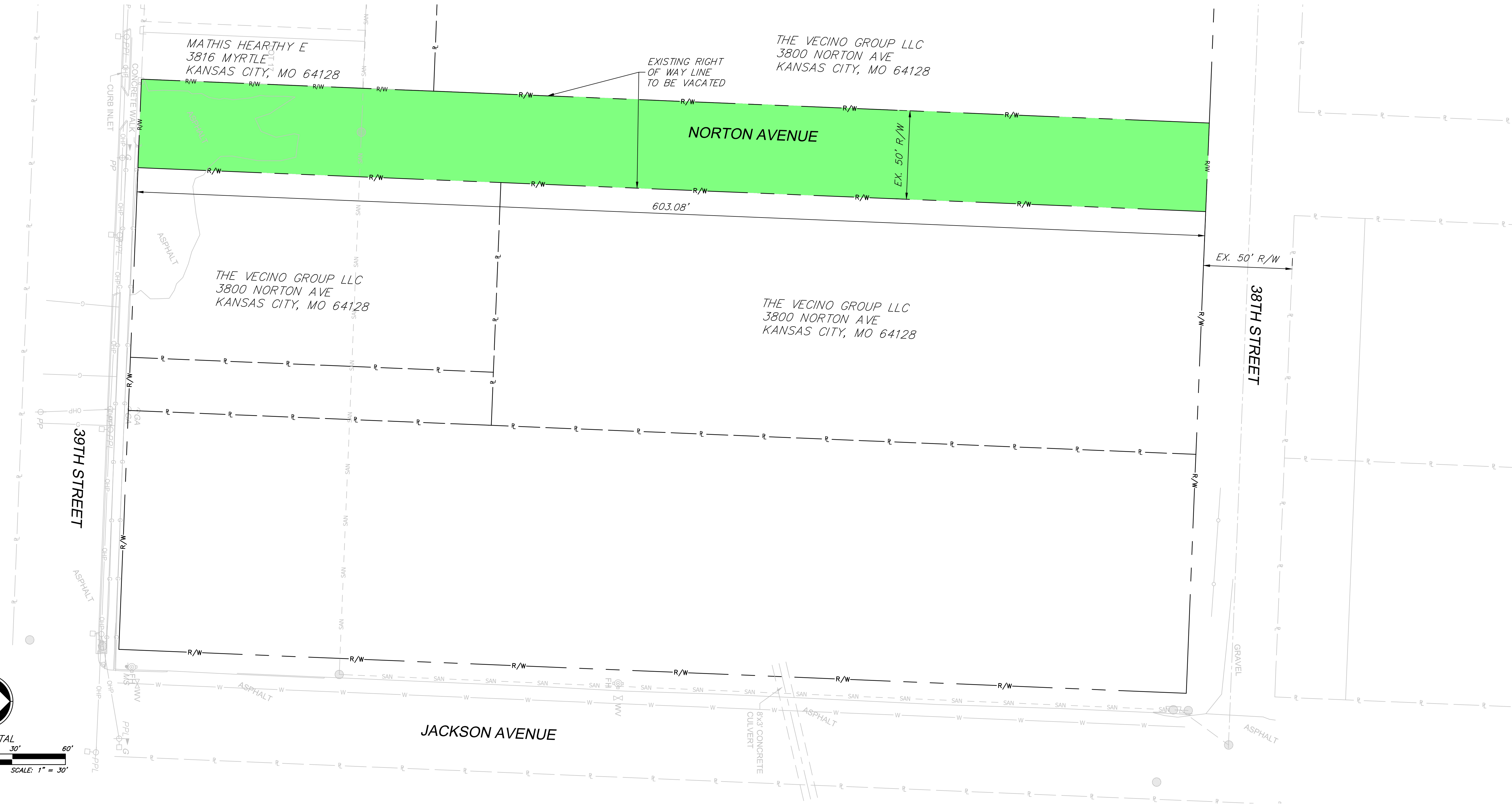
LEGEND

 RIGHT OF WAY TO BE VACATED

LEGAL DESCRIPTION

ALL OF NORTON AVENUE, FROM THE NORTH RIGHT-OF-WAY LINE OF 39TH STREET, NORTH TO THE SOUTH RIGHT-OF-WAY LINE OF 38TH STREET, SAID RIGHT-OF-WAY TO BE VACATED BEING PART OF THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 49 NORTH, RANGE 33 WEST, IN THE CITY OF KANSAS CITY, JACKSON COUNTY, MISSOURI.

RIGHT OF WAY VACATION DATA TABLE	
ITEM	QUANTITY
RIGHT OF WAY TO BE VACATED	30,155 SF (0.69 AC.)



HORIZONTAL
 0 30 60
 SCALE IN FEET
 SCALE: 1" = 30'

Oct 19, 2021 - 12:00pm Plotted By: buch G:\Shared drives\K10 - Land Development\Projects\2021\21KC10015-Bodhi-KCMO\01-DWG\Sheet\Exhibits\21KC10015-EXB1-NORTON VACATION.dwg Layout: VACATION EXHIBIT

ANDERSON ENGINEERING
 EMPLOYEE OWNED

AE

ENGINEERS • SURVEYORS • LABORATORIES • DRILLING
 941 W 141ST TERR, STE A • KANSAS CITY, MO 64145 • PHONE (816) 777-0400
 A LICENSED MISSOURI ENGINEERING & SURVEYING CORPORATION - LC 62

DRAWING INFO.	
DRAWN BY:	JDB
CHECK BY:	TAF
LICENSE NO.:	
DATE:	10/19/2021
ISSUED FOR:	
JOB NUMBER:	21KC10015

BODHI - KCMO

RIGHT OF WAY VACATION EXHIBIT

NORTON AVE KANSAS CITY, MO 64117

SHEET NUMBER
EX.1
 1 OF 1