



City Planning & Development Department  
Development Management Division

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**STAFF REPORT**

February 15, 2011

(5)

**RE:**

**Case No. 1641-V**

**APPLICANT:**

Housing Authority of Kansas City  
301 E Armour Boulevard, Suite 250  
Kansas City, Missouri 64321

**AGENT:**

Dan Roark  
Roark Surveying  
9414 Greenway Lane  
Lenexa, Kansas 66215

**LOCATION:**

East side of Swope Parkway about 500 feet south of Blue Parkway

**REQUEST:**

to vacate E 50<sup>th</sup> Street between Swope Parkway and Cleveland Avenue

**SURROUNDING**

**LAND USE:**

North – undeveloped, zoned R-1.5 (residential 1.5) and R-2.5 (residential 2.5)  
South - multifamily housing zoned R-0.5 (residential 0.5)  
East – Cleveland Avenue, Swope Parkway Health Campus, zoned UR (urban redevelopment)  
West – Swope Parkway, commercial, baseball field, zoned B3-2 (community business 2)

**MAJOR STREET PLAN:**

Swope Parkway at this location is classified as a parkway/boulevard by the City's Major Street Plan. Cleveland Avenue at this location is classified as a secondary arterial and bicycle route, with a minimum right of way width of 92 feet.

Note: Ordinance 110067 has been introduced, and is expected to be considered by the Planning and Zoning Committee of the City Council on February 23, 2011.

**PREVIOUS CASES:**

Case No 7696-P – Ordinance 50645, approved in August of 1979, rezoned approximately 5.6 acres from District R-2b to District R-5p generally located at the northwest corner of Cleveland

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Avenue and 51<sup>st</sup> Street and approved a development plan for a nine story apartment building containing 120 units.

Case No 7696-P-1 – On October 30, 1979 the City Plan Commission approved a final plan for an elderly housing development.

Case No 7976-P-A-1 – On January 13, 1981 the Board of Zoning Adjustment granted a variance to the required number of parking spaces.

Case No 7696-P-2 – On March 14, 1980 the City Plan Commission continued off the docket a request to rezone approximately 5.6 acres to District R-5 generally located at the northwest corner of Cleveland Avenue and 51<sup>st</sup> Street from District R-5p.

Case No. 7976-P-3 – Community Substitute for Ordinance 080997, passed October 23, 2008 approved an amendment to a previously approved preliminary development plan in District R-5p (high apartment/limited district) on about 3.34 acres generally located at the southwest corner of Cleveland Avenue and E 50<sup>th</sup> Street to allow for an existing 6 story apartment building and 36 new multifamily units in two new buildings (**Current Approved Development Plan**) Note that Ordinance 090408 amended Section A of Ordinance 080997 by eliminating the requirement for sidewalk construction along Cleveland Avenue.

SD 1398, Final Plat – Pemberton Park for Grandfamilies – Ordinance 081189, passed on December 18, 2008, approved a final plat in District R-5p on approximately 6.28 acres generally located at the northwest corner of E 51<sup>st</sup> Street and Cleveland Avenue to create one lot. Note: The plat has not yet been recorded. An extension has been granted to allow its recording by December 2012.

Case No. 7976-P-4 - Approved a final plan on approximately 3.34 acres generally located at the southwest corner of Cleveland Avenue and E 50<sup>th</sup> Street in District R-5p (high apartment/limited district) to allow for the construction of 36 new multifamily units in two new buildings. (Approved by the City Plan Commission, March 3, 2009)

#### PLAN REVIEW/ANALYSIS:

This unconstructed 50 foot wide right of way extends just under 600 feet from Swope Parkway on the west to Cleveland Avenue on the east. The area abutting the north side is undeveloped and owned by the City. A City fire station abuts the westerly 209 feet of the south right of way line. The balance of the abutting property on the south side is owned by Housing Authority of Kansas City.

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The applicant's property is the site of an existing 9 story apartment building, with development plan approval for 36 additional units in two structures. Construction is essentially complete, but the platting process is still underway pending, among other things, completion of the vacation.

Vacation of E 50<sup>th</sup> Street was a condition of approval of Ordinance 080997, passed in October of 2008. Since the right of way does not lie entirely within the proposed plat of Pemberton Park for Grandfamilies, the plat may not vacate it. Therefore, this separate vacation process is necessary.

There are no public or private utilities in the right of way to be vacated, so no easement need be retained. The applicant is the sole owner of abutting property, other than the City of Kansas City. The proposed plat of Pemberton Park for Grandfamilies addresses the right of way requirements per the Major Street Plan.

**RECOMMENDATIONS:**

Staff recommends approval of Case No. 1641-V without conditions.

Respectfully submitted,

Larry H. Stice  
Planner