



CITY PLAN COMMISSION STAFF REPORT

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

October 16, 2014

Project Name
Sargent-Platte Wood De-Annexation

Docket # 2

Request
CD-CPC-2024-00116
De-Annexation

Applicant
John Roe
The Roe Law Firm, LLC

Owner
Keith Sargent

Location 5913 NW 77th Street
Area About 6 Acres
Zoning R-6
Council District 2nd
County Platte
School District Park Hill

Surrounding Land Uses
North: SF residence, zoned R-6
South: SF residence, Platte Woods, MO
East: SF residence, Weatherby Lake
West: SF residence, zoned R-6

Land Use Plan
The Line Creek Valley Area Plan recommends Residential Low Density Land Use for this location.

Major Street Plan
Northwest 77th Street is not identified on the City's Major Street Plan.

APPROVAL PROCESS



SUMMARY OF REQUEST + KEY POINTS

The applicant is seeking to detach approximately 3 acres from the corporate limits of the City of Kansas City, Missouri to permit subsequent annexation by the City of Platte Woods, Missouri. See attached "Applicant Statement".

PROJECT TIMELINE

The application for the subject request was filed on 08/19/2021. No scheduling deviations from 2024 Cycle 10.2 have occurred.

NEIGHBORHOOD AND CIVIC ORGANIZATIONS NOTIFIED

There are no registered Neighborhood or Home Associations tied to the subject site.

REQUIRED PUBLIC ENGAGEMENT

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

EXISTING CONDITIONS

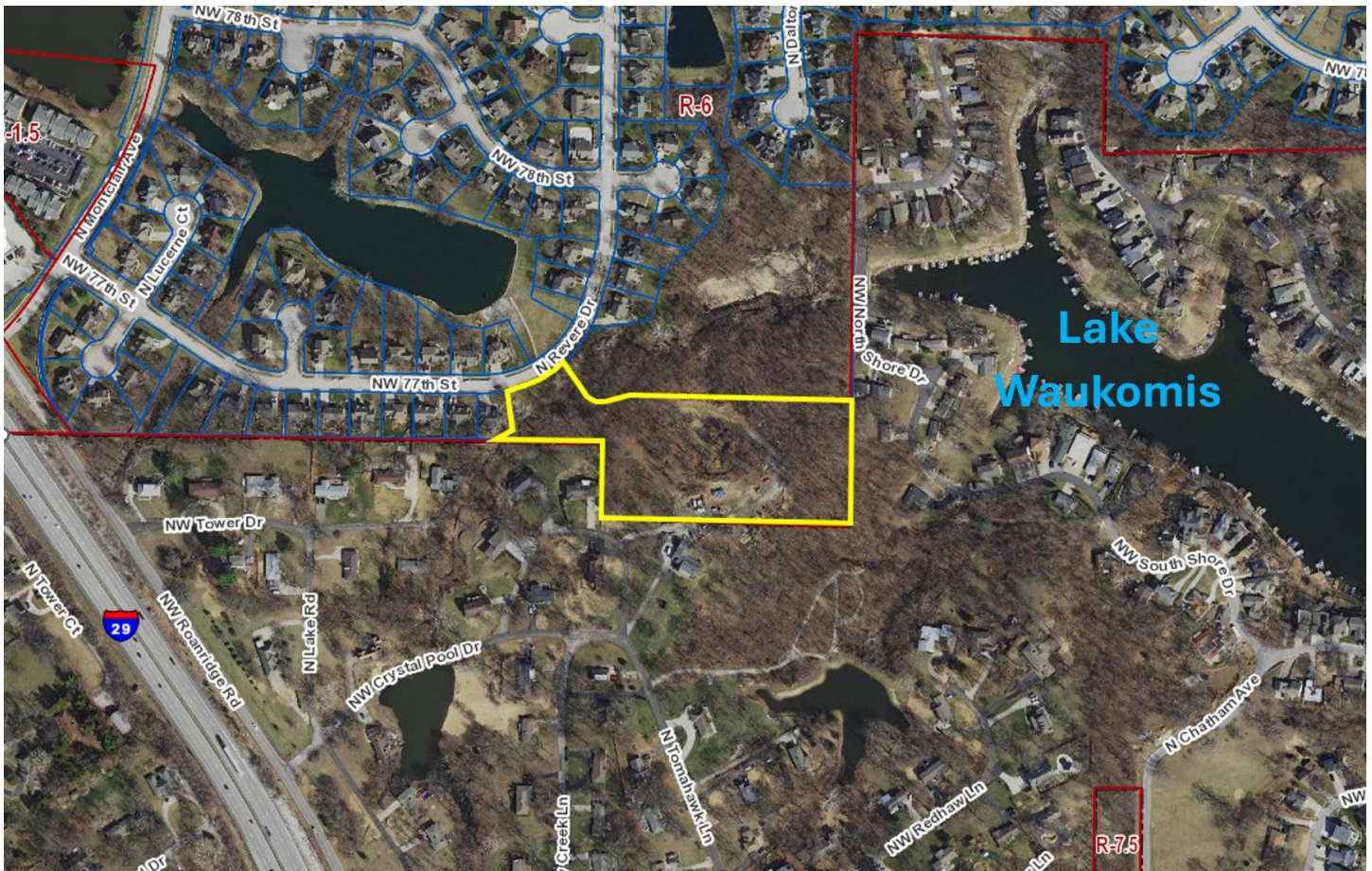
The 5.8-acre subject parcel straddles the municipal boundaries of the cities of Kansas City, MO and Platte Woods, MO. Of which 3.3 acres is within KCMO and the remaining 2.5 acres is within the city limits of Platte Woods. The principal structure is located within the City of Platte Woods with access and address on N. Tomahawk Lane. The parcel abuts North Lakes subdivision to the north and east.

CONTROLLING + RELATED CASES

None.

PROFESSIONAL STAFF RECOMMENDATION

Docket #2 Recommendation
APPROVAL subject to Conditions

Vicinity Map**PLAN REVIEW**Overview

Annexation is a process in which land is transferred from one unit of government to another. Commonly, annexations can connect services, increase population and local tax base, or extend planning and zoning authority for the receiving municipality (APA Quick Notes No. 67). The city has been performing annexation since 1853 when it annexed the River Market area and northern part of the downtown loop. Annexation of the rest of the Downtown Core, West Bottoms and part of the Crossroads followed in 1859. The most recent deannexation was approved to detach portions of the Belton Golf Course in the Spring of 2022. There is no mention of annexation in the City's Zoning and Development codes, so staff have relied on RsMo 71.015 and the attached 1988 "Annexation Memo" from the Law Department as guide in this process.

The subject case focuses on the de-annexation (a transfer of property) of about 2.5 acres, from the City of Kansas City, MO to the City of Platte Woods, MO. The parcel to be deannexed lies on the southern edge of the Kansas City, MO boundaries, directly adjacent to the City of Platte Woods, and directly adjacent to the City of Lake Waukomis on the east. The annexation will not create a "void" of space within the municipality. It will rather eliminate the current jog in the municipal boundary.

This application has been filed to resolve an active citation for constructing a detached garage (accessory structure) within the City of Kansas City, MO without a permit (Case No. CPIN-PC-2023-00457). The homeowner wishes to de-annex part of his property from KCMO instead of permitting it through us. The case is currently being held on the docket in Municipal Court pending the outcome of this request.

ANALYSIS

Parcel is within 2nd Council District in KCMO (Rogers & French), and within both 1st and 2nd Ward in the City of Platte Woods.

Comments:

- **Zoning** – The parcel is zoned R-6 in KCMO and residential in City of Platte Woods. The R-6 zoning requires a minimum lot area of 5,000 square feet per lot. The remaining parcel in KCMO will be 3.8 acres in size.
- **Use** – The R-6 zoning district allows for single family residence. The de-annexation will not affect the use.
- **Use of building** - Potential for commercial operation out of this building. The applicant proposed to record a deed restriction. With the deannexation the use will be up to the City of Platte Woods.
- **Building Permit** – Inspection and permitting will be by the City of Platte Woods.
- **Annexation process** - Public hearing and approval by Planning and Zoning Commission, and City Council.
- **Outreach** – To the Cities of Platte Wood and Lake Waukomis by the applicant. Provide evidence of such.

Following the application, staff request that the exhibit be revised to show the location of the accessory structure in relation to the proposed municipal boundary prior to docketing this application for CPC hearing. Show dimensions of the structure and all necessary setbacks. Staff also requested copies of the annexation application in the City of Platte Wood, and evidence of City of Platte Woods Planning and Zoning Commission, and the City Council meeting dates for the proposed annexation action. This deannexation is on the October 10, 2024, City of Platte Woods Board of Aldermen meeting and the outcome will be convey at the CPC hearing. These corrections have been addressed via the attached response letter.

This deannexation requires that the parcel be annexed by the City of Platte Woods, MO concurrently or prior to passing of the deannexation ordinance by the City of Kansas City, MO. Another condition of approval is that the applicant apply for an interjurisdictional Minor Subdivision Lot Split along the new municipal boundary prior to City Council action on this deannexation. The applicant has requested that this be done following the deannexation and annexation by the City of Platte Woods. The reason for this is that the remaining 3.8-acre track within KCMO will be completely under KCMO zoning code and building codes moving forward. Staff will be placing a hold on the parcel prohibiting issuance of building permit until the minor subdivision lot split is approved and recorded.

At the pre-application meeting, the applicant also proposed a deed restriction on the parcel that restricts any commercial use. Another restriction to be considered is prohibit commercial vehicles from accessing the structure (parcel) from N. Rever Drive (NW 77th Street).

Long-Range Planning

Area plans recommend strategies to help realize a community's long-term vision for future growth and stability. These plans focus on land use, housing, public services, community development, and more. The Line Creek Valley Area Plan recommends Residential Low Density land use for this parcel. The proposed de-annexation will not change the future land use recommendation.

Other

A financial analysis has not been conducted. However, City Staff does not believe that the remaining parcel can still be developed with a single-family structure within KCMO.

The applicant has reached out to Councilperson Wes Roger and Lindsey French about the subject request. No statements of concern or other inquiries have been sent to Development Management City Staff from the council offices.

ATTACHMENTS

1. Conditions Report
2. Applicants Submittal (Exhibit & Response Letter to Staff Comments)

3. 1988 "Annexation Memo" from the Law Department

PROFESSIONAL STAFF RECOMMENDATION

City staff recommend **APPROVAL subject to conditions** as stated in the conditions report.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Olofu Agbajii". The signature is fluid and cursive, with the first name "Olofu" being more prominent and the last name "Agbajii" following in a similar style.

Olofu Agbajii
Planner



Plan Conditions

Report Date: October 10, 2024

Case Number: CD-CPC-2024-00116

Project: Sargent Platte Woods Deannexation

Condition(s) by City Planning and Development Department. Contact Olofu Agbaji at (816) 513-8815 / Olofu.Agbaji@kcmo.org with questions.

1. That the parcel be annexed by the City of Platte Woods, MO concurrently or prior to passing of the deannexation ordinance by the City of Kansas City, MO.
2. That the parcel be platted via an interjurisdictional Minor Subdivision Lot Split along the new municipal boundary by March 15, 2025, or prior to issuance of building permit for the parcel within the City of Kansas City, MO.

Applicant's Summary

Keith Sargent is the owner of the property at 7511 NW Tomahawk Lane, Platte Woods, Missouri 64151 ("home" or "where he lives"). Mr. Sargent inherited the property at 5913 NW 77th St., KCMO from his mother when she passed (the "subject property"). His home and the subject property adjoin one another, i.e., the north line of his home is the south line of the subject property. His home, where he lives, is in the city limits of Platte Woods, Mo. The subject property is apparently in the city limits of Kansas City. Mr. Sargent desires to construct a detached garage in what he considers the back yard of his home. The subject property is approximately 6 acres in size. This application seeks to de-annex the southerly 2.5 acres of the subject property which adjoins his home in Platte Woods so that his home and detached garage will both be in the city limits of Platte Woods. The property proposed to be de-annexed is the result of proposing to extend the existing Platte Woods city limit line straight east to the city limit line of Lake Waukomis. The northerly approximate 3.5 acres of the subject property is proposed to remain in the city limits of Kansas City.

September 20, 2024

Via email (Olofu.Agbaji@kcmo.org) and uploaded to CompassKC in case no. CD-CPC-2024-00116

Mr. Olofu Agbaji
Lead Planner
Development Review Committee
15th Floor, City Hall
414 East 12th Street
Kansas City, Missouri 64106

Re: Project: Sargent Platte Woods Deannexation
Case No.: CD-CPC-2024-00116
Response to DRC letter dated September 11, 2024

Dear Olofu,

This letter is the applicant's timely response to every comment/condition in the DRC letter dated September 11, 2024 in case no. CD-CPC-2024-00116.

- 1. Revise the submitted exhibit to show the location of the accessory structure in relation to the proposed municipal boundary prior to docketing this application for CPC hearing. Show dimensions of the structure and all necessary setbacks. (9/11/2024)**

Response: The applicant acknowledges and accepts the comment. A revised De-Annexation Exhibit (i.e., revised survey) showing the location of the detached garage in relation to the proposed municipal boundary has been uploaded to this case on CompassKC. The revised survey shows the dimensions of the structure. I spoke with John Smedley, Mayor of Platte Woods about the setbacks. He informed me that Platte Woods requires side and rear setbacks of 30 feet. The revised survey reflects those setbacks. A copy of the revised de-annexation exhibit is attached to this letter, too.

- 2. Provide copies of annexation application in the City of Platte Wood for the parcel to be annexed into the municipal boundary. (9/11/2024)**

Response: The applicant acknowledges and accepts the comment. Attached to this letter is a copy of the voluntary annexation application filed with Platte Woods.

3. Provide City of Platte Woods Planning and Zoning Commission, and the City Council meeting dates for the proposed annexation action. (9/11/2024)

Response: The applicant acknowledges and accepts the comment. Per John Smedley, Mayor of Platte Woods, the city of Platte Woods Zoning Commission date for the proposed annexation is 6:00 p.m. on October 10, 2024, and the City of Platte Woods Board of Aldermen meeting date for the proposed annexation is 7:00 p.m. on October 10, 2024. Attached is a copy of the Platte Woods Zoning Commission Agenda (received from Platte Woods) showing the voluntary annexation is on its Agenda for October 10, 2024, at 6:00 p.m. Also, attached is a copy of the Notice of Public Meeting (received from Platte Woods) for the Zoning Commission meeting on October 10, 2024, at 6:00 p.m. re: the annexation.

4. Submit an application for an interjurisdictional Minor Subdivision Lot Split along the new municipal boundary prior to City Council action on this deannexation. (9/11/2024)

Response: The applicant acknowledges the comment but has questions about the comment. Question: what exactly is an “interjurisdictional Minor Subdivision Lot Split”, what “lot” is being split, is this something to be filed in KCMO or in Platte Woods, and why is it being required here? Per John Smedley, Mayor of Platte Woods, as part of the request to the Platte Woods Zoning Commission on this annexation matter is a request to approve a subdivision so that the property to be annexed will become a part of Mr. Sargent’s residential lot where Mr. Sargent’s house is located at 7511 NW Tomahawk Lane, Platte Woods, Missouri. Would this action by Platte Woods take care of this comment?

5. That the parcel be annexed by the City of Platte Woods, MO concurrently or prior to passing of the deannexation ordinance by the City of Kansas City, MO. (9/11/2024)

Response: The applicant acknowledges and accepts the comment. The applicant has discussed this condition with John Smedley, Mayor of Platte Woods and has advised him that according to CompassKC this de-annexation matter is scheduled to go to the KCMO city council on November 11, 2024, and Mr. Smedley advises that Platte Woods’ Board of Aldermen meeting to annex this property is scheduled for October 10, 2024, which predates the passing of the deannexation ordinance by KCMO.

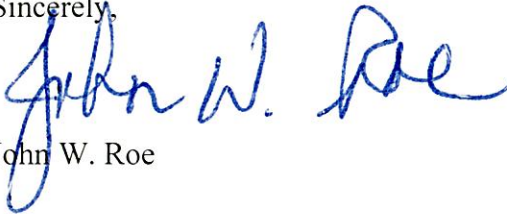
6. That the be (sic) platted via an interjurisdictional Minor Subdivision Lot Split along the new municipal boundary concurrently or prior to passing of the deannexation ordinance by the City of Kansas City, MO. This Accessory buildings (sic) cannot be present without a principal structure. (9/11/2024)

Response: The applicant acknowledges the comment but has questions about the comment. Question: what exactly is an “interjurisdictional Minor Subdivision Lot Split”, what “lot” is being split, is this something to be filed in KCMO or in Platte Woods, and why is it being required here? Per John Smedley, Mayor of Platte Woods, as part of the request to the Platte Woods Zoning Commission on this annexation matter is a request to approve a

subdivision so that the property to be annexed will become a part of Mr. Sargent's residential lot where Mr. Sargent's house is located at 7511 NW Tomahawk Lane, Platte Woods, Missouri. Would this action by Platte Woods take care of this comment?

Thank you.

Sincerely,

A handwritten signature in blue ink that reads "John W. Roe". The signature is written in a cursive style with a large, looping initial "J".

John W. Roe

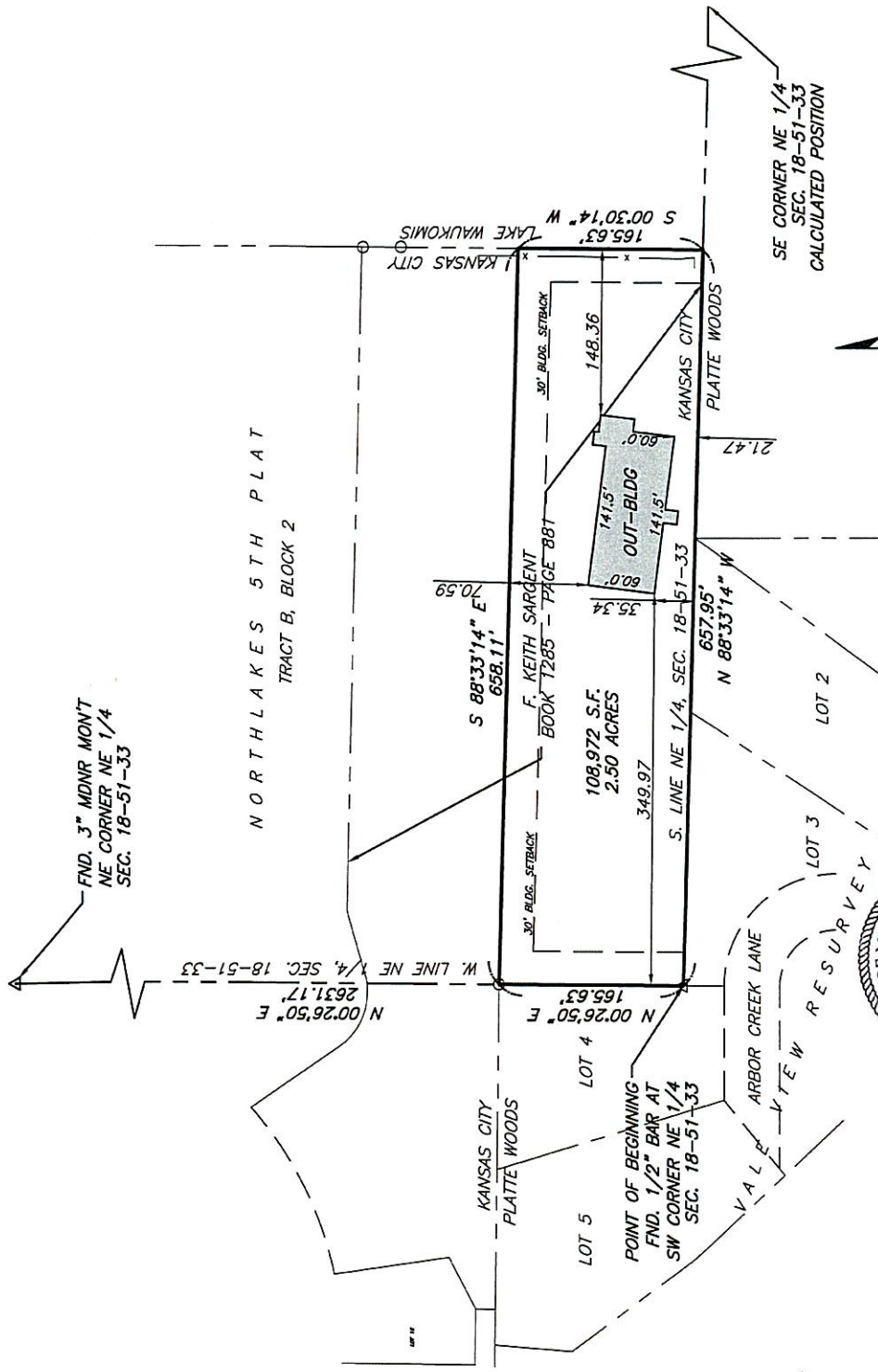
w/enclosures

CLIENT:
John Roe
Roe Law Firm

PROPERTY ADDRESS:
7511 NW Tomahawk
Platte Woods, Missouri 64151

LEGAL DESCRIPTION:
A Tract of land in the Northeast Quarter of Section 18, Township 51, Range 33 in Kansas City, Platte County, Missouri described as follows, surveyed on August 12, 2024 and described by John B. Young, PLS-2006016647; Beginning at the Southwest corner of said Northeast Quarter; Thence North 00°26'50" East along the West line of said Northeast Quarter, 165.63 feet; Thence South 88°33'14" East parallel with the South line of said Northeast Quarter, 658.11 feet to the West line of Lake Waukomis city limit; Thence South 00°30'14" West along said city limit line, 165.63 feet to the South line of said Northeast Quarter and the North 88°33'14" West along said South line of the Northeast Quarter and said North line of Platte Woods city limits, 657.95 feet to the Point of Beginning.

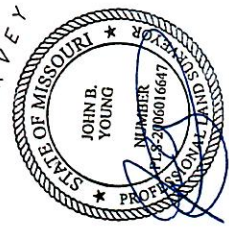
GENERAL NOTES:
1.) The Plat of Vale View Resurvey is recorded in Plat Book 6 at Page 14.
2.) The Plat of North Lakes - First Plat is recorded in Plat Book 17 at Page 208.
3.) The Plat of North Lakes - Fifth Plat is recorded in Plat Book 18 at Page 205.
4.) Deed of record is recorded in Instrument No. 2017013100, Book, 1285, Page 881, dated 10/2/2017 in the Recorder of Deeds Office, Platte County, Missouri.
5.) Basis of bearings is established by the Missouri State Plane Coordinate System from GPS observation.



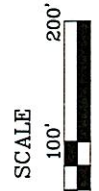
J & J SURVEY LLC

DE-ANNEXATION EXHIBIT

PART OF THE NORTHEAST QUARTER OF SECTION 18-51-33, KANSAS CITY, PLATTE COUNTY, MISSOURI



- LEGEND**
- △ - SECTION CORNER AS NOTED
 - - MONUMENT FOUND AS NOTED
 - - FOUND 1/2" IRON BAR AT CORNER



Location: S:\24.284 - 7511 NW Tomahawk Lane\DRAWINGS\2024.09.16 - Annex exhibit\24.284 exhibit.dwg-Sep 19, 2024-2:45pm

CITY OF PLATTE WOODS

6750 NW Tower Drive

Platte Woods, MO 64151

816-741-6688

FAX816-741-4261

**VOLUNTARY ANNEXATION PETITION
CONTIGUOUS PROPERTIES**

To the City Council of the City of Platte Woods, Missouri:

The undersigned hereby petition(s) and request(s) the City Council of the City of Platte Woods, Missouri, to annex into the corporate limits of the City of Platte Woods, Missouri, any portion or part of the following tract of land, presently in City of Kansas City, Missouri, contiguous to the corporate limits of the City of Platte Woods, Missouri.

ADDRESS OF PROPERTY: 5901 NW 77th Street

PROPERTY ID NUMBER: PL CO 19-4.0-18-100-002-004

LEGAL DESCRIPTION OF THE PROPERTY MUST BE ATTACHED

The undersigned represent that they are owners of all fee interest of record of the above tract of land. This petition shall be a continuing obligation running with the land, and shall bind the subsequent owners, their heirs, executors, administrators, successors, assigns, or legal representatives. It is understood that this instrument will be recorded in the Recorder of Deeds, Office of Saint Charles County and shall be of record.

PROPERTY OWNER(S)

(Name)

FRANKLIN KEITH SARGENT

(Address)

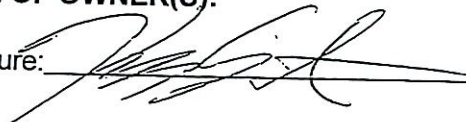
7511 NW TOMAHAWK LAKE, PLATTE WOODS

(Phone / Fax)

816-682-9192 FKS64151@GMAIL.COM

(Email Address **REQUIRED**)

SIGNATURE OF OWNER(S):

Owner signature: 

Date JULY 11-2024

ANNEX DESCRIPTION

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Thence South $00^{\circ}30'14''$ West along said city limit line, 165.63 feet the South line of said Northeast Quarter and the North line of Platte Woods city limits;

Thence North $88^{\circ}33'14''$ West along said South line of the Northeast Quarter and said North line of Platte Woods city limits, 657.95 feet to the Point of Beginning.

PLATTE WOODS ZONING COMMISSION HEARING

October 10, 2024
6:00 p.m.

AGENDA

Opening

Election of Chairman

Review of Voluntary Annexation Application

Discussion

Replat and rename subdivision within the City of Platte Woods with the de-annexation by KCMO and annexation by City of Platte Woods

Discussion

Review of Findings

Commission Recommendation

Closing

NOTICE OF PUBLIC MEETING

Notice is hereby given that the Zoning Commission of the CITY OF PLATTE WOODS, MISSOURI will conduct a meeting at 6:00 p.m. on Thursday, October 10, 2024 at City Hall, 6750 NW Tower Drive, Platte Woods, Missouri for a request to annex a portion of real estate consisting of 2.50 acres at 5901 NW 77th Street, KCMO, to the City of Platte Woods.

CLIENT:

John Roe
Roe Law Firm

PROPERTY ADDRESS:

7511 NW Tomahawk
Platte Woods, Missouri 64151

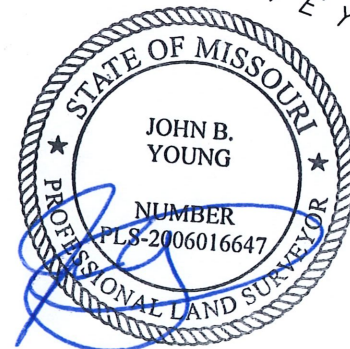
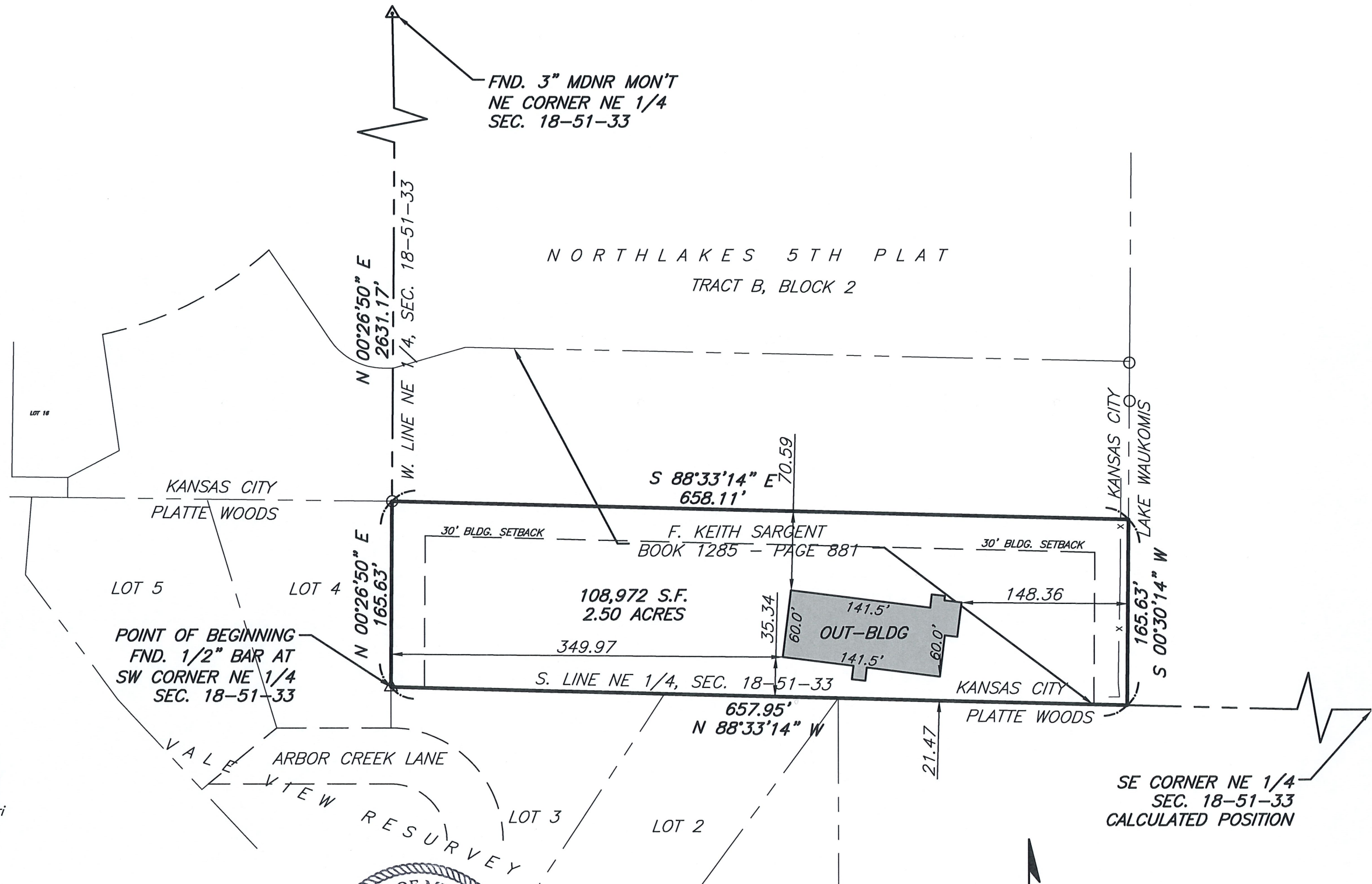
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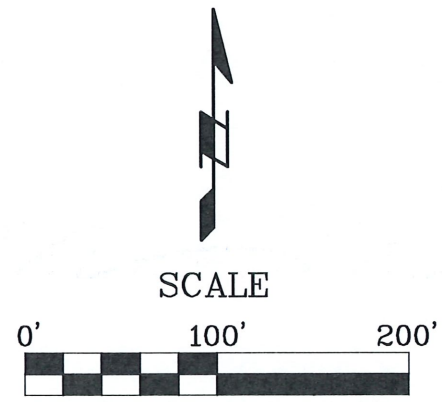
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LEGEND

- △ - SECTION CORNER AS NOTED
- ◇ - MONUMENT FOUND AS NOTED
- - FOUND 1/2" IRON BAR AT CORNER



J & J SURVEY LLC

8680A N. GREEN HILLS ROAD • KANSAS CITY, MO 64154
PHONE (816)741-1017 • FAX (816)741-1018

DE-ANNEXATION EXHIBIT

PART OF THE NORTHEAST QUARTER OF SECTION 18-51-33, KANSAS CITY, PLATTE COUNTY, MISSOURI



Office of the City Attorney

COLLINS

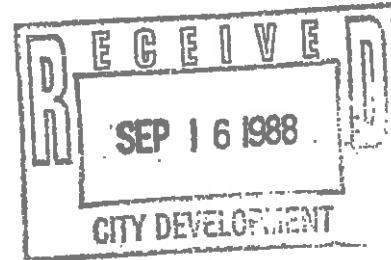
City of Kansas City, Missouri
Heart of America

28th Floor, City Hall
Kansas City, Missouri 64108

816 274-1415

MEMORANDUM

To: Councilman John Sharp
From: William D. Geary, Assistant City Attorney
Subject: Annexation Procedures
Date: September 14, 1988



You have asked for a brief review of the procedures which must be followed to annex territory. There are three major statutory procedures.

ANNEXATIONS INSTIGATED BY KANSAS CITY (KCI West Annexation / Cass County Annexation)

Annexations instigated by the City are controlled by Section 71.015, R.S.Mo. (1986). Contiguous property may be annexed by the City if the boundary between the City and the property to be annexed is longer than 15% of the perimeter of the property to be annexed. For example, property to be annexed with a perimeter of 10 miles must have a common boundary with the City of at least 1.5 miles.

Four distinct events must occur to successfully annex property pursuant to Section 71.015. First, a public hearing must be held. The City must make a good faith effort to notify all owners of record within the area by certified mail and by publishing notice in a newspaper. At the public hearing a Plan of Intent must be presented which includes these five items: (1) list of major services presently provided by the City; (2) proposed time schedule to provide the services to the annexed area within the three years following annexation; (3) level at which the City assess property and the tax rate; (4) the proposed zoning for the area; and (5) when the proposed annexation would become effective.

The next step is the passage of an ordinance by the City Council annexing the property.

Third, the City Attorney must file a lawsuit in the county in which the property to be annexed is located seeking a declaratory judgment. The lawsuit is filed as a class action against the inhabitants of the area to be annexed. Specific persons residing in the area or owning property in the area must be chosen to be sued to represent the inhabitants. Three major issues must be addressed in the litigation: (1) does the area meet the 15% requirement; (2) is the annexation reasonable and necessary to the proper development of the City; and (3) can the City furnish normal municipal services of the City within a reasonable time, not to exceed three years, after the annexation is effective.

The final step is an election to approve the annexation. The people living in Kansas City and in the area to be annexed vote in separate elections. The measure must pass by a simple majority in each election for the annexation to be effective. If the annexation passes in the City but fails in the area to be annexed another election may be held within 120 days of the first elections. At least two-thirds of all voters must approve the annexation at the second election. If it fails again, an annexation measure cannot be considered for at least two years.

If the annexation is approved but the City fails to provide the promised services or to zone the property as stated in the Plan of Intent any resident of the area also residing in the area at the time of the annexation may file a lawsuit for deannexation.

ANNEXATIONS INSTIGATED BY PROPERTY OWNERS (Hulsler Annexation / Copper Creek Annexation)

Property owners in an unincorporated area contiguous to the City may request annexation. Three steps to annex property pursuant to Section 71.012, R.S.Mo. (1986) must be taken.

First, 100% of all property owners in the area must file a verified petition requesting annexation.

A public hearing is the second step. Following published notice of the hearing the City Council, through the Plans and Zoning Committees, holds a hearing to determine two issues: (1) is the annexation reasonable and necessary to the proper development of the City; and (2) does the City have the ability to provide normal municipal services within a reasonable time after annexation.

The final step is the passage of an annexation ordinance by the City Council. After passage of the ordinance and filing of three certified copies of the ordinance with the County Clerk of the county in which the property is located the statutory requirements are met. No election is required to meet the statute. (The City Charter will require an election.)

TRANSFERS OF VACANT PROPERTY BETWEEN MUNICIPALITIES (N.W. Vivion Road - Gladstone / North Church Estates - Pleasant Valley)

A final method of annexing property is found in Section 71.011, R.S.Mo. (1986). This statute authorizes municipalities to transfer property to other municipalities if the property is contiguous to the receiving city and is vacant or uninhabited.

The two municipalities must pass ordinances concurrently detaching and annexing the property. The ordinances must include three things: (1) a description of the property by metes and bounds; (2) a declaration that the property is concurrently detached and annexed by the two municipalities; and (3) a list of the purposes to be accomplished by the detachment and annexation. After certified copies of each ordinance are filed with the County Clerk, Recorder of Deeds, and Clerk of the Circuit Court the property is transferred.

EFFECT OF SECTION 5, CHARTER OF KANSAS CITY

Section 5, Charter of Kansas City, reads:

The city may at any time or times extend its limits by amendment of this charter in the manner provided by the Constitution and laws relating to said city. The proposal therefor shall be made in the form of a proposed amendment of the charter, specifying with accuracy the new line or lines to which it is proposed to extend such limits. All courts of this state shall take judicial notice of the limits of said city now and when thus extended and of all the steps in the proceedings leading thereto.

In 1984, the Supreme Court of Missouri rejected 93 years of precedent and held that the annexation of property by a city was *not* an amendment of the charter. If the Kansas City Charter was silent on the issue of annexation only the statutory requirements would have to be met. A Charter is a *limit* on the authority of cities to act; prior to a Constitutional change in 1971 Charters were *grants* of power. Because Section 5, Charter, requires an election for the extension of the boundaries of the city, annexations must not only follow the statutory requirements they must follow the Charter requirements.

This rule is applicable to annexations instigated by the City and requested by 100% of the property owners. An election is *not* required for a transfer between municipalities. This is because the statute authorizing transfers specifically states the provision applies "other provisions of law to the contrary notwithstanding." Section 71.011, R.S.Mo. (1986). A charter cannot be inconsistent with a statute, therefore Section 5 does not apply; it is another "provision of law to the contrary" which does not apply.

Please contact me with any questions you may have about the procedures available for annexing property.


William D. Geary
Assistant City Attorney

cc: John Laney
Assistant City Manager

Richard Ward
City Attorney

Robert Collins
Principal Assistant to the
Director, City Development