

LOT SPLIT - CONSIDER A LOT SPLIT presented by BHC Rhodes; on behalf of the property owners, Jetta Kierl/Tim Courtney - The applicant is proposing to split an existing tract (Tract 1) thus enlarging Tract 2.

MEETING DATE: **May 18, 2021**
REPORT WRITTEN: **April 15, 2021**

APPLICANT:

- BHC Rhodes (on behalf of the owners)
712 State Avenue
Kansas City, KS 66012

REQUEST:

The applicant is requesting approval of the lot split as submitted.

ZONING:

- The property is zoned as A-1 (Agricultural District)

SURROUNDING ZONING:

- North “A-1” Agricultural District.
- South “A-1” Agricultural District.
- East “R-1” Single Family Residential District.
- West “R-1” Single Family Residential District.

ZONING REGULATIONS:

The intent of this section is to provide for the issuance of building permits in lots divided into not more than two tracts without having to replat said lot, provided that the resulting tracts shall not again be divided without replatting. However, lots zoned for industrial purposes may be divided into two or more tracts without replatting such lot. The Building Official may issue building permits for such lots in accordance with the regulations that follow.



REQUIREMENTS FOR LOT SPLITS:

The Zoning Regulations lay out eight requirements used to determine if a lot shall be split and ensure they meet the necessary criteria. Those requirements are stated below and followed by Staff’s justification.

1. A new street or alley or other public improvement is needed;
The lots gain ingress and egress from Kansas Avenue, no new streets shall be needed
2. A vacation of streets, alleys, setback lines, access control or easements is required or proposed;
No vacation of any of the above will be necessary.
3. Such action will result in significant increases in service requirements (e.g., utilities, schools, traffic control, streets, etc.); or will interfere with maintaining existing service levels (e.g., additional curb cuts, repaving, etc.);
Utilities are currently provided to the lots, no increase in service requirements shall be required.

4. There is less street right-of-way than required by these regulations or the Comprehensive Plan;

The public street right of way shall not be less than required and shall remain as is.

5. All easement requirements have not been satisfied;

No future easements are required

6. Such split will result in a tract without direct access to a street (i.e., property must abut a street and meet minimum lot width requirements);

All lots shall maintain the current access provided to Kansas Avenue.

7. A substandard-sized lot or parcel will be created; and

No substandard lot shall be created.

8. The lot has been previously split in accordance with these regulations.

The lot has not been previously split per the Zoning Regulations, any further division of this parcel or the parent parcel shall result in the lots being platted per the Zoning Regulations.

DESIGN REVIEW TEAM (DRT) COMMENTS:

Building Official:

1. None at this time, building plans to be submitted upon approval

City Engineer:

1. None at this time

Public Works Director:

1. None at this time

All other comments provided by the County Surveyor have been addressed.

STAFF RECOMMENDATION:

Staff recommends approval of the Lot Split application, with the following stipulations:

1. Any further division of this lot or the parent parcel shall be done via the platting process as outlined within the Zoning Regulations of Bonner Springs.
2. After approval, resubmit (2) 24" x 36" signed/sealed paper copies of the revised Lot Split drawings for Planning Commission signatures for filing;
3. The Applicant shall file the Lot Split with the Register of Deeds and provide an electronic (PDF) copy of the filed Lot Split to close the file; and
4. No building permits shall be issued until the City of Bonner Springs has received a copy of the filed Lot Split.