

City of Lee's Summit

Department of Planning and Codes Administration

February 5, 2016

TO: Planning Commission
FROM: Robert G. McKay, AICP, Director 
RE: **Application #PL2015-202 – VACATION OF EASEMENT – 3320 NE Wilshire Dr.; Jeffrey E. Smith Investments Co. LLC, applicant**

Commentary

This application is for the vacation of a 7.5' utility easement that is approximately 311' long located on Lot 4, *Wilshire Hills, 2nd Plat, Lots 3 and 4 & Tract B*. The request to vacate this easement stems from the developer needing to adjust the location of the planned building and also adjust the southernmost lot line. No objection was raised by the City's Public Works, Water Utilities Departments or other utility companies.

Recommendation

Staff recommends **APPROVAL** of the vacation of easement.

Project Information

Vacation of Easement: a 7.5' utility easement

Location: 3320 NE Wilshire Drive (Lot 4, *Wilshire Hills, 2nd Plat, Lots 3 and 4 & Tract B*)

Zoning: PMIX (Planned Mixed-Use)

Surrounding Zoning and Use:

North: PMIX – Wilshire Hills, Phase 2

South: PMIX – Future phases of the Wilshire Hills development

East (across NE Wilshire Dr.): PMIX – Tract B, NE Meadowview Dr., and future phases of the Wilshire Hills development

West: AG (Agricultural) – Large-lot undeveloped, vacant, unplatted land

Background

- November 11, 2004 – The City Council approved applications for rezoning (Appl. #2004-154) from PI-1 (Planned Light Industrial, now PI) and RP-2 (Planned Two-Family) to PMIX (Planned Mixed Use) and preliminary development plan (Appl. #2004-155) for Wilshire Hills by Ord. #5839.
- December 4, 2004 – The Planning Commission approved the preliminary plat (Appl. #2004-156) of *Wilshire Hills, Lots 1-14 and Tracts A-C*.
- January 10, 2012 – The Planning Commission approved the preliminary plat (Appl. #PL2011-075) of *Wilshire Hills, Lots 3-14 and Tracts A, B, & C*.
- August 16, 2012 – The City Council approved the final plat of *Wilshire Hills, 2nd Plat, Lots 3 and 4 & Tract B*. This plat was recorded at the Jackson County Recorder of Deeds Office

by Instrument #2012E0124892 on November 26, 2012. The subject easement was dedicated as part of this plat.

Analysis of Vacation of Easement

The applicant requests to vacate a 7.5' utility easement that is approximately 311' long located on Lot 4, *Wilshire Hills, 2nd Plat, Lots 3 and 4 & Tract B*, in order to accommodate the construction of a proposed memory care facility.

No objections were raised by the City's Public Works and Water Utilities Departments. Other utility companies were contacted and no objections were raised. The other utility companies contacted include: KCP&L, Laclede Gas, AT&T, Time Warner Cable, and Comcast.

Code and Ordinance Requirements

The items in the box below are specific to this development and must be satisfactorily addressed in order to bring the plan into compliance with the Codes and Ordinances of the City.

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1. The vacation of easement shall be recorded prior to the issuance of a final Certificate of Occupancy.

RGM/cs

Attachments:

1. *Wilshire Hills, 2nd Plat, Lots 3 and 4 & Tract B*
2. Drawing and legal description of the easement to be vacated, date stamped December 7, 2015—2 pages
3. Location Map