

# City of Lee's Summit

## Development Services Department

February 8, 2019

TO: Planning Commission

PREPARED BY: Jennifer Thompson, Planner

CHECKED BY: Hector Soto, Jr., AICP, Current Planning Manager  
Kent Monter, PE, Development Engineering Manager

RE: **PUBLIC HEARING – Application #PL2018-233 – VACATION OF RIGHT-OF-WAY – a portion of NW Lowenstein Dr., located west of NW Pryor Rd; Drake Development, LLC, applicant**

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### Commentary

This application is to vacate a portion of NW Lowenstein Dr. right-of-way located west of NW Pryor Rd. The subject portion of right-of-way was dedicated as part of the *Arbor Estates* and *Corlew's Estate* plats. The portion of right-of-way requested to be vacated is necessary in order to accommodate the recently approved mixed-used Streets of West Pryor development. New right-of-way will be dedicated on the final plat *Streets of West Pryor, Lots 1-14, Tracts A, B, C, & D* to cover the realigned NW Lowenstein Dr. A temporary utility easement will be granted over the vacated portion of right-of-way to cover existing infrastructure that will be removed/relocated as part of the Streets of West Pryor development.

### Recommendation

Staff recommends **APPROVAL** of the vacation of right-of-way subject to the following:

1. The vacation of right-of-way shall not take effect until such time as a temporary utility easement covering the existing AT&T, Spire and KCP&L infrastructure is dedicated.

### ***Zoning and Land Use Information***

**Location:** located west of NW Pryor Rd.

**Current Zoning:** PMIX (Planned Mixed Use District)

***Surrounding zoning and use:***

**North:** PMIX (Planned Mixed Use District) – existing homes (to be demolished)

**South:** PMIX (Planned Mixed Use District) – Lowenstein Park

**East (across NW Pryor Rd.):** CP-2 (Planned Community Commercial District) – Summit Woods Shopping Center

**West:** AG (Agricultural) – single-family subdivision and Lowenstein Park

**Site Characteristics.** The subject site is composed of multiple undeveloped parcels. The property environment is a treed landscape with rugged, jagged terrain which will require extensive mass grading and clearing to make the site developable for the Streets of West Pryor development.

**Description and Character of Surrounding Area.** The area surrounding the intersection of NW Pryor Rd and NW Lowenstein Dr. is developed as the Summit Woods Shopping Center to the

east and Lowenstein Park and single-family residential development to the south and west. Vacant ground and existing homes (to be demolished) are located to the north.

## Public Notification

**Neighborhood meeting conducted:** n/a

**Newspaper notification published:** January 26, 2019

**Notices mailed to properties within 185 feet:** January 25, 2019

## Process

**Procedure:** The Planning Commission holds a public hearing and makes a recommendation to the City Council on the proposed vacation of right-of-way. The City Council holds a public hearing and takes final action on the vacation of right-of-way application. All vacation of right-of-way applications shall be approved by ordinance.

**Duration of Validity:** The vacation of right-of-way goes into effect upon City Council final action, unless otherwise stated in the approval, and does not expire.

## Unified Development Ordinance

Applicable Section(s)	Description
2.460, 2.470	Vacation of Right-of-way

## Comprehensive Plan

Focus Areas	Goals, Objectives and Policies
n/a	

## Background

- April 13, 1959 – A final plat *Arbor Estates* (Appl. #1959-010) was recorded at the Jackson County Recorder of Deeds Office by Instrument #720677, Book 22, Pg. 88.
- April 6, 1977– A final plat *Corlew's Estate* (Appl. #1977-062) was recorded at the Jackson County Recorder of Deeds Office by Instrument #1278239.
- April 6, 2017 – The City Council approved a rezoning (Appl. #PL2016-206) from R-1 and CP-2 to PMIX – Approximately 39 acres generally bounded by I-470 on the north, NW Pryor Road on the east, and NW Lowenstein Drive on the southwest known as West Pryor Village, by Ordinance No. 8127.
- January 11, 2019 – The City Council approved a rezoning and preliminary development plan (Appl. #PL2018-098) for Streets of West Pryor by Ordinance No. 8531.
- January 26, 2019 – A final plat for *The Streets of West Pryor, Lots 1-14, Tracts A, B, C, & D* (#PL2018-232) was submitted for review. The plat is pending approvals.

## Analysis of Vacation of Right-of-way

The request for vacation of right-of-way was sent to the City's Public Works and Water Utilities Departments, as well as the private utility companies, for their input. AT&T, Spire, and KCPL have objected to the request due to existing utilities being located within the right-of-way. The developer is communicating and coordinating with all utility companies to examine and consider

the best approach for the removal/relocation of the infrastructure. AT&T, Spire and KCP&L will waive their objection to the vacation upon the establishment of a temporary utility easement covering the existing utilities during the utility removal/relocation process.

Attachments:

1. Drawings and description of the right-of-way to be vacated, date stamped December 21, 2018—2 pages
2. Location Map