



**LEE'S SUMMIT**  
**MISSOURI**  
Development Services Department

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## Development Services Staff Report

<b>File Number</b>	PL2019-127 – VACATION OF EASEMENT
<b>Applicant</b>	Engineering Solutions, LLC
<b>Property Address</b>	4032 SW Benziger Dr
<b>Planning Commission Date</b>	June 13, 2019
<b>Heard by</b>	Planning Commission and City Council
<b>Analyst</b>	Hector Soto, Jr., AICP, Planning Manager
<b>Checked By</b>	Kent Monter, PE, Development Engineering Manager

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### Public Notification

Pre-application held: N/A  
Neighborhood meeting conducted: N/A  
Newspaper notification published on: N/A  
Radius notices mailed to properties within 185 feet on: N/A  
Site posted notice on: N/A

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### Attachments

Exhibit and Legal Description, date stamped March 29, 2019  
Location Map

## 1. Project Data and Facts

Project Data	
<b>Applicant/Status</b>	Engineering Solutions, LLC/Engineer
<b>Applicant's Representative</b>	Matt Schlicht, PE
<b>Location of Property</b>	4032 SW Benziger Dr
<b>Size of Property</b>	±0.28 Acres
<b>Zoning</b>	R-1 (Single-family Residential)
<b>Comprehensive Plan Designation</b>	Low-Density Residential
<b>Procedure</b>	<p>The Planning Commission makes a recommendation to the City Council on the vacation of easement. The City Council takes final action on the vacation of easement in the form of an ordinance.</p> <p>Approval of the vacation of easement does not expire unless stated in the approval.</p>

Current Land Use
The subject property is the site of a vacant single-family residential lot. The property was zoned PMIX in 2004 for Napa Valley, a residential subdivision offering a mix of standard-sized, villa-sized and estate-sized single-family lots. The subject lot was platted in 2004.

Description of Applicant's Request
The applicant requests to vacate all of a 10' utility easement along the north property line of Lot 14 of <i>Napa Valley, 1<sup>st</sup> Plat, Lots 1-88 and Tracts A-M</i> .

## 2. Land Use

Description and Character of Surrounding Area
The property is located near the southwestern limits of the Napa Valley single-family residential subdivision. The property is one of the last lots in the immediate area to be developed.

### Adjacent Land Uses and Zoning

<b>North:</b>	Single-family residential / PMIX
<b>South:</b>	Single-family residential / PMIX
<b>East:</b>	Single-family residential / PMIX
<b>West:</b>	SW Pryor Rd

Site Characteristics
The site consists of a rectangular-shaped lot surrounded by single-family residences on all sides. The lot has frontage on both SW Pryor Rd and SW Benziger Dr. Access to the site comes from SW Benziger Dr.

Special Considerations
N/A

### 3. Unified Development Ordinance (UDO)

Section	Description
2.480, 2.490	Vacation of Easement

#### **Unified Development Ordinance (UDO)**

The ultimate purpose of the vacation of easement is to allow for the creation of an additional single-family lot in the Napa Valley subdivision, which is an allowed use under the UDO and is also compatible with the uses under the approved preliminary development plan.

### 4. Analysis

#### **Background and History**

The applicant requests to vacate the 10' utility easement along the northern boundary of the subject property. The vacation of easement is necessary to accommodate the creation of an additional single-family lot in this area, pending approval of a related request for a vacation of right-of-way for the abutting portion of Blackstone Pl.

- March 9, 2004 – The Planning Commission approved the preliminary plat (Appl. #2004-10) for *Napa Valley, Lots 1 – 216 and Tracts A through V*.
- April 15, 2004 – The City Council approved the rezoning (Appl. #2004-008) from AG to PMIX and the preliminary development plan (Appl. #2004-009) for Napa Valley by Ordinance No. 5731.
- October 21, 2004 – The City Council approved the final plat (Appl. #2004-172) for *Napa Valley, 1<sup>st</sup> Plat, Lots 1-88 & Tracts A-M* by Ordinance No. 5825. The subject 10' easement was dedicated as part of this plat. The final plat was recorded with the Jackson County Recorder of Deeds Office by Instrument No. 2005-E-0049801 on June 13, 2005.

#### **Compatibility**

The proposed vacation of easement is one of the initial steps in the developer's ultimate pursuit of creating an additional single-family residential lot in the southwest area of the Napa Valley single-family residential subdivision.

#### **Adverse Impacts**

The proposed vacation of easement will not negatively impact the use or aesthetics of any neighboring property, nor does it negatively impact the health, safety and welfare of the public.

#### **Public Services**

No objections to the requested vacation of easement have been expressed by the utility companies, including the City's Public Works and Water Utilities Departments. The vacation will not impact the provision of utilities to the area. A new easement to accommodate any future utility needs will be dedicated at the time the future single-family lot is created.

#### **Comprehensive Plan**

The proposed vacation of easement does not compromise the ability to implement and/or achieve any policies, goals or objectives outlined in the Comprehensive Plan.

**Recommendation**

With the conditions of approval below, the application meets the requirements of the UDO and Design and Construction Manual (DCM).

**5. Recommended Conditions of Approval**

**Standard Conditions of Approval**

1. The ordinance approving the vacation of easement shall be recorded with the Jackson County Recorder of Deeds office and a copy of the recorded document shall be returned to the Development Services Department prior to the issuance of any building permit on the affected lot.