



LEE'S SUMMIT
MISSOURI
Development Services Department

Development Services Staff Report

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| File Number | PL2019-239 – VACATION OF RIGHT-OF-WAY |
| Applicant | Worley Real Estate 5 NW Market Series, LLC |
| Property Address | Alley segment north of SW 1 st St between NW Market St and NW Main St |
| Planning Commission Date | September 12, 2019 |
| Heard by | Planning Commission and City Council |
| Analyst | Hector Soto, Jr., AICP, Planning Manager |
| Checked By | Kent Monter, PE, Development Engineering Manager |

Public Notification

Pre-application held: August 29, 2018
Neighborhood meeting conducted: N/A
Newspaper notification published on: August 24, 2019
Radius notices mailed to properties within 185 feet on: August 28, 2019
Site posted notice on: August 28, 2019

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Attachments

Exhibit and Legal Description, date stamped July 15, 2019
Location Map

1. Project Data and Facts

| Project Data | |
|--------------------------------|---|
| Applicant/Status | Worley Real Estate 5 NW Market Series, LLC/Developer |
| Applicant's Representative | Tim Hosmann |
| Location of Property | Alley segment north of SW 1 st St between NW Market St and NW Main St |
| Size of Property | ±0.15 Acres |
| Zoning | CP-2 (Planned Community Commercial) and PIX(Planned Industrial) |
| Comprehensive Plan Designation | New Downtown Neighborhood |
| Procedure | <p>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.</p> <p>The vacation of right-of-way goes into effect upon City Council final action, unless otherwise stated in the approval, and does not expire.</p> |

| Current Land Use |
|--|
| The subject right-of-way was dedicated in 1883 as part of <i>W.B Howard's Second Addition</i> . The right-of-way was dedicated for the purpose of expanding the downtown alley network. Use of the alley has been abandoned for an indeterminate period of time. Each of the lots abutting the alley use SW 1 st St, NW Market St or NW Main St for vehicular access; none of the abutting lots use the alley as a means of access. |

| Description of Applicant's Request |
|---|
| The applicant requests to vacate all of the right-of-way for the alley segment north of SW 1 st St between NW Market St and NW Main St in order to gain additional lot area so as to facilitate the future development of the abutting parcel addressed 5 NW Market St. The development of 5 NW Market St will require submittal and approval of a preliminary development plan. |

2. Land Use

| Description and Character of Surrounding Area |
|---|
| The alley is located north of the Central Business District, just west of the rail line. The surrounding area is primarily residential in nature, though the adjacent use to the east is an office-warehouse. |

Adjacent Land Uses and Zoning

| | |
|--------|--|
| North: | Single-family residential / CP-2 (Planned Community Commercial); and |
|--------|--|

| | |
|---------------|---|
| | Two-family residential / RP-2 (Two-family Residential) |
| South: | Church / CP-2 |
| East: | Single-family residential / CP-2; and Office-warehouse / PI (Planned Industrial) |
| West: | Single-family residential / CP-2 |

Site Characteristics

The subject right-of-way contains an alley that has been abandoned for an indeterminate period of time. The alley surface is grass and shows no obvious signs of vehicle use. All abutting lots use SW 1st, NW Market St or NW Main St for vehicular access.

Special Considerations

N/A

3. Unified Development Ordinance (UDO)

| Section | Description |
|--------------|--------------------------|
| 2.460, 2.470 | Vacation of Right-of-way |

Unified Development Ordinance (UDO)

The applicant's purpose for the vacation of right-of-way is to gain additional lot area to facilitate the future development of 5 NW Market St. Under existing conditions, the development of the property addressed 5 NW Market St has challenges due to its irregular lot shape, the proximity to both water and sanitary sewer lines, building setbacks and parking setback requirements that limit the property's buildable area.

4. Comprehensive Plan

| Focus Areas | Goals, Objectives & Policies |
|--------------------------------|------------------------------|
| Public Facilities and Services | Objective 6.1 |

Comprehensive Plan

The proposed vacation of right-of-way does not compromise the ability to implement and/or achieve any policies, goals or objectives outlined in the Comprehensive Plan. In fact, the request is intended to improve the viability of the abutting site addressed as 5 NW Market St as a developable property. Adequate utility, pedestrian and vehicular access to the abutting properties is unaffected by the request to vacate the subject segment of alley right-of-way.

5. Analysis

Background and History

The applicant requests to vacate a 20' wide x approximately 300' long alley right-of-way located north of SW 1st St between NW Market St and NW Main St. The request stems from the applicant's pursuit of

the future development of the abutting property at 5 NW Market St and the desire to gain additional lot area in order to address existing lot conditions that present development challenges of said property. There is no specific development plan for the property at this time. Development of the property will require the future submittal and approval of a preliminary development plan.

- September 11, 1883 – The plat for *W.B Howard's Second Addition* was filed with the Jackson County Recorder of Deeds office. The subject alley right-of-way was dedicated as part of this plat.

Compatibility

The proposed vacation of right-of-way is one of the initial steps in the developer's ultimate pursuit of creating additional lot area for the future development of 5 NW Market St.

Adverse Impacts

The proposed vacation of right-of-way 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. Adequate access to the surrounding lots is provided by the area's existing street network.

Public Services

A public sanitary sewer line and overhead electric lines exist within the entire length of the subject alley right-of-way. A condition of approval placed on this application is to retain a general utility easement to cover the existing infrastructure serving the area.

Recommendation

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

6. Recommended Conditions of Approval

Site Specific

1. A general utility easement shall be retained over the entire width and length of the alley right-of-way to cover existing infrastructure located within the subject right-of-way.

Standard Conditions of Approval

2. The ordinance approving the vacation of right-of-way 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.