



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

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## Development Services Staff Report

<b>File Number</b>	PL2019-383
<b>File Name</b>	VACATION OF RIGHT-OF-WAY – a portion of NE Ralph Powell Rd abutting 800 NE Lone Hill Dr
<b>Applicant</b>	Engineering Solutions, LLC
<b>Property Address</b>	N/A
<b>Planning Commission Date</b>	December 12, 2019
<b>Heard by</b>	Planning Commission
<b>Analyst</b>	Victoria Nelson
<b>Checked By</b>	Hector Soto, Jr., AICP, Planning Manager and Kent Monter, PE, Development Engineering Manager

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### Public Notification

Pre-application held: September 24, 2019  
Neighborhood meeting conducted: November 7, 2019  
Newspaper notification published on: November 23, 2019  
Radius notices mailed to properties within 300 feet on: November 19, 2019  
Site posted notice on: November 19, 2019

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### Attachments

Legal Description and Exhibit, date stamped November 12, 2019  
Location Map

## 1. Project Data and Facts

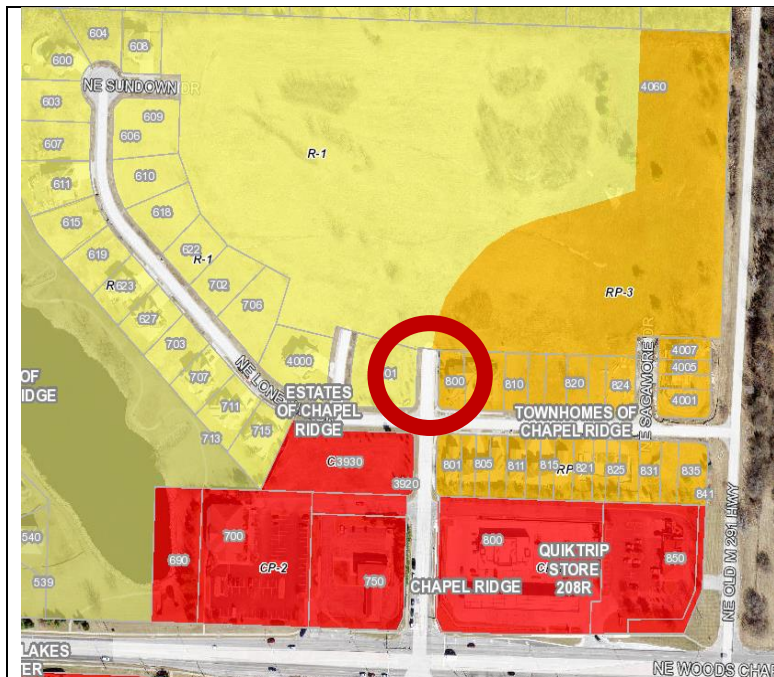
Project Data	
<b>Applicant/Status</b>	Engineering Solutions, LLC/Engineer
<b>Applicant's Representative</b>	Matt Schlicht/Engineer
<b>Location of Property</b>	Abutting 800 NE Lone Hill DR
<b>Size of Property</b>	±4,000 sq. ft.
<b>Zoning</b>	R-1 (Single-family Residential) and RP-3 (Planned Residential Mixed Use)
<b>Comprehensive Plan Designation</b>	Medium/High-density Residential
<b>Procedure</b>	The Planning Commission makes a recommendation to the City Council on the proposed rezoning and preliminary development plan. The City Council takes final action on the rezoning and preliminary development plan.
<b>Duration of Validity</b>	<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 2006 as part of <i>The Estates of Chapel Ridge, 1<sup>st</sup> Plat</i> . The right-of-way was dedicated for the purpose of extending NE Ralph Powell Rd north of NE Lone Hill Dr as depicted on the original preliminary development plan.

Description of Applicant's Request
The applicant requests to vacate all of the right-of-way for the NE Ralph Powell Rd street stub north of NE Lone Hill Dr. As mentioned above, the original preliminary development plan calls for the extension of NE Ralph Powell Rd north. The new preliminary development plan revises the street and lot layout for this area by terminating NE Ralph Powell Rd at NE Lone Hill Dr in order to accommodate the expansion of the townhomes area.

## 2. Land Use

Description and Character of Surrounding Area
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The right-of-way is located north of Commerce Bank and QuikTrip. The surrounding neighborhood is comprised of a mix of single-family and multi-family uses composed of 3-unit and 4-unit townhome buildings.

#### Adjacent Land Uses and Zoning

<b>North:</b>	Future The Estates of Chapel Ridge and The Townhomes of Chapel Ridge phases/ R-1 and RP-3
<b>South:</b>	Commercial/CP-2 (Planned Community Commercial)
<b>East:</b>	The Townhomes of Chapel Ridge/RP-3
<b>West:</b>	The Estates of Chapel Ridge single-family residential/R-1

#### Site Characteristics

The subject right-of-way contains a street stub originally intended for future extension to the north. The stub is bounded by a vacant single-family estate lot on the west and a 3-unit townhome on the east. There is no driveway access onto the subject right-of-way. The existing abutting townhome has driveway access onto NE Lone Hill Dr.

### 3. Unified Development Ordinance (UDO)

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

#### Unified Development Ordinance

The purpose for the vacation of right-of-way is to gain additional land area to accommodate the expansion of the townhome area reflected in the associated preliminary development plan that is on this same agenda. The proposed townhome area expansion is a response to growing demand for said housing type in market.

## 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 ties into a new preliminary development plan proposed to increase the supply of varying housing types. 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 all of the right-of-way for the NE Ralph Powell Rd street stub north of NE Lone Hill Dr. The request stems from the developer's pursuit to expand The Townhomes of Chapel Ridge area, which results in a revision in the street and lot layout for this area from that of the originally approved preliminary development plan. Whereas the original preliminary development plan calls for the extension of NE Ralph Powell Rd north, the new proposed preliminary development plan revises the street and lot layout for this area by terminating NE Ralph Powell Rd at NE Lone Hill Dr.

- December 1, 2005 – The City Council approved the preliminary plat (Appl. #2005-276) for *Chapel Ridge Mixed Use Development, Lots 1-141*
- January 12, 2006 – The City Council approved the rezoning (Appl. #2005-275) from AG to R-1 (Single-family Residential), RP-1 (Planned Single-family Residential), RP-3 (Planned Residential Mixed-Use) and CP-2 and a preliminary development plan (Appl. #2005-277) for the Chapel Ridge Mixed Use Development by Ordinance No. 6106.
- April 20, 2006 – The City Council approved the final plat (Appl. #2006-010) for *The Estates of Chapel Ridge, 1<sup>st</sup> Plat, Lots 1 thru 23* by Ordinance No. 6170. The final plat was recorded with the Jackson County Recorder of Deeds office by Instrument #2006-E-0130148. The subject right-of-way was dedicated as part of this final plat.

### Compatibility

The proposed vacation of right-of-way is one of the initial steps in the developer's pursuit to expand the second phase of The Townhomes of Chapel Ridge.

### **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 area is provided by the area's existing and future street network.

### **Public Services**

A public water line and storm sewer lines exist within the subject right-of-way. The existing infrastructure will be removed and relocated as part of the proposed preliminary development plan for the area.

No objections to the requested vacation of right-of-way 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. New easements to accommodate future utility needs will be dedicated at the time the subject property is platted.

### **Recommendation**

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

## **6. Recommended Conditions of Approval**

### **Site Specific**

1. The vacation of right-of-way shall not go into effect until such time as the existing public infrastructure is removed in a manner acceptable to the City.

### **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 prior to the issuance of any building permits on the affected property.