



LEE'S SUMMIT
MISSOURI
Development Services Department

Development Services Staff Report

File Number	PL2020-143 – VACATION OF EASEMENT
Applicant	Gale Communities, Inc.
Property Address	2924 NW Audubon Ln
Planning Commission Date	July 9, 2020
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: N/A
Neighborhood meeting conducted: N/A
Newspaper notification published on: N/A
Radius notices mailed to properties within 300 feet on: N/A
Site posted notice on: N/A

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Attachments

Exhibit and Legal Description, dated May 4, 2020
Location Map

1. Project Data and Facts

Project Data	
Applicant/Status	Gale Communities, Inc. / Developer
Applicant's Representative	David Gale
Location of Property	2924 NW Audubon Ln
Size of Property	±0.01 Acres (478 sq. ft.)
Zoning	R-1 (Single-family Residential)
Comprehensive Plan Designation	Low-Density Residential
Procedure	<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 a vacant single-family lot in the Winterset Valley subdivision. The lot has a 25' utility easement along the front property line and a 7.5' utility easement along the north property lines.

Description of Applicant's Request
The developer proposes to vacate a portion of the 25' utility easement along the front property line. A new easement will be dedicated as part of a related replat of the subject residential lot.

2. Land Use

Description and Character of Surrounding Area
The subject easement is located on a vacant residential lot located at the northwestern edge of the Winterset Valley single-family residential subdivision. To the south and east are existing phases of Winterset Valley. To the north and west is undeveloped property.

Adjacent Land Uses and Zoning

North:	Undeveloped acreage / R-1 (Single-family Residential) and AG (Agricultural)
South:	Single-family residential / R-1
East:	Single-family residential / R-1 and AG
West:	Undeveloped acreage / R-1

Site Characteristics
The subject property has a significant amount of slope from southeast to northwest that leads to a natural drainageway.

Special Considerations
N/A

3. Unified Development Ordinance (UDO)

Section	Description
2.480, 2.490	Vacation of Easement

Unified Development Ordinance (UDO)

The vacation of easement is related to a proposed vacation of a portion of the abutting NW Audubon Ln right-of-way. The subject residential lot will be reconfigured upon vacation of the abutting right-of-way. A new easement will be dedicated along the front property line as part of the replat of the subject property.

4. Comprehensive Plan

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

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. A new utility easement will be dedicated as part of a related replatting of the subject property.

5. Analysis

Background and History

The applicant requests to vacate a 19.23' segment of the 25' utility easement along the front property line of the subject property. The proposed vacation stems from a related application to vacate a portion of the abutting NW Audubon Ln. The subject residential lot will be replatted upon the vacation of the abutting right-of-way. The existing easement does not match the proposed lot reconfiguration, and thus a new easement will be dedicated as part of the replat.

- August 15, 2019 – The City Council approved the final plat (Appl. #PL2018-059) for *Winterset Valley, 12th Plat, Lots 1435 thru 1471 & Tracts A12 thru D12* by Ordinance No. 8697. The subject easements were dedicated as part of this plat.
- August 22, 2019 – The final plat of *Winterset Valley, 12th Plat, Lots 1435 thru 1471 & Tracts A12 thru D12* was recorded with the Jackson County Recorder of Deeds office by Instrument #2019-E-0066556-1.

Compatibility

The proposed vacation and subsequent dedication of a new easement ensures the appropriate utility access to the subject property.

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.

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. The vacation of easement shall not go into effect until such time as new utility easement covering existing infrastructure is dedicated on the subject property.

Standard Conditions of Approval

2. 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.