



LEE'S SUMMIT
MISSOURI
Development Services Department

Development Services Staff Report

File Number	PL2020-144 – VACATION OF RIGHT-OF-WAY
Applicant	Gale Communities, Inc.
Property Address	Segment of NW Audubon Ln located west of NW Carson Dr (adjacent to 212 NW Carson Dr)
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: The requirement for an applicant to hold in-person neighborhood meetings pursuant to UDO §2.205 has been suspended during the period of the Emergency Declaration which will end on July 31, 2020, unless earlier terminated or further extended by the Mayor. Pursuant to the Mayor's Emergency Order, applicants are encouraged to use all available alternative methods of communication to inform neighbors of each pending application and solicit neighbors' input and feedback and provide answers to questions about proposed land development.

Newspaper notification published on: June 20, 2020

Radius notices mailed to properties within 300 feet on: June 20, 2020

Site posted notice on: June 22, 2020

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Attachments

Exhibit and Legal Description, date stamped 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	Segment of NW Audubon Ln located west of NW Carson Dr (adjacent to 212 NW Carson Dr)
Size of Property	±0.13 Acres (5,745 sq. ft.)
Zoning	R-1 (Single-family Residential)
Comprehensive Plan Designation	Low-Density Residential
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 2019 as part of *Winterset Valley, 12th Plat*. The right-of-way was dedicated as a means of access to the undeveloped property to the west via a future extension of NW Audubon Ln.

Description of Applicant's Request

The developer no longer intends to extend NW Audubon Ln to the west, nor does the City require extension of said street. NW Audubon Ln will now terminate at NW Carson Dr and the vacated segment of right-of-way will instead be dedicated as an open area common area tract. Access for the future development of the undeveloped property to the west is available via NW Thoreau Dr, which is located south of this site.

2. Land Use**Description and Character of Surrounding Area**

The subject segment of right-of-way is 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 right-of-way was for a planned street stub for the future development of the abutting undeveloped acreage to the west. The area has a significant amount of slope from east to west that leads to a natural drainageway just to the west of the previously planned street stub.

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 purpose of the vacation of right-of-way is to eliminate a segment of unneeded right-of-way that will instead be converted to common area open space. Access to the undeveloped property to the west is retained via a stub for NW Thoreau Dr.

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. The future development of undeveloped acreage to the west can be access through existing right-of-way for NW Thoreau Dr. Adequate utility, pedestrian and vehicular access to the surrounding properties is unaffected by the request to vacate the subject segment of right-of-way.

5. Analysis

Background and History

The applicant requests to vacate a 20' wide x approximately 120' long segment of NW Audubon Ln right-of-way located west of NW Carson Dr in the Winterset Valley subdivision. The developer no longer proposes to extend NW Audubon Ln west of NW Carson Dr. The subject segment of right-of-way will be dedicated as an open space common area tract. Additionally, a utility easement will be retained over the vacated right-of-way. The City has no requirement that NW Audubon Ln be extended to the west as originally intended.

- 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 right-of-way was 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 of right-of-way will result in the creation of additional open space for the subdivision.

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 storm sewer line exist within the entire length of the subject 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 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.