



LEE'S SUMMIT
MISSOURI
Development Services Department

Development Services Staff Report

File Number	PL2020-382 – VACATION OF EASEMENT
Applicant	Chad Dumas
Property Address	400 SW Waterfall Ct
Planning Commission Date	February 11, 2021
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, revision date January 12, 2021
Location Map

1. Project Data and Facts

Project Data	
Applicant/Status	Chad Dumas / Property Owner
Applicant's Representative	Chad Dumas
Location of Property	400 SW Waterfall Ct
Size of Property	±0.03 Acres (1,498 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 single-family residential lot in the Winterset Park subdivision. The existing single-family residence was constructed in 1995.

Description of Applicant's Request
The applicant proposes to vacate all but the southern 7.5' of the 7.5'-wide utility easement along the western boundary of the subject lot (Lot 111, Winterset Park, 5 th Plat) in order to eliminate a conflict with the location of a future swimming pool.

2. Land Use

Description and Character of Surrounding Area
The subject property is located in the Winterset Park residential subdivision. To the immediate west is a common area tract that houses a natural drainage area that feeds Cedar Creek.

Adjacent Land Uses and Zoning

North:	Single-family residential / R-1
South:	Single-family residential / R-1
East:	Single-family residential / R-1
West:	Common area tract and single-family residential / R-1

Site Characteristics
The property is a cul-de-sac lot that backs up to common area. The lot slopes from east to west.

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 stems from the need to eliminate a conflict between the easement location and a future swimming pool.

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. The subject utility easement is unneeded.

5. Analysis

Background and History

The applicant requests to vacate all of the 7.5' wide utility easement, except the southernmost 7.5', located along the western boundary between Lot 111 and Tract R in the Winterset Park subdivision. The applicant proposes to construct a swimming pool in the rear yard of the subject property. The existing easement conflicts with the location of the swimming pool.

- April 5, 1994 – The City Council approved the final plat (Appl. #1994-230) of Winterset Park, 5th Plat, Lots 97-155 & 178-193 by Ordinance No. 3972. The plat was recorded with the Jackson County Recorder of Deeds office by Instrument #1994-I-1312138. The subject 7.5'-wide utility easement was dedicated as part of this plat.
- January 21, 2021 – The Board of Zoning Adjustments (BZA) approved a variance (Appl. #PL2020-381) to allow a 0' rear setback for an in-ground swimming pool on the subject property.

Compatibility

The proposed vacation of easement facilitates the ability to construct a swimming pool on the subject property by eliminating a conflict between the swimming pool and easement location.

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

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.