



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

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## Development Services Staff Report

<b>File Number</b>	PL2020-379 – VACATION OF EASEMENT
<b>Applicant</b>	Kevin Stallings
<b>Property Address</b>	1709, 1713, 1717, 1721 and 1725 SW 27 <sup>th</sup> St
<b>Planning Commission Date</b>	March 11, 2021
<b>Heard by</b>	Planning Commission and City Council
<b>Analyst</b>	Jennifer Thompson, Senior Planner
<b>Checked By</b>	Hector Soto, Jr., AICP, Planning Manager Kent Monter, PE, Development Engineering Manager

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### 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, signed and sealed date January 12, 2021  
Location Map

## 1. Project Data and Facts

Project Data	
<b>Applicant/Status</b>	Kevin Stallings / Builder
<b>Applicant's Representative</b>	Lovelace and Associates/Joe Smith
<b>Location of Property</b>	1709, 1713, 1717, 1721 and 1725 SW 27 <sup>th</sup> St
<b>Size of Property</b>	±0.20 Acres (8,754 sq. ft.)
<b>Zoning</b>	R-1 (Single-family Residential)
<b>Comprehensive Plan Designation</b>	Low-Density Residential
<b>Procedure</b>	<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 properties are single-family residential lots in the Whispering Woods subdivision. Four of the five lots have active residential building permits.

Description of Applicant's Request
The applicant proposes to vacate a 20' wide utility easement along the southern border of Lots 29, 30, 31, 32, and 33 Whispering Woods 1 <sup>st</sup> Plat. The request to vacate will allow for the construction of a pool and other future potential structures without encroaching into the platted utility easement.

## 2. Land Use

Description and Character of Surrounding Area
The subject property is located in the Whispering Woods subdivision. The property is surrounded by the Whispering Woods single-family subdivision. Large-lot residential is also located immediately south of the property.

### Adjacent Land Uses and Zoning

<b>North (across SW 27<sup>th</sup> St):</b>	Single-family residential / R-1
<b>South:</b>	Single-family residential / R-1 and Large Lot single-family residential / AG
<b>East:</b>	Future single-family residential / R-1
<b>West (across SW River Run Dr):</b>	Single-family residential / R-1

Site Characteristics
The property is comprised of 5 lots within a residential subdivision with ongoing active construction. Four

out of the 5 lots have been issued a building permit and are currently under construction.

**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 and other future potential structures.

### 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 proposes to vacate a 20' wide utility easement along the southern border of Lots 29, 30, 31, 32, and 33 Whispering Woods 1<sup>st</sup> Plat. The request to vacate will allow for the construction of a pool and other future potential structures without encroaching into the platted utility easement.

- October 3, 2019 – The City Council approved the final plat (Appl. #PL2017-192) of Whispering Woods, 1<sup>st</sup> Plat, Lots 1-33, and Tracts A, B, C, & D by Ordinance No. 8732. The plat was recorded with the Jackson County Recorder of Deeds office by Instrument #2019E0093077. The subject 20'-wide utility easement was dedicated as part of this plat.

**Compatibility**

The proposed vacation of easement facilitates the ability to construct a swimming pool and other future potential structures on the subject properties by eliminating a conflict of the 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.