



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

---

## Development Services Staff Report

<b>File Number</b>	PL2021-250 – VACATION OF EASEMENT
<b>Applicant</b>	LSMOB Owner, LLC
<b>Property Address</b>	2861 NE Independence Ave
<b>Planning Commission Date</b>	August 26, 2021
<b>Heard by</b>	Planning Commission and City Council
<b>Analyst</b>	Hector Soto, Jr., AICP, Planning Manager
<b>Checked By</b>	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

---

### Table of Contents

1. Project Data and Facts	2
2. Land Use	2
3. Unified Development Ordinance (UDO)	3
4. Comprehensive Plan	3
5. Analysis	3
6. Recommended Conditions of Approval	4

### Attachments

Legal Description, signed and sealed June 17, 2021  
Vacation of Easement Exhibit, dated June 17, 2021  
Location Map

## 1. Project Data and Facts

Project Data	
Applicant/Status	LSMOB Owner, LLC/Property Owner
Applicant's Representative	Tim Breece
Property Owner	LSMOB Owner, LLC
Location of Property	2861 NE Independence Ave
Size of Property	±6.1 Acres (265,715 sq. ft.)
Zoning	PMIX (Planned Mixed Use)
Comprehensive Plan Designation	Mixed Use
Procedure	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.  Approval of the vacation of easement does not expire unless stated in the approval.

Current Land Use
The subject property is developed with a 2-story, 42,960 sq. ft. medical office building.

Description of Applicant's Request
The applicant plans a building expansion that conflicts with the location of an existing 45' utility easement along the property's NE Independence Ave frontage. The applicant proposes to vacate the eastern 10' of the existing easement in order to accommodate the planned building expansion. The remaining 35' utility easement provides adequate coverage for an existing 12" sanitary sewer main located within said easement.

## 2. Land Use

Description and Character of Surrounding Area
The subject property is located in a commercial/industrial area along the NE Independence Ave corridor just south of NE Strother Rd.

### Adjacent Land Uses and Zoning

North (across NE Jones Industrial Dr):	Indoor gun range / PMIX
South:	Office-warehouse / PMIX
East:	Indoor recreational facility / PMIX
West (across NE Independence	Office-warehouse / CS (Commercial Services)

<b>Ave):</b>	
--------------	--

<b>Site Characteristics</b>
The property generally slopes from east to west. The 6-acre site is developed with a 2-story medical office building. The site is accessed from both NE Independence Ave and NE McBaine Dr.

<b>Special Considerations</b>
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 a conflict between a planned building expansion and the existing 45'-wide utility easement. The building expansion can be accommodated by vacating the easternmost 10' of the easement and thus leaving a 35'-wide utility easement.

### 4. Comprehensive Plan

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

#### Comprehensive Plan

The proposed vacation of a portion of the existing easement does not compromise the ability to implement and/or achieve any policies, goals or objectives outlined in the Ignite Comprehensive Plan. The subject request vacates a portion of an existing 45'-wide utility easement due to a planned building expansion that would otherwise encroach into a portion of the easement.

### 5. Analysis

#### Background and History

The applicant requests to vacate a 10' wide x 390.44' long portion of an existing 45' wide utility easement along the NE Independence Ave frontage of the subject property. The easement vacation eliminates a conflict with a planned building expansion.

- July 6, 2006 – The City Council approved the final plat (Appl. #2006-072) for *I-470 Business and Technology Center, Lots 1 thru 22 and Tracts A and B* by Ordinance No. 6209. The subject utility easement was dedicated as part of this plat.

#### Compatibility

The request to vacate the subject portion of easement is consistent with the City's practice of managing its inventory of easements by eliminating easements in whole or in part that do not serve a public purpose. In

this specific case, the easternmost 10' of the existing easement is deemed to be excess easement that is unnecessary to serve the existing sanitary sewer main along NE Independence Ave.

**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 objection to the requested vacation of easement has been expressed by any utility company, including the City's Public Works and Water Utilities Departments. The remaining 35' utility easement will adequately serve the existing 12" sanitary sewer main located along NE Independence Ave.

**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.