



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

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## Development Services Staff Report

<b>File Number</b>	PL2021-323 – VACATION OF EASEMENT
<b>Applicant</b>	Clayton Properties Group, Inc.
<b>Property Address</b>	2030 NW O'Brien Rd
<b>Planning Commission Date</b>	November 4, 2021
<b>Heard by</b>	Planning Commission and City Council
<b>Analyst</b>	C. Shannon McGuire, 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

Overall Exhibit of Location of Temporary Easement, dated August 23, 2021  
Legal Description and Vacation of Easement Exhibit, signed and sealed August 18, 2021 – 2 pages  
Location Map

## 1. Project Data and Facts

Project Data	
<b>Applicant/Status</b>	Clayton Properties Group, Inc./Developer
<b>Applicant's Representative</b>	Brad Kempf
<b>Property Owner</b>	Clayton Properties Group, Inc.
<b>Location of Property</b>	2030 NW O'Brien Rd.
<b>Size of Property</b>	±34.77 Acres (1,514,368 sq. ft.)
<b>Zoning</b>	RP-3 (Planned Residential Mixed-Use District)
<b>Comprehensive Plan Designation</b>	Residential 1
<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 property comprises the future 2 <sup>nd</sup> Plat of the previously approved Woodside Ridge residential subdivision. This phase is currently under construction.

Description of Applicant's Request
The applicant proposes to vacate an existing 15' sanitary sewer easement. The location of the existing easement conflicts with the location of new lots in Woodside Ridge 2 <sup>nd</sup> Plat, thus requiring the requested vacation of easement.

## 2. Land Use

Description and Character of Surrounding Area
The overall development is surrounded by residential uses in various zoning districts. The properties to the west and south are single-family homes zoned R-1. The properties to the north and east (across NW Pryor Rd) are both owned by John Knox Village and are zoned RP-3 and PMIX, respectively.

### Adjacent Land Uses and Zoning

<b>North:</b>	RP-3 (Planned Residential Mixed Use District) – John Knox Village
<b>South:</b>	R-1 (Single-Family Residential District) – Sterling Hills
<b>East (across NW Pryor Rd):</b>	PMIX (Planned Mixed Use District) – John Knox Village
<b>West:</b>	R-1 (Single-Family Residential District) – Sterling Hills, Winterset Woods and Forests of Brookridge Estates

**Site Characteristics**

The northeast half of the property slopes south to north and the southwest half of the property slopes primarily east to west. The subject site is heavily treed and has significant topographical changes across the property.

**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 a conflict between the planned residential development project and an existing sanitary sewer easement. The development project can be accommodated by vacating the easement.

### 4. Comprehensive Plan

Focus Areas	Goals, Objectives & Policies
Strong Neighborhoods & Housing Choice	Goal 3.2.A Goal 3.2.B
Public Facilities, Infrastructure & Resiliency	Goal 3.5.A Goal 3.5.B
Land Use & Community Design	Goal 3.7.A

**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 Ignite Comprehensive Plan.

### 5. Analysis

**Background and History**

- July 13, 1976 – City Council approved a rezoning (Application #1975-016) of approximately 58 acres from AG to RP-3 (then R-3 PUD) and PRO (then R-O PUD) for a mixed-use residential development and nursing home for John Knox Village by Ordinance No. 1692.
- December 7, 2006 – The City Council approved the rezoning (Appl. #2006-184) from RP-3 to PMIX and the preliminary development plan (Appl. #2006-184) for Villas at John Knox Village by Ordinance No. 6305.
- February 19, 2007 – A final development plan (Appl. #2006-284) for Forest Lake Information Center located at 2001 NW Forest Lake Dr. was approved.

- April 18, 2007 – A minor plat (Appl. #2007-012) for *Forest Lake at Kohn Knox Village, 1<sup>st</sup> Plat* was recorded at Jackson County Recorder of Deeds, by Document #2007E0051292.
- September 20, 2018 - The City Council approved the preliminary development plan (Appl. #PL2018-103) for Woodside Ridge by Ordinance No. 8470.
- January 14, 2020 - The City Council approved the preliminary development plan (Appl. #PL2019-351) for Woodside Ridge Subdivision Pool by Ordinance No. 8792(a).
- October 10, 2020 – The City Council approved the final plat entitled *Woodside Ridge, 1st Plat, Lots 1-143 and Tracts A-H* (Appl. #PL2018-214) by Ordinance No. 8988.

### **Compatibility**

The purpose for vacating the subject easement is to allow for the development of the site for new residential homes. This will be the 2<sup>nd</sup> Plat of the previously approved Woodside Ridge residential subdivision.

### **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.

### **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 prior to the issuance of any building permits.