



LEE'S SUMMIT
MISSOURI
Development Services Department

Development Services Staff Report

File Number	PL2022-086 – VACATION OF RIGHT-OF-WAY
Applicant	NLVC, LLC
Property Address	A portion of right-of-way along the west side of SW Longview Blvd between SW Sensation Dr and SW Tower Park Dr (adjacent to 420 SW Longview Blvd)
Planning Commission Date	May 12, 2022
Heard by	Planning Commission and City Council
Analyst	Victoria Nelson, Planner
Checked By	Hector Soto, Jr., AICP, Senior Planner Kent Monter, PE, Development Engineering Manager

Public Notification

Pre-application held: N/A
Neighborhood meeting conducted: April 20, 2022
Newspaper notification published on: April 23, 2022
Radius notices mailed to properties within 300 feet on: April 22, 2022
Site posted notice on: April 22, 2022

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Attachments

Legal Description and Vacation of Right-of Way Exhibit, dated March 14, 2022 – 2 pages
Location Map

1. Project Data and Facts

Project Data	
Applicant/Status	NLVC, LLC
Applicant's Representative	Russell G. Pearson
Property Owner	Currently a public right-of-way. The abutting owner is NLVC, LLC
Location of Property	A portion of right-of-way along the west side of SW Longview Blvd between SW Sensation Dr and SW Tower Park Dr (adjacent to 420 SW Longview Blvd)
Size of Property	±0.23 Acres (10,112.40 sq. ft.)
Zoning	PMIX (Planned Mixed Use District)
Comprehensive Plan Designation	Activity Center New Longview
Procedure	The Planning Commission makes a recommendation to the City Council on the vacation of right-of-way. The City Council takes final action on the vacation of right-of-way in the form of an ordinance. Approval of the vacation of right-of-way does not expire unless stated in the approval.

Current Land Use
The subject property is a long, narrow stretch of right-of-way running north and south that is in front of 420 and 450 SW Longview Blvd. Currently, there is a two and half story mixed use commercial building being constructed.

Description of Applicant's Request
The applicant proposes to vacate the 40' wide x 252.81' long portion of right-of-way. The dedication of these portions of right-of-way necessitated the need for a maintenance agreement between the City and the property owner due to the encroachment of the angles parking spaces into the right-of-way. Therefore, it will be the responsibility of the owners to provide any up keep and maintenance to the side aisle parking spaces.

2. Land Use

Description and Character of Surrounding Area
The right-of-way is located along the southwest side of SW Longview Blvd between SW Sensation Dr. and SW Tower Park Dr. The abutting building to the west will be a commercial mix use and there is an animal clinic to the south.

Adjacent Land Uses and Zoning

Northeast (across SW Longview Blvd):	B&B Movie Theaters/PMIX
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Northwest (across SW Sensation Dr.)	Commercial/Retail Businesses/PMIX
South:	Good Vets Animal Clinic/PMIX
Southwest:	Multi-family Apartments/PMIX

Site Characteristics
There is not a lot of topographic change in this area. The area on which the right-of-way vacation is taking place is relatively flat.

Special Considerations
N/A

3. Unified Development Ordinance (UDO)

Section	Description
2.460, 2.470	Vacation of Right-of-Way

Unified Development Ordinance (UDO)

Any person owning any property that is abutting any public street may apply for a vacation of right-of-way. The dedication of these portions of right-of-way necessitated the need for a maintenance agreement between the City and the property owner due to the encroachment of the angles parking spaces into the right-of-way. Therefore, it will be the responsibility of the owners to provide any up keep and maintenance to the side aisle parking spaces.

4. Comprehensive Plan

Focus Areas	Goals, Objectives & Policies
Public Facilities and Infrastructure	Goal 3.5.A Goal 3.5.B

Comprehensive Plan

The proposed segment of right-of-way to be vacated 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

- October 3, 2002 – City Council approved a rezoning and preliminary development plan for *New Longview Farm* (Appl. #2002-031) from AG, RP-1, RP-2, RP-3, and CP-2 to District PMIX by Ordinance No. 5407.
- August 12, 2003 – A preliminary plat was approved for *New Longview, Tower Park, Lots 1-9 and Tracts A-E*. (Appl. #2003-063).

- August 26, 2003 – A comprehensive plan amendment was approved for *Central/South Area, Longview/View High Parkway*. (Appl. #2003-095).
- September 4, 2003 – A preliminary development plan was approved for land located at *New Longview, Phase II, Tower Park*. (Appl. #2003-062).
- September 29, 2004 – A minor plat (Appl. #2004-047) for *Tower Park Commercial Phase 1*, dedicating a portion of the subject right-of-way, was recorded at Jackson County Recorder of Deeds, by Document #2004I0093170.
- November 18, 2004 – A minor plat (Appl. #2004-244) for *Tower Park Commercial Phase 2*, dedicating a portion of the subject right-of-way, was recorded at Jackson County Recorder of Deeds, by Document #2004I0107121.
- July 18, 2005 – A minor plat (Appl. #2005-211) for *New Longview Roadway Plat Tracts J thru U*, dedicating a portion of the subject right-of-way, was recorded at Jackson County Recorder of Deeds, by Document #2005I0061432. Right of way was dedicated in this plat.
- October 6, 2005 – A minor plat was approved for *Tower Park Commercial, Phase 2 Lots 5, 6, 7, and Tracts A and B* (Appl. #2005-197). The plat was recorded at the Jackson County Recorder of Deeds by Document #2005I0090051
- December 1, 2020 – City Council approved a preliminary development plan for *New Longview Building 31* (Appl. #2020-224) by Ordinance No. 9012.

Compatibility

The purpose for vacation of right-of-way is to revert ownership to the adjacent property owner so that they can privately maintain the private parking space improvements located within the existing right-of-way rather than the City being responsible for the maintenance. Similar vacations of right-of-way have been previously approved in the commercial areas of the New Longview area.

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.

Public Services

We have had one objection from AT&T services stating that they have a vault and fiber cable in the area that need to be vacated. AT&T has come up with an agreement with the applicant to grant them a private access easement. There were no other objections to the requested vacation of right-of-way by any other 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

Site specific

1. A private utility easement dedicated to AT&T to cover their infrastructure.
2. A sidewalk easement dedicated to the City to cover the existing public sidewalk within the right-of-way that is being vacated.
3. The vacation shall not become effective until the first two conditions are met.

Standard Conditions of Approval

4. 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 prior to the issuance of a building permit.