



LEE'S SUMMIT
MISSOURI
Development Services Department

Development Services Staff Report

File Number	Amended PL2022-054 – VACATION OF EASEMENT
Applicant	Foresight Real Estate, LLC, applicant
Property Address	3501 SW Market St.
Planning Commission Date	June 9, 2022
Heard by	Planning Commission and City Council
Analyst	C. Shannon McGuire, Planner
Checked By	Hector Soto, Jr., AICP, Planning Manager 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

Easement Exhibits, dated February 8, 2022 (1 page) and March 14, 2022 (3 pages) – 4 total pages
Copy of Previously Approved Ordinance No. 9416 – 8 pages
Location Map

1. Project Data and Facts

Project Data	
Applicant/Status	Foresight Real Estate, LLC, / applicant
Applicant's Representative	John Davis, Jr.
Location of Property	3501 SW Market St
Size of Property	Lot 1 – 1.84 acres Lot 2 – 2.58 acres Tract A – 0.61 acres Total - 5.03 acres (219,027 sq. ft.)
Zoning	CP-2 (Planned Community Commercial District)
Comprehensive Plan Designation	Commercial
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 site is currently a single, undeveloped, and unplatted vacant property.

Description of Applicant's Request
<p>The applicant proposes to vacate a total of four (4) easements consisting of three (3) drainage easements and a portion of an existing general utility easement. The locations of the existing easements conflict with the previously approved Market Street Center commercial development, thus requiring the requested vacation of easements.</p> <p>This application was previously considered by the Planning Commission and approved by City Council on May 17, 2022, by Ordinance No. 9416. However, it has since been determined that the previous staff report and Ordinance No. 9416 only referenced and included the legal descriptions for three (3) of the four (4) easements intended to be vacated. A revised staff report and amended ordinance for a total of four (4) easements are now presented for consideration.</p>

2. Land Use

Description and Character of Surrounding Area
The properties surrounding the subject site are zoned CP-2, with the exception of MO 291 Highway to the east. Firestone is located to the west and Walmart is to the north across SW Market St. South of the property is QuikTrip and Bank of the West.

Adjacent Land Uses and Zoning

North (across SW Market St):	Walmart / CP-2
South:	QuikTrip & Bank of the West / CP-2
East:	MO 291 Highway
West:	Firestone / CP-2

Site Characteristics

The property sits along the west side of the MO 291 Hwy corridor. The property is bounded by SW Market St to the north and west. The south boundary is an interior property line shared with QuikTrip and Bank of the West.

The site is relatively flat with an open drainage ditch that runs north-south bisecting the project site.

**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 previously approved Market Street Center commercial development and various existing easements. The development project can be accommodated by vacating the easements.

4. Comprehensive Plan

Focus Areas	Goals, Objectives & Policies
Resilient Economy	Goal 3.3.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

- August 29, 1972 – The subject property and surrounding area were annexed into the City by special election.
- September 6, 2001 – The City Council amended comprehensive zoning Ordinance No. 715, subdivision Ordinance No. 850, Chapters 27 and 33 of the Code of Ordinances for the City of Lee's Summit, Missouri, and enacted the Unified Development Ordinance amending the subject property's zoning from C-1 to CP-2. The UDO went into effect on November 1, 2001.
- June 8, 2021 – The City Council approved the preliminary development plan (Appl. #PL2021-406) for Market Street Center, by Ord. #9169.
- May 17, 2022 – The City Council approved a vacation of easement (Appl. #PL2022-054) associated with the Market Street Center development by Ordinance No. 9416. It has since been determined that the previous staff report and Ordinance No. 9416 only referenced and included the legal descriptions for three (3) of the four (4) easements intended to be vacated. A revised staff report and amended ordinance for a total of four (4) easements are now presented for consideration via this amended application.

Compatibility

The purpose for vacating the subject easements is to allow for the development of the site for the previously approved Market Street Center commercial development.

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. This ordinance amends Ordinance No. 9416, which was approved by City Council on May 17, 2022, by adding an additional easement to be vacated which is the fourth legal description in Section 1 of this ordinance.

2. 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.