



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

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## Development Services Staff Report

<b>File Number</b>	PL2022-256 – VACATION OF EASEMENT
<b>Applicant</b>	Vanguard Villas, LLC
<b>Property Address</b>	900 NW Black Twig Cir
<b>Planning Commission Date</b>	November 17, 2022
<b>Heard by</b>	Planning Commission and City Council
<b>Analyst</b>	Hector Soto, Jr., AICP, Planning Manager
<b>Checked By</b>	Sue Pyles, PE, Senior Staff Engineer

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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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### Table of Contents

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

### Attachments

Legal Description and Exhibit, signed and sealed August 31, 2022  
Location Map

## 1. Project Data and Facts

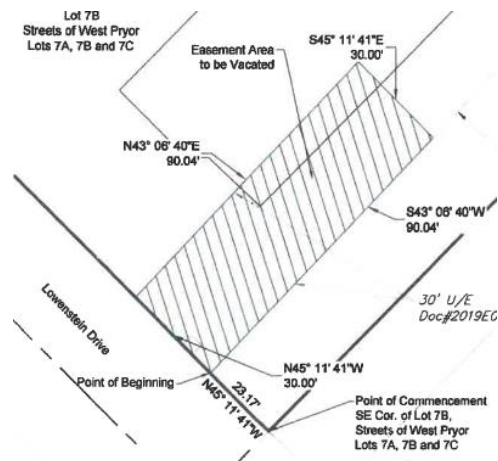
Project Data	
Applicant/Status	Vanguard Villas, LLC/Property Owner
Applicant's Representative	David Olson
Property Owner	Vanguard Villas, LLC
Location of Property	900 NW Black Twig Cir
Size of Property	±0.6 Acres (2,700 sq. ft.)
Zoning	RP-4 (Planned Apartment Residential)
Comprehensive Plan Designation	Activity Center – Summit
Procedure	<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><b>Duration of Validity:</b> Approval of the vacation of easement does not expire unless stated in the approval.</p>

### Current Land Use

The subject easement is located at the northeast corner of the intersection of NW Black Twig Cir and NW Lowenstein Dr. The intersection serves as an entrance point to an approved townhouse development in the Streets of West Pryor mixed-used development.

### Description of Applicant's Request

The applicant requests to vacate a 30'-wide x 90'-long general utility easement at the northwest corner of NW Black Twig Cir and NW Lowenstein Dr. The easement was dedicated as part of the plat titled *Streets of West Pryor, Lots 1-14 and Tracts A-D*. A general utility easement at this location has since been determined to be unnecessary to serve area development, thus the request for the easement's vacation.



## 2. Land Use

### Description and Character of Surrounding Area

The subject easement is located at the entrance of the Streets of West Pryor townhouse development at the intersection of NW Black Twig Cir and NW Lowenstein Dr. Streets of West Pryor is a mixed-use residential and commercial development located north of NW Lowenstein Dr and west of NW Pryor Rd. The area south of NW Lowenstein Dr is developed as single-family residential and Lowenstein Park.

### Adjacent Land Uses and Zoning

<b>North:</b>	Streets of West Pryor mixed-use development / RP-4 (Planned Apartment Residential) and PMIX
<b>South (across NW Lowenstein Dr):</b>	Single-family residential subdivision / R-1 (Single-family Residential); and Lowenstein Park / PMIX
<b>East:</b>	Streets of West Pryor mixed-use development / PMIX
<b>West:</b>	Common area tract (retention basin) / R-1

### Site Characteristics

The area in which the easement is located sits at the northwest corner of NW Black Twig Cir and NW Lowenstein Dr. The area generally slopes from southeast to northwest toward an adjacent regional detention basin.

### 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 determination that there is no need for the subject utility easement to serve area development.

## 4. Comprehensive Plan

Focus Areas	Goals, Objectives & Policies
Facilities and Infrastructure	<p>Objective: Maintain high-quality service levels for existing and future customers.</p> <p>Objective: Maintain high-quality infrastructure that supports and entices quality growth.</p>

**Comprehensive Plan**

The proposed vacation of the subject easement does not compromise the ability to implement and/or achieve any policies, goals or objectives outlined in the Ignite Comprehensive Plan. The request vacates a 30'-wide x 90'-long easement that has been deemed to be unnecessary to serve area development needs.

**5. Analysis****Background and History**

The applicant requests to vacate a 30'-wide x 90'-long general utility easement at the northwest corner of NW Black Twig Cir and NW Lowenstein Dr initially dedicated to serve the Streets of West Pryor development. It has since been determined that the subject easement is unnecessary to serve area development, thus the request for its vacation.

- March 19, 2019 – The City Council approved the final plat (Appl. #PL2018-232) for *Streets of West Pryor, Lots 1-14 and Tracts A-D* by Ordinance No. 8595. 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, there is no public or private infrastructure located within the easement to necessitate its retention.

**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.