



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

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## Development Services Staff Report

<b>File Number</b>	PL2023-037 – VACATION OF EASEMENT
<b>Applicant</b>	Northpoint Development
<b>Property Address</b>	800 NW Ward Rd
<b>Planning Commission Date</b>	May 11, 2023
<b>Heard by</b>	Planning Commission and City Council
<b>Analyst</b>	Hector Soto, Jr., AICP, Senior Planner
<b>Checked By</b>	Aimee Nassif, AICP, Deputy Director of Development Services Sue Pyles, PE, Development Engineering Manager

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### Public Notification

Pre-application held: May 24, 2022  
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

Legal Description and Exhibit, dated February 20, 2023 – 2 pages  
Location Map

## 1. Project Data and Facts

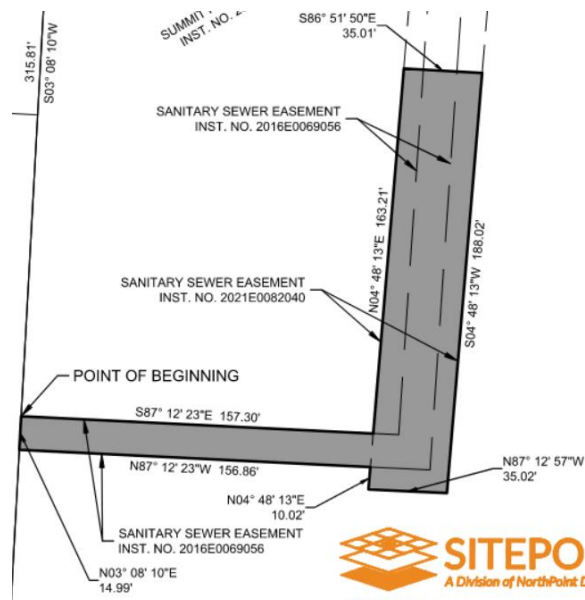
Project Data	
Applicant/Status	Northpoint Development/Developer
Applicant's Representative	Brian Benjamin
Property Owner	Summit Square III Residence, LLC
Location of Property	800 NW Ward Rd
Size of Property	±11.8 Acres (515,315 sq. ft.)
Zoning	PMIX (Planned Mixed Use)
Comprehensive Plan Designation	Activity 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 property is an undeveloped lot on the east side of the Summit Technology campus with frontage along NW Ward Rd. The property is platted as Summit Fair, Lot 10B.

### Description of Applicant's Request

The applicant requests to vacate overlapping segments of two separate sanitary sewer easements in order to accommodate a future multi-family development approved for the site. The existing public sanitary sewer line housed within said easements will be relocated by the applicant as part of the associated multi-family development project. One easement was dedicated to the City in 2016 by separate document. The second easement was dedicated to the City in 2021 also by separate document.



## 2. Land Use

### Description and Character of Surrounding Area

The subject site is located at the easternmost limits of the Summit Technology campus, generally situated at the northwest corner of NW Chipman Rd and NW Ward. The surrounding area is characterized by a mix of multi-family residential, commercial and industrial uses on the north side of NW Chipman Rd and single-family residential on the south side of NW Chipman Rd.

### Adjacent Land Uses and Zoning

<b>North:</b>	Undeveloped industrial site / PMIX (Planned Mixed Use)
<b>South:</b>	Undeveloped commercial pad site / PMIX
<b>East (across NW Pryor Rd):</b>	Summit Crossing commercial development / CP-2 (Planned Community Commercial)
<b>West:</b>	Summit Technology campus / PMIX

### Site Characteristics

Lot 10B of Summit Fair is the undeveloped site of a future multi-family residential development. The lot is bounded by NW Ward Rd to the east; NW Outerview Rd (a named private drive) to the west; and undeveloped commercial and industrial sites to the south and north, respectively. The site has no significant massing of vegetation. The site previously contained a 3-acre pond that has been drained in preparation for future development.

### 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 application stems from the fact that the existing public sanitary sewer main housed within the subject easements conflicts with the location of a future multi-family residential building on the property. The sanitary sewer main will be relocated to run along the west side of the future building. The subject easements will no longer be needed upon the relocation of the sanitary sewer main.

## 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 easements does not compromise the ability to implement and/or achieve any policies, goals or objectives outlined in the Ignite Comprehensive Plan. The request vacates portions of two sanitary sewer easements that will no longer be needed upon the relocation of an existing sanitary sewer main. A new sanitary sewer easement was dedicated as part of the plat titled *Summit Fair, Lots 10A-10C* to house the future relocated sanitary sewer main.

## 5. Analysis

### Background and History

- July 28, 2016 – The Jackson County Recorder of Deeds office recorded a sanitary sewer easement dedicated by separate document from Townsend Summit, LLC, to the City of Lee's Summit by Instrument #2016E0069056.
- July 27, 2021 – The Jackson County Recorder of Deeds office recorded a sanitary sewer easement dedicated by separate document from Townsend Summit, LLC, to the City of Lee's Summit by Instrument #2021E0082040.
- January 10, 2023 – The minor plat (Appl. #PL2022-255) of *Summit Fair, Lots 10A-10C* was recorded by the Jackson County Recorder of Deeds office by Instrument #2023-E-0001734. A new sanitary sewer easement to house the relocation of the existing sanitary sewer main was dedicated as part of this plat.
- January 10, 2023 – The City Council approved the preliminary development plan (Appl. #PL2022-311) for the Summit Orchards West development, which includes approval of a two-building multi-family residential development on the subject property, by Ordinance No. 9551.
- March 20, 2023 – Staff approved the final development plan (Appl. #PL2022-2436) for the Trilogy (Summit Square III) multi-family residential development to be located on the subject property.

### Compatibility

The request to vacate the subject easements is consistent with the City's practice of managing its inventory of easements by eliminating easements in whole or in part that no longer serve a public purpose. The subject segment of easements will no longer serve a public purpose after the sanitary sewer main running through them is relocated.

### Adverse Impacts

The proposed vacation of easement application 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 sanitary sewer easement was expressed by 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. The vacation of easement shall not become effective, nor shall a full building permit be issued, until such time as the relocated sanitary sewer main is accepted by the City.

**Standard Conditions of Approval**

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.