



LEE'S SUMMIT
MISSOURI
Development Services Department

Development Services Staff Report

File Number	PL2023-065 – VACATION OF EASEMENT
Applicant	Whispering Woods Lands, LLC
Property Address	1901 SW River Run Rd
Planning Commission Date	May 11, 2023
Heard by	Planning Commission and City Council
Analyst	Hector Soto, Jr., AICP, Senior Planner
Checked By	Aimee Nassif, AICP, Deputy Director of Development Services Sue Pyles, 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

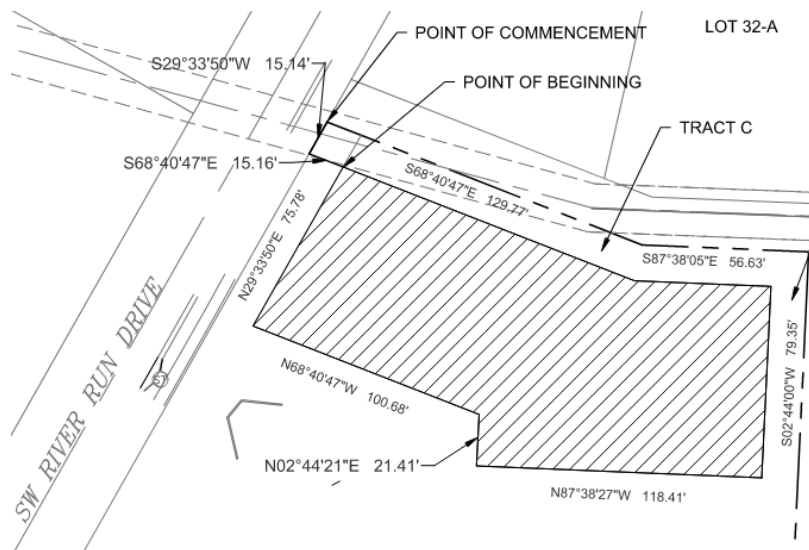
Legal Description and Exhibit, dated December 21, 2022
Location Map

1. Project Data and Facts

Project Data	
Applicant/Status	Whispering Woods Land, LLC/Property Owner
Applicant's Representative	Rick Frye
Location of Property	1901 SW River Run Rd
Size of Property	±2.42 Acres (105,623 sq. ft.)
Zoning	R-1 (Single-family Residential)
Comprehensive Plan Designation	Residential 1 (Lower Intensity Residential)
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>Duration of Validity: Approval of the vacation of easement does not expire unless stated in the approval.</p>

Current Land Use
<p>The subject property is an undeveloped common area tract serving the Whispering Woods single-family residential subdivision and is the future site of a subdivision pool, poolhouse and associated parking lot. The property is platted as Whispering Woods, 1st Plat, Tract C.</p>

Description of Applicant's Request
<p>The applicant requests to vacate a portion of blanket general utility, drainage easement and landscape easements dedicated over the entirety of the subject common area tract in order to accommodate the future subdivision pool and pool house. The blanket easements were dedicated via the plat titled Whispering Woods, 1st Plat, Lots 1-33 and Tracts A-D.</p>



2. Land Use

Description and Character of Surrounding Area

The subject common area tract site is generally located in the middle of the initial phase of the Whispering Woods single-family residential subdivision, south of the intersection of SW River Run Rd and SW 27th St. The surrounding properties to the north, west and a portion to the south are within the Whispering Woods subdivision. Also, to the south is Hawthorn Hill Elementary School. To the east are large acreage, agriculturally-zoned residential lots.

Adjacent Land Uses and Zoning

North:	Single-family residential / R-1 (Single-family Residential)
South:	Single-family residential / R-1; and Hawthorn Hill Elementary School / AG (Agricultural)
East:	Single-family residential on large acreage / AG
West:	Single-family residential and common area tract / R-1

Site Characteristics

Tract C of Whispering Woods is an undeveloped common area tract. A portion of the tract is located within the limits of the 100-year floodplain, as well as within the limits of a stream buffer. None of the future improvements associated with the subdivision pool will encroach into the 100-year floodplain or stream buffer limits. However, the subdivision pool improvements do conflict with existing blanket general utility, drainage and landscape easements, thus the need for a vacation of a portion of said easements.

Special Considerations

A portion of Tract C lies within the limits of the 100-year floodplain and stream buffer.

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 existing blanket easements over the entirety of Tract C conflict with the location of a future subdivision pool and pool house. The subject portion of easements to be vacated are excess easements that are not needed to serve the site.

4. Comprehensive Plan

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

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. Adequate easements will remain in place to cover the necessary public and private utility infrastructure to serve the area.

5. Analysis

Background and History

- June 1, 2017 – The City Council approved the rezoning from AG to R-1 on approximately 76 acres and the preliminary development plan for the *Whispering Woods* residential subdivision (Appl. #PL2016-219) by Ordinance No. 8177.
- October 1, 2019 – The City Council approved the final plat (Appl. #PL2017-192) for *Whispering Woods, 1st Plat, Lots 1-33 and Tracts A-D* by Ordinance No. 8732. The subject blanket general utility, drainage and landscape easement over the entirety of Tract C were dedicated as part of this plat.
- November 13, 2019 – The Jackson County Recorder of Deeds office recorded the final plat of *Whispering Woods, 1st Plat, Lots 1-33 and Tracts A-D* by Instrument #2019E0093077.

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 portion of easements are excess easements that do not serve a public purpose.

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 a portion of subject easements was expressed by the private utility companies or 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 permit.