



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

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## Development Services Staff Report

|                                 |  |
|---------------------------------|--|
| <b>File Number</b>              | PL2023-222                             |
| <b>File Name</b>                | VACATION OF EASEMENT                   |
| <b>Applicant</b>                | Chick-fil-A, Inc.                      |
| <b>Property Address</b>         | 690 NW Blue Pkwy                       |
| <b>Planning Commission Date</b> | October 26, 2023                       |
| <b>Heard by</b>                 | Planning Commission and City Council   |
| <b>Analyst</b>                  | Hector Soto, Jr., AICP, Senior Planner |

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### Public Notification

Pre-application held: May 16, 2023  
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, revision date September 22, 2023  
Location Map

## 1. Project Data and Facts

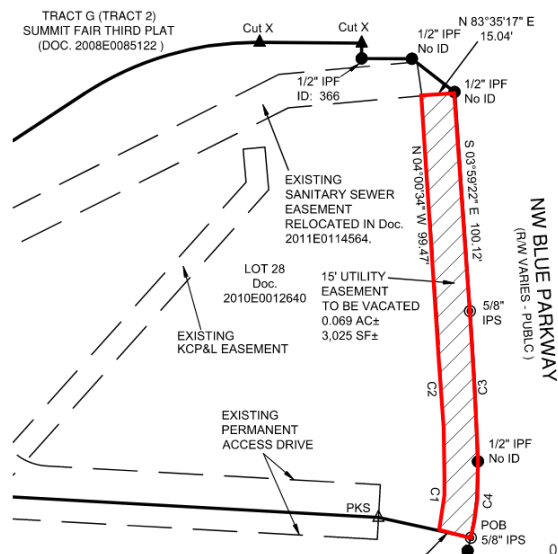
| Project Data                   |   |
|--------------------------------|---|
| Applicant/Status               | Chick-fil-A, Inc. / Applicant   |
| Applicant's Representative     | Patrick Thompson  |
| Property Owner                 | Chick-fil-A, Inc.   |
| Location of Property           | 690 NW Blue Pkwy  |
| Size of Property               | 62,332 sq. ft. (+/- 1.4 acres)  |
| Zoning                         | CP-2 (Planned Community Commercial District)  |
| Comprehensive Plan Designation | Summit Activity Center  |
| 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 the site of an existing, freestanding 4,477 sq. ft. Chick-fil-A with drive-through facility.

### Description of Applicant's Request

The applicant requests to vacate an approximately 15' wide x 200' long general utility easement along the east boundary of the subject site in order to accommodate the location of a proposed canopy to cover the order pick-up area for the Chick-fil-A drive-through. City policy prohibits the encroachment of certain structures, such as canopies, onto public easements. There are no utilities located within the subject easement to be vacated, therefore the easement is not needed. The subject easement was dedicated to the City in 2007 by plat.



## 2. Land Use

### Description and Character of Surrounding Area

The subject property sits at the southwest corner of NW Blue Pkwy and NW Southern Crossing, which is the southern entrance to the Summit Fair shopping center. All four corners of the intersection are developed commercially.

### Adjacent Land Uses and Zoning

|                                    |  |
|------------------------------------|--|
| <b>North:</b>                      | Summit Fair shopping center / CP-2   |
| <b>South:</b>                      | Summit Fair shopping center restaurant pad site / CP-2                       |
| <b>East (across NW Blue Pkwy):</b> | Summit Technology campus and commercial pad sites / PMIX (Planned Mixed Use) |
| <b>West:</b>                       | Summit Fair shopping center / CP-2   |

### Site Characteristics

The subject property is already developed as a standalone 4,477 sq. ft. Chick-fil-A with drive-through. The pad site is primarily accessed from a driveway connection to the southern drive (NW Southern Crossing) serving the Summit Fair shopping center. The same driveway connection also provides primary access to the abutting Olive Garden and Red Lobster pad sites.

### 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 is related to a proposed drive-through facility expansion for the existing Chick-fil-A. Proposed improvements include construction of a canopy over the pick-up area that encroaches into the subject general utility easement. Canopies are prohibited from encroaching into the easement, thus requiring the vacation of said easement to allow the proposed structure.

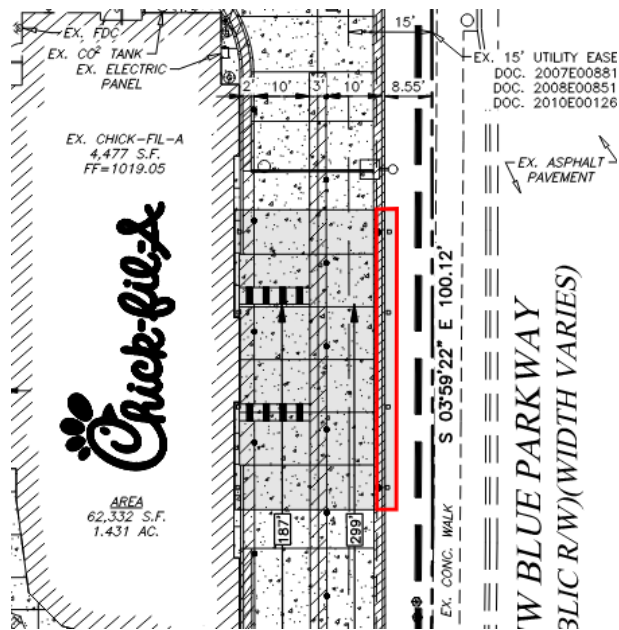


Figure 1 - Area of canopy encroachment into easement (shown in red).

## 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 easement does not compromise the ability to implement and/or achieve any policies, goals or objectives outlined in the Ignite! Comprehensive Plan. The subject easement does not house any utilities. Area utility infrastructure is located within other existing easements and NW Blue Pkwy.

## 5. Analysis

### Background and History

- July 3, 2007 – The final plat (Appl. #2006-296) of *Summit Fair, 1<sup>st</sup> Plat, Lots 1-7, 9 and Tracts A, B, D and E* was recorded by the Jackson County Recorder of Deeds office by Instrument #2007-E-0088121.

### Compatibility

The request to vacate the subject easement 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 easement contains no utilities and thus does 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 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**

### **Site Specific**

1. The vacation of easement shall become effective immediately at the time of ordinance approval.

### **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 prior to the issuance of any building permit for the drive-through improvements.