



LEE'S SUMMIT
MISSOURI
Development Services Department

Development Services Staff Report

File Number	PL2023-315
File Name	VACATION OF EASEMENT
Applicant	Tracey Lanning
Property Address	3022 NW Thoreau Place
Planning Commission Date	May 23, 2024
Heard by	Planning Commission and City Council
Analyst	Ian Trefren, Planner

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

Table of Contents

1. Project Data and Facts	2
2. Land Use	3
3. Unified Development Ordinance (UDO)	5
4. Comprehensive Plan	6
5. Analysis	6
6. Recommended Conditions of Approval	7

Attachments

Legal Description and Exhibit, revision date March 29, 2024
Location Map

1. Project Data and Facts

Project Data	
Applicant/Status	Tracey Lanning/ Property Owner
Location of Property	3022 NW Thoreau Place
Size of Property	13,059 sq. ft. (+/- 0.30 acres)
Zoning	R-1 (Single-family Residential)
Comprehensive Plan Designation	Activity Center New Longview
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
The subject property is the site of a single-family home constructed in 2021

Description of Applicant's Request
<p>The applicant requests to vacate a portion of the general utility easement along the property's northwestern and northeastern property lines in order to unencumber the land for the purpose of building a swimming pool. The portion of easement to be vacated ranges in width between 7.5' and 10'. A 5' utility easement along the northwestern property line will remain to accommodate the future maintenance needs of the existing public storm sewer line that is located in the common area tract adjacent to the property line of the subject site. There are no utilities located within the subject portion of the easement to be vacated.</p>

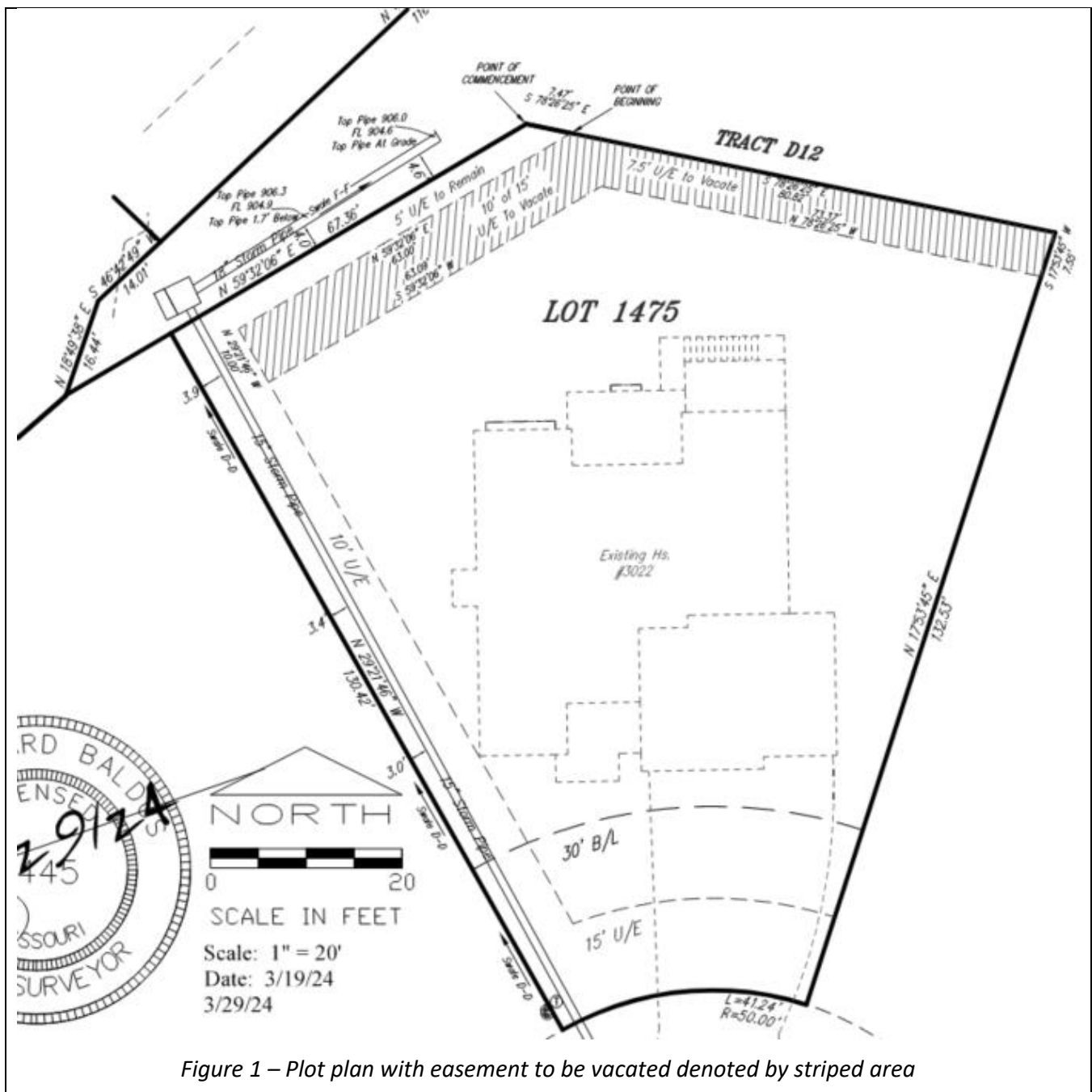


Figure 1 – Plot plan with easement to be vacated denoted by striped area

2. Land Use

Description and Character of Surrounding Area

The subject property sits at the innermost part of the NW Thoreau Pl cul-de-sac in the Winterset Valley 13th Plat residential subdivision. The subject property is surrounded on three sides by single-family residences and an open space tract maintained by the Winterset Valley HOA to the rear.

Adjacent Land Uses and Zoning

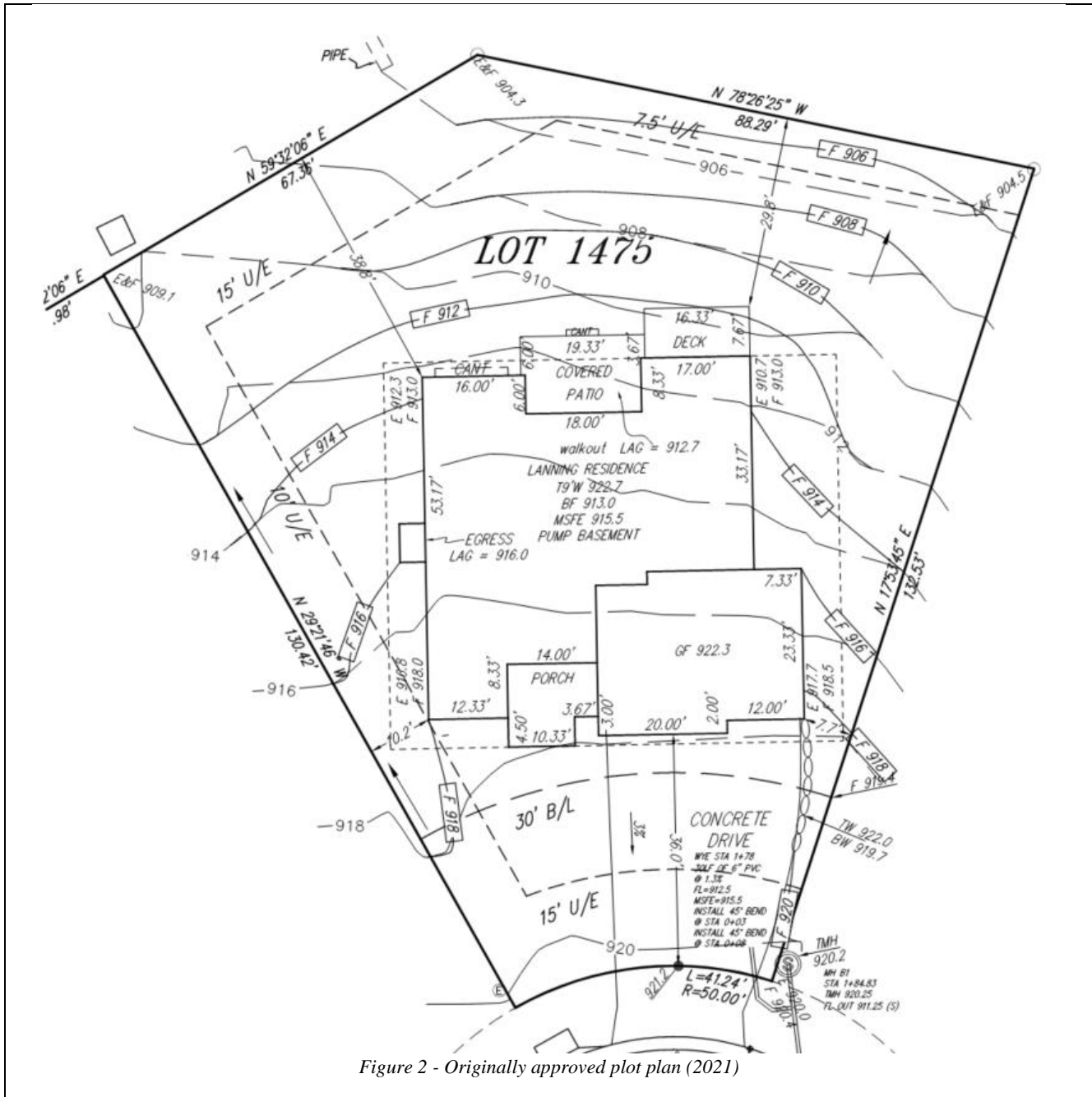
North:	Single-family residential & open space / R-1
South (across NW Thoreau Dr):	Single-family residential / R-1
East:	Single-family residential / R-1
West:	Single-family residential / R-1

Site Characteristics

The subject property is a single-family residential lot with frontage along NW Thoreau Pl. Access to the property is provided by a private drive that empties onto the cul-de-sac.



Figure 1 - 2023 aerial photo



Special Considerations

None

3. Unified Development Ordinance (UDO)

Section	Description
2.480, 2.490	Vacation of Easement

Unified Development Ordinance (UDO)

The vacation of easement is needed to eliminate a conflict between the proposed location of a swimming pool and a utility easement. The City's Encroachment Policy does not allow swimming pools to be located within a public utility easement, thus requiring the vacation of said easement to come into compliance with the policy.

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 easement does not compromise the ability to implement and/or achieve any policies, goals or objectives outlined in the Ignite! Comprehensive Plan. The subject portion of easement does not house any utilities. A public stormwater sewer line runs parallel to a portion of the vacated easement, but a 5' utility easement will remain to prevent any impact by the requested vacation of easement.

5. Analysis

Background and History

- December 22, 2020 – The final plat (Appl. #2019-074) of *Winterset Valley 13th Plat, Lots 1472 thru 1487* was recorded by the Jackson County Recorder of Deeds office by Instrument #2020E0123025. The subject easement was dedicated as part of this plat.
- February 5, 2021 – A building permit (#PRRES20210293) for construction of a single-family residence on the subject property was issued by the Development Services Department.

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 do not serve a public purpose. The subject portion of 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, the City's Public Works or Water Utilities Departments.

Recommendation

With the conditions of approval below, the application meets the goals of the Ignite! Comprehensive plan, 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 issuance of building occupancy.