



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

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## Development Services Staff Report

<b>File Number</b>	PL2024-116
<b>File Name</b>	VACATION OF EASEMENT
<b>Applicant</b>	Spencer Fane, LLP
<b>Property Address</b>	610 NW Blue Parkway
<b>Planning Commission Date</b>	July 11, 2024
<b>Heard by</b>	Planning Commission and City Council
<b>Analyst</b>	Ian Trefren, Planner

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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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### Attachments

Easement Exhibit, received date May 28, 2024  
Legal Description of Easement, received date June 12, 2024  
Location Map

## 1. Project Data and Facts

Project Data	
Applicant/Status	Spencer Fane, LLP / Applicant
Applicant's Representative	Henry Sivils
Location of Property	610 NW Blue Parkway
Size of Property	5.53 acres (241,154 sq. ft.) (610 NW Blue Parkway)
Zoning	CP-2 (Planned Community Commercial)
Comprehensive Plan Designation	Activity Center - Downtown
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 5.53-acre property is the location of an existing automotive dealership that is approximately 36,500 sq. ft. in size.

### Description of Applicant's Request

The applicant requests to vacate the entirety of a 15' utility easement dedicated in 2003 that was not vacated at the time of replatting or at the time construction of the existing dealership building commenced in 2007. The existing building conflicts with the easement location. There are no utilities located within the easement to be vacated.

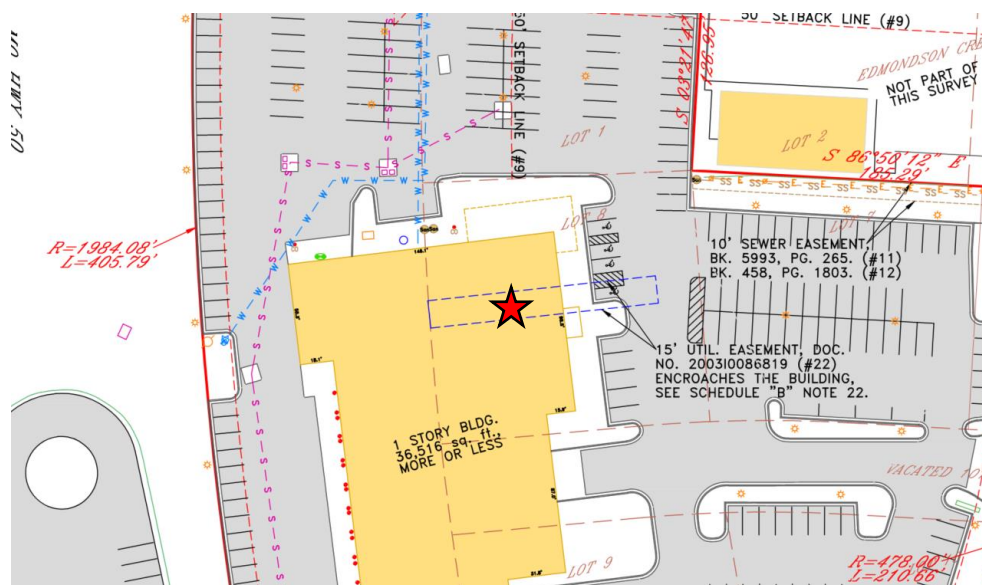


Figure 1 – Plot plan with easement to be vacated denoted by blue dashed rectangle.

## 2. Land Use

### Description and Character of Surrounding Area

The subject property sits at the southwest corner of NW Chipman Road and NW Blue Parkway in the *Bob Sight Ford, Lots 1 & 2* commercial subdivision. The surrounding properties are predominantly commercial in character, including a c-store and gas station to the north; a retail building, office-warehouse building, and collision repair facility to the east; and MoDOT commuter parking lot to the south. West of the subject property is a MoDOT commuter parking lot and US-50 highway.

### Adjacent Land Uses and Zoning

<b>North:</b>	C-store & gas station / CP-2
<b>South:</b>	MoDOT commuter parking lot / CP-2
<b>East:</b>	Automotive and general retail / CP-2
<b>West:</b>	MoDOT Commuter parking lot & US-50 HWY

### Site Characteristics

The subject property is an existing car dealership and automotive repair facility with frontage along NW Blue Parkway and NW Chipman Road. One access point is provided to the lot along NW Chipman Road, and two more along NW Blue Parkway.



Figure 1 - 2023 aerial photo

<b>Special Considerations</b>
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 needed to clear the property of encumbrances as part of a financing agreement for the subject property. City policy supports the vacation of utility easements that are unused.

### 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 portion of easement does not house any utilities.

### 5. Analysis

#### Background and History

- February 28, 1955 – The plat of Edmonson Crest Subdivision was recorded with the with the Jackson County Recorder of Deeds by instrument #1955I0639321.
- July 15, 2003 – The subject 15’ utility easement was dedicated by TRD Real Estate, LLC to the City of Lee’s Summit by separate document and recorded with the Jackson County Recorder of Deeds by instrument #2003I0086819.
- August 2, 2009 – The City Council approved the plat of Bob Sight Ford Lots 1 & 2 Subdivision by Ord. #6458.

#### 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 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 for the City's records.