



LEE'S SUMMIT
MISSOURI
Development Services Department

Development Services Staff Report

File Number	PL2024-149 – VACATION OF EASEMENT
Applicant	Nicholas Bennett
Property Address	4716 NE Freehold Dr.
Planning Commission Date	May 22, 2025
Heard by	Planning Commission and City Council
Analyst	Adair Bright, AICP, Senior 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

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Attachments

Legal Description and Exhibit, dated April 30, 2025 – 2 pages
Pool Plan, with a revision date of April 16, 2025 – 1 page
Location Map

1. Project Data and Facts

Project Data	
Applicant/Status	Nicholas Bennett / Applicant
Applicant's Representative	Nicholas Bennett
Property Owner	Nicholas Bennett
Location of Property	4716 NE Freehold Dr.
Size of Property	±0.28 Acres (12,311.74 sq. ft.)
Zoning	R-1 (Single-Family Residential)
Comprehensive Plan Designation	Residential 1
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 current land use is "Dwelling, Single-Family Detached" on Lot 152 within the Monticello 4 th Plat subdivision. The existing single-family house was constructed in 2022 and is approximately 2,300-sf.

Description of Applicant's Request
The applicant requests to vacate the northeast 5-ft. of an existing 25-ft. utility easement located at the rear of the subject property. The partial vacation is being sought to allow for the construction of a swimming pool and associated decking to serve the existing single-family house. A 20-ft. utility easement will remain along the rear of the property.

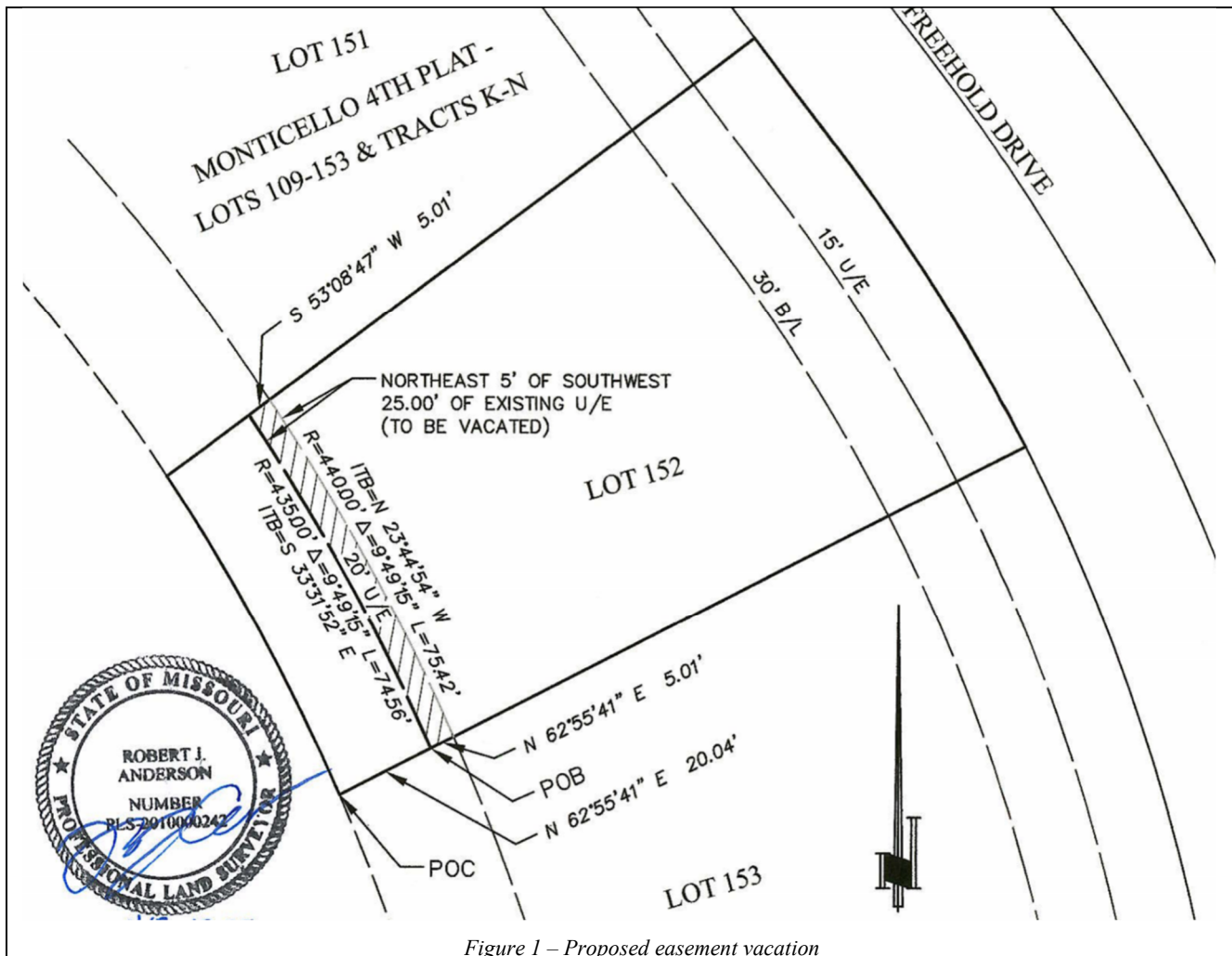


Figure 1 – Proposed easement vacation

2. Land Use

Description and Character of Surrounding Area

The subject site is on the western side of NE Freehold Drive and sits mid-block with neighboring residences on either side. The immediate surrounding area also consists of single-family homes. Outside the Monticello subdivision, the surrounding area contains commercial and attached single-family dwellings to the west and vacant undeveloped land to the north and east.

Adjacent Land Uses and Zoning

North:	Dwelling, Single-Family Detached / R-1
South:	Dwelling, Single-Family Detached / R-1
East (across NE Freehold Dr.):	Dwelling, Single-Family Detached / R-1
West:	Dwelling, Single-Family Detached / R-1

Site Characteristics

The site slopes from the northernmost corner to the southernmost corner and contains a single-family house. Access to the site is provided via a private driveway from NE Freehold Drive.

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 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	<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 easement does not compromise the ability to implement and/or achieve any policies, goals or objectives outlined in the Ignite Comprehensive Plan. Since the request is to vacate a portion of an existing utility easement, a majority of the easement, 20-ft., will remain for the future location of any utilities.

5. Analysis

Background and History

- February 23, 2021 – The City Council approved the final plat (Appl. #PL2020-103) of *Monticello 4th Plat, Lots 109-153 & Tracts K-N* by Ordinance No. 9089. The subject utility easement was dedicated as part of this plat.
- March 5, 2021 – The final plat (Appl. #PL2020-103) of *Monticello 4th Plat, Lots 109-153 & Tracts K-N* was recorded by the Jackson County Recorder of Deeds office by Instrument #2021E0023958.
- September 28, 2022 – The Certificate of Occupancy was issued for the single-family dwelling located at 4716 NE Freehold Dr. (Permit PRRES2021-4054).

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 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 condition of approval below, the application meets the recommendations of the Ignite! Comprehensive plan and the requirements of the UDO.

6. Recommended Conditions of Approval

Site Specific

1. The vacation of easement shall be recorded at Jackson County prior to the issuance of a building permit for the proposed pool.