



Development Services Department

Development Services Staff Report

File Number	PL2025-104 – VACATION OF EASEMENT
Applicant	Randy Downs
Property Address	310 SW Ward Rd.
Planning Commission Date	July 24, 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, revised June 18, 2025 – 2 pages
ALTA Surveys and 1996 Site Plan, uploaded June 9, 2025 – 3 pages
Location Map

1. Project Data and Facts

Project Data	
Applicant/Status	Randy Downs / Applicant
Applicant's Representative	Randy Downs
Property Owner	Hy Vee Food Stores Inc.
Location of Property	310 SW Ward Rd.
Size of Property	±1.92 Acres (83,472 sq. ft.)
Zoning	CP-2 (Planned Community Commercial)
Comprehensive Plan Designation	Commercial
Procedure	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. Duration of Validity: Approval of the vacation of easement does not expire unless stated in the approval.

Current Land Use
The current land use is "Commercial" on 1.92 acres. The site is a part of an in-line retail shopping center, and the property was originally platted as Tract A of the "Wal-Mart" subdivision which was recorded in 1982. The site is now a Hy-Vee.

Description of Applicant's Request
The applicant requests to vacate a portion of the existing 30-ft. wide drainage and sewer easement. The request includes vacating the southern 145-ft. of the easement located at the northwest corner of the subject property. The partial vacation request is due to the existing building being within the easement as well as the fact that the southernmost sewer manhole and portion of sewer line has been previously removed with the remainder of that line being utilized as a private service line. 

Figure 1 – Existing Sewer Line

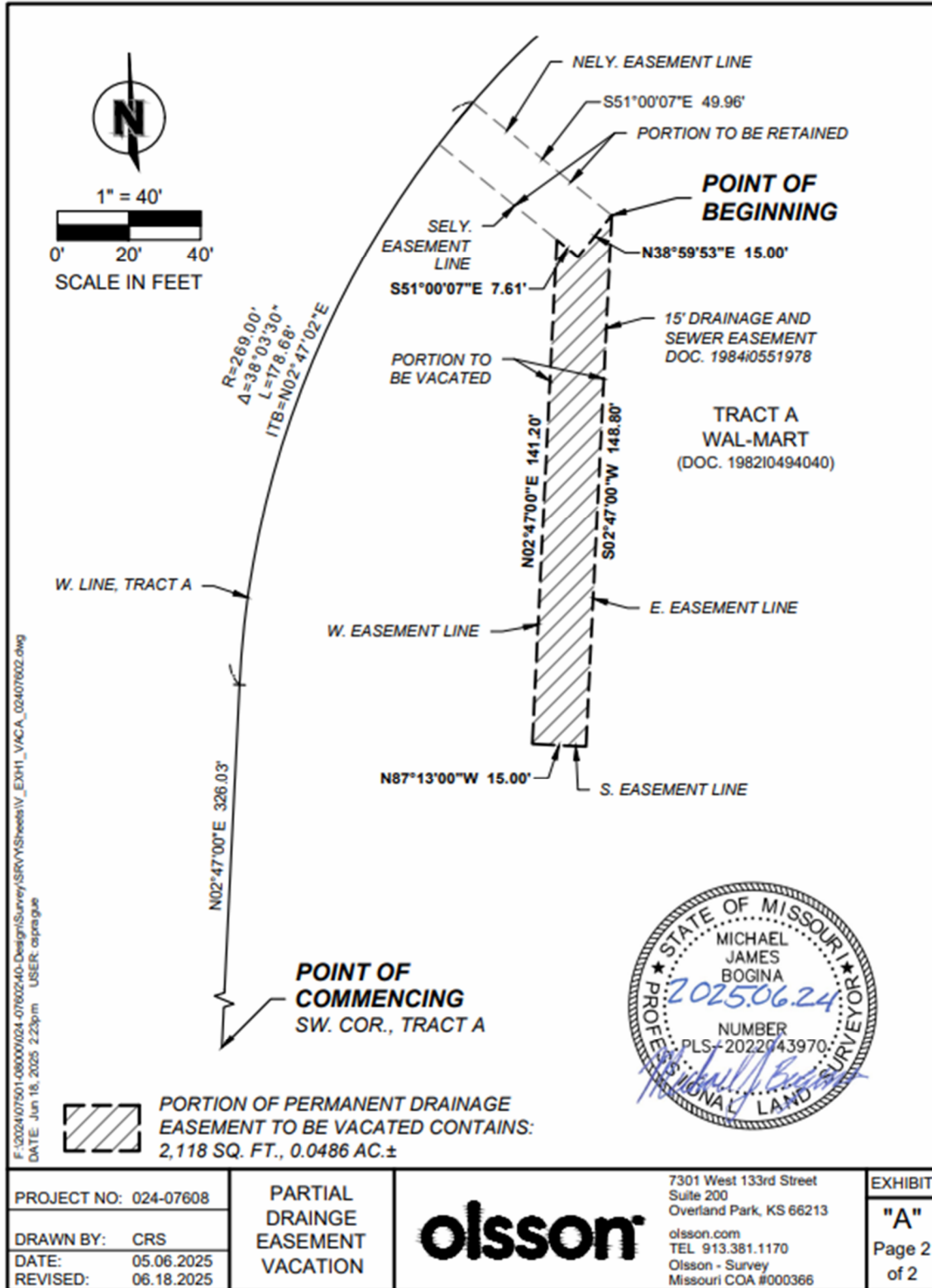


Figure 2 – Proposed easement vacation (shown with hatching)

2. Land Use

Description and Character of Surrounding Area

The subject site is on the western side of SW Ward Road and sits higher than neighboring residences and lower than other commercial sites. The immediate surrounding area also consists of two-family residential and pad-site commercial.

Adjacent Land Uses and Zoning

North:	Gas Station & Bank, Drive-Through / CP-1
South:	In-Line Retail / CP-2
East:	Retail / CP-2
West:	Dwelling, Two-Family (Duplex) / RP-2

Site Characteristics

The site is at the southwest corner of the U.S. 50 highway and SW Ward Road interchange and is bordered by SW Ward Road and Southwest 3rd Street. The site can be accessed from the north by SW Cedar Creek Crossing and from the east by SW Ward Road. The site is entirely built out and is relatively flat.

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 existing building and a utility easement. The City's Encroachment Policy does not allow structures 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 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 part of the easement, the northernmost 50-ft., will remain for the future location of any utilities.

5. Analysis

Background and History

- July 20, 1982 – The City Council approved the final plat *Wal-Mart* by Ord. No. 2347.
- April 11, 1983– The drainage and sewer easement was dedicated to the City of Lee’s Summit by separate document.
- January 12, 1984 – The drainage and sewer easement was recorded by the Jackson County Recorder of Deeds by Instrument #1984i0551978.
- 1984 – Per Jackson County Records, the building was constructed.
- 2002 – Staff administratively approved the Final Development Plan (Appl. #PL2002-204) for a total building addition of 5,428 sq. ft.
- 2003 – Staff administratively approved the Final Development Plan (Appl. #2003-158) for a sign package.
- July 23, 2019 – Staff administratively approved the Final Development Plan (Appl. #2019-198) for a grocery pick up kiosk.
- October 1, 2021 – Staff administratively approved the Final Development Plan (Appl. #2021-190) for a canopy covering a grocery pick up kiosk.

Compatibility

The request to vacate the subject easement is consistent with the City’s practice of managing its inventory of easements by eliminating easements as a whole or in part that do not serve a public purpose. The subject portion of easement contains a sanity sewer line which will now be private and will be the responsibility of the property owner.

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.