



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

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## Development Services Staff Report

<b>File Number</b>	PL2021-325 – VACATION OF RIGHT-OF-WAY
<b>Applicant</b>	Star Excavation, LLC
<b>Property Address</b>	A segment of NW Lowenstein Dr located between I-470 and NW Clifford Rd
<b>Planning Commission Date Heard by</b>	October 13, 2022 Planning Commission and City Council
<b>Analyst</b>	Hector Soto, Jr., AICP, Senior Planner
<b>Checked By</b>	Kent Monter, PE, Development Engineering Manager

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### Public Notification

Pre-application held: N/A  
Neighborhood meeting conducted: March 22, 2022  
Newspaper notification published on: September 24, 2022  
Radius notices mailed to properties within 300 feet on: September 19, 2022  
Site posted notice on: September 23, 2022

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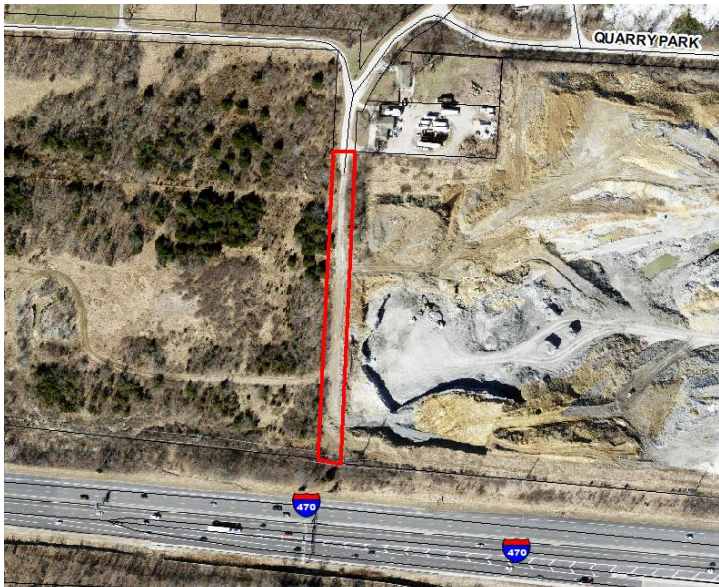
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### Attachments

Exhibit and Legal Description, dated June 8, 2022  
Neighborhood Meeting Minutes, dated March 30, 2022 – 4 pages  
Location Map

## 1. Project Data and Facts

Project Data	
Applicant/Status	Star Excavation, LLC / Applicant
Applicant's Representative	Christine Bushyhead
Location of Property	An approximately 738 ft. segment of NW Lowenstein Dr located between I-470 and NW Clifford Rd
Size of Property	±0.85 Acres (36,859.5 sq. ft.)
Zoning	AG (Agricultural)
Comprehensive Plan Designation	Residential 1 and Mixed Use
Procedure	<p>The Planning Commission holds a public hearing and makes a recommendation to the City Council on the proposed vacation of right-of-way. The City Council holds a public hearing and takes final action on the vacation of right-of-way application. All vacation of right-of-way applications shall be approved by ordinance.</p> <p><b>Duration of Validity:</b> The vacation of right-of-way goes into effect upon City Council final action, unless otherwise stated in the approval, and does not expire.</p>

Current Land Use	
	<p>The subject segment of NW Lowenstein Dr right-of-way is a dead end that terminates on the north side of I-470. Prior to the completion of the segment of I-470 between the Grandview Triangle (now Three Trails Crossing) and the I-470/US 50 Hwy interchange in 1980, NW Lowenstein Dr was a public through-street that provided access to the area between NW Chipman Rd and NW Clifford Rd/NW Quarry Park Rd. As a dead end with no need to re-connect the street across I-470, the subject segment of right-of-way no longer serves a public purpose.</p>

### Description of Applicant's Request

The applicant requests to vacate an approximately 50' wide x 738' long segment of NW Lowenstein Dr located between NW Clifford Rd and I-470 on the north side of the interstate. The construction of the abutting I-470 in 1980 changed the formerly through-street to a dead end on either side of I-470. The subject segment of right-of-way is not the sole point of access to any abutting property. A portion of NW Lowenstein Dr right-of-way will be retained where NW Clifford Rd, NW Quarry Park Rd and NW Lowenstein Dr converge in order to maintain east-west circulation through the area and to maintain public street access to two parcels at the intersection of those three streets.



## 2. Land Use

### Description and Character of Surrounding Area

The subject right-of-way is generally bordered by NW Clifford Rd on the north and I-470 on the south. The surrounding area is primarily characterized by large acreage AG-zoned parcels, some of which are developed with single-family homes. The abutting properties to the east and west are under-mined areas that are actively undergoing reclamation activity to allow for future development. Also, in the area to the northeast, along the north side of NW Quarry Park Rd, are PI-zoned properties that house a concrete plant and an asphalt plant.

### Adjacent Land Uses and Zoning

<b>North:</b>	Single-family residences / AG
<b>South:</b>	I-470
<b>East:</b>	Undeveloped large-acreage parcel / AG
<b>West:</b>	Large-acreage parcel with a barn / AG

### Site Characteristics

The subject segment of right-of-way dead ends on the north side of I-470. There is no longer any improved street within the boundaries of the right-of-way to be vacated.

**Special Considerations**

N/A

### 3. Unified Development Ordinance (UDO)

Section	Description
2.460, 2.470	Vacation of Right-of-way

**Unified Development Ordinance (UDO)**

The purpose of the application is to vacate an approximately 50' x 738' segment of NW Lowenstein Dr located north of I-470. The segment of right-of-way no longer serves a public purpose. Elimination of the right-of-way does not negatively impact the immediate area due to the fact that the subject segment is not the sole point of access to any surrounding lot; access to surrounding properties will still be maintained via NW Clifford Rd, NW Quarry Park Rd and a remaining segment of NW Lowenstein Dr.

### 4. Comprehensive Plan

Focus Areas	Goals, Objectives & Policies
Public Facilities, Infrastructure & Resiliency	Goal 3.5.B: Plan and build City services & infrastructure to promote quality growth & resiliency

**Comprehensive Plan**

The proposed vacation of right-of-way does not compromise the ability to implement and/or achieve any policies, goals or objectives outlined in the Comprehensive Plan. The abutting large-acreage, under-mined properties are actively being reclaimed to allow for future development. The need for right-of-way for any future public street network expansion in the area will be determined as part of a future preliminary development plan on the affected properties.

### 5. Analysis

**Background and History**

- September 25, 1964 – The eastern 30' of the subject NW Lowenstein Dr right-of-way was Quit Claimed to the City of Lee's Summit by Instrument #1964-I-0845259. The dedication information for the western 20' of the subject NW Lowenstein Dr right-of-way cannot be determined.

**Public Services**

The proposed vacation of right-of-way will not impede the normal and orderly development and improvement of the surrounding property. The subject right-of-way no longer serves a public purpose for the area's street network. The need for any future public streets and associated right-of-way in the area will be determined at a future time whenever a development plan for the surrounding property may be submitted.

The subject right-of-way currently houses a public water main. The City has received feedback on the requested vacation from both Evergy and AT&T indicating that they each also have infrastructure located within the right-of-way that is to be vacated. The retention of an easement shall be required to protect both the public and private utilities that will remain in the vacated right-of-way.

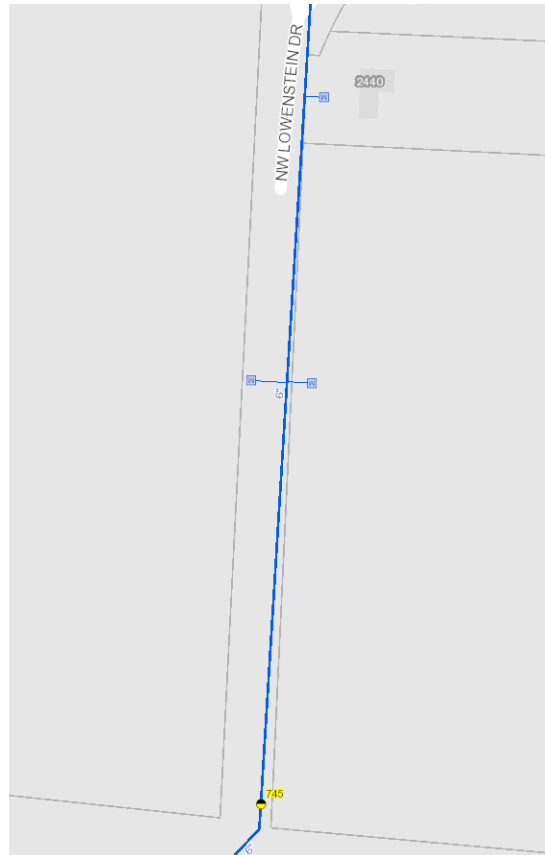


Figure 1 - Existing public water line

**Adverse Impacts**

The subject segment no longer serves a public purpose. The proposed vacation of right-of-way will not negatively impact the use or aesthetics of any neighboring property, nor is it expected to negatively impact the health, safety and welfare of the public.

**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. An easement shall be retained to cover the existing public (water) and private (Evergy and AT&T) infrastructure located within the subject right-of-way. The vacation of right-of-way shall not go into

effect until such time as the necessary easement(s) are dedicated and recorded with the Jackson County Recorder of Deeds.

**Standard Conditions of Approval**

2. The ordinance approving the vacation of right-of-way 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 a building permit for any future structure located on the vacated right-of-way.