



LEE'S SUMMIT
MISSOURI
Development Services Department

Development Services Staff Report

File Number	PL2021-060 – VACATION OF EASEMENT
Applicant	Canyon View Properties
Property Address	510 NE Chipman Rd.
Planning Commission Date	June 10, 2021
Heard by	Planning Commission and City Council
Analyst	C. Shannon McGuire, Planner
Checked By	Joshua Johnson, AICP, Asst. Director Plan Services Kent Monter, P.E., Development Engineering Manager

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	2
3. Unified Development Ordinance (UDO)	4
4. Analysis	4
5. Recommended Conditions of Approval	5

Attachments

Exhibit and Legal Descriptions, dated February 17, 2021 – 3 pages
Location Map

1. Project Data and Facts

Project Data	
Applicant/Status	Canyon View Properties /Developer
Applicant's Representative	Gary R. Rauscher
Location of Property	510 NE Chipman Rd
Size of Property	±7.21 acres - phase II (proposed) ±6.75 acres - phase I (existing) ±13.96 acres total overall project
Zoning	RP-4 (Planned Apartment Residential District)
Comprehensive Plan Designation	Medium/High-density Residential
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. Approval of the vacation of easement does not expire unless stated in the approval.

Current Land Use
The 13.96 acre site consists of 3 lots. The southernmost lot, adjacent to NE Chipman Road, is the location of an existing apartment development. The remaining two lots are vacant, undeveloped property .

Description of Applicant's Request
The applicant requests to vacate three sanitary easements within the Summit Point Apartment development.

2. Land Use

Description and Character of Surrounding Area
The property to the north is zoned RP-4 and is the site of the Amli Summit Ridge apartment development. East of the subject site is the RP-3 zoned English Manor four-family residential subdivision and the R-1 zoned St. Matthews Church. South of the proposed project is the RP-4 zoned existing Phase I of the Summit Point Apartments. Lee's Summit North High School is located to the west.

Adjacent Land Uses and Zoning

North:	RP-4 (Planned Apartment Residential District)— Summit Ridge Apartments
South	RP-4 (Planned Apartment Residential District)— Phase I of the Summit Point Apartments
East:	RP-3 (Planned Residential Mixed Use District)—English Manor four-family residential subdivision and St. Matthews Church
West:	R-1 (Single-Family Residential) Lee's Summit North High School

Site Characteristics

The site generally slopes from the south to the north. The northern third of the property is heavily treed, the remaining land area is a vacant field.

Special Considerations

Four different segments of public 8-inch sanitary sewers (MH #24-144 to MH #24-143, MH #24-146 to MH #24-145, MH #24-145 to MH #24-143 and MH #24-143 to MH #24-148) shall become private as part of the approval of this vacation of easement application, including the 8-inch sanitary sewer line that runs east west between MH #24-143 and #24-145, irrespective of its location in a 10' general utility easement. These private sanitary sewers shall become solely owned and maintained by the property owner.



Two different segments of 8-inch public water lines, that run north south and are located north of valves # 221915 and 221918, shall become private as part of the approval of this vacation of easement application, irrespective of their location in a 10' general utility easement. These private water lines shall become solely owned and maintained by the property owner.

3. Unified Development Ordinance (UDO)

Section	Description
2.480, 2.490	Vacation of Easement

Unified Development Ordinance (UDO)

The purpose of vacating the easement is to eliminate an unnecessary public utility easement that was platted as part of the *Summit Point Condominium* plat. A public utility easement is no longer needed in this location as the existing sanitary sewer service lines and water lines only serve the subject property. The sewers and water lines will remain in place and active, but will change from public to private.

4. Analysis

Background and History

- March 20, 1973 – The City Council approved a rezoning from R-1 to R-3A-P (now RP-4) (Appl. #1972-022) for Summit Station by Ordinance No. 1438.
- April 2, 1985 – The City Council approved the final plat (Appl. #1985-193) for Summit Point, 1st Plat by Ordinance No. 2630.
- November 5, 1985 – The City Council approved a site plan (Appl. #1985-091) for Summit Point Apartments.
- November 19, 1991 – The City Council approved the final plat (Appl. #1991-168) for Summit Point Condominium by Ordinance No. 3592.

Compatibility

The proposed vacation will simply “clean-up” this area, as a public utility easement is no longer needed. A public utility easement is no longer needed in this location as the existing sanitary sewer service lines and water lines only serve the subject property. The sewers and water lines will remain in place and active, but will change from public to private.

Adverse Impacts

The proposed vacation 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 objections to the requested vacation of easement have been expressed by the utility companies, including the City’s Public Works and Water Utilities Departments. The vacation will not impact the provision of utilities to the area.

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 Comprehensive Plan.

Recommendation

With the conditions of approval below, the application meets the requirements of the UDO and Design and Construction Manual (DCM).

5. Recommended Conditions of Approval

Standard Conditions of Approval

1. Four different segments of public 8-inch sanitary sewers (MH #24-144 to MH #24-143, MH #24-146 to MH #24-145, MH #24-145 to MH #24-143 and MH #24-143 to MH #24-148) shall become private as part of the approval of this vacation of easement application, including the 8-inch sanitary sewer line that runs east west between MH #24-143 and #24-145, irrespective of its location in a 10' general utility easement. These private sanitary sewers shall become solely owned and maintained by the property owner.
2. Two different segments of 8-inch public water lines, that run north south and are located north of valves # 221915 and 221918, shall become private as part of the approval of this vacation of easement application, irrespective of their location in a 10' general utility easement. These private water lines shall become solely owned and maintained by the property owner.