

# City of Lee's Summit

## Development Services Department

February 9, 2018

TO: Planning Commission  
PREPARED BY: C. Shannon McGuire, Planner  
CHECKED BY: Hector Soto, AICP, Current Planning Manager  
RE: **Appl. #PL2017-259 – VACATION OF EASEMENT – 4801 SW Raintree Pkwy; LandRock Development, LLC, applicant**

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### Commentary

The applicant proposes to vacate a portion of an existing sanitary sewer easement located on 4801 SW Raintree Pkwy. The easement to be vacated reflects a previous alignment of the proposed sanitary sewer, which has since been redesigned. A new easement will be dedicated to cover the new alignment.

### Recommendation

Staff recommends **APPROVAL** of the vacation of easement, subject to the following:

1. The vacation shall not take effect until such time as an easement for the new sanitary sewer alignment is dedicated to the City.

### Zoning and Land Use Information

**Location:** 4801 SW Raintree Pkwy

**Zoning:** R-1 (Single-Family Residential)

**Surrounding Zoning and Use:**

**North:** CP-2 (Planned Community Commercial District)—undeveloped ground

**South:** CP-2 (Planned Community Commercial District)—undeveloped ground

**East:** M-291 Highway

**West (across SW Raintree Pkwy):** R-1 (Single-Family Residential) —vacant ground, proposed Raintree Pointe subdivision and Raintree Lake

### Project Information

**Current Use:** single-family residence (under development)

**Vacation of Easement:** a portion of an existing sanitary sewer easement located on 4801 SW Raintree Pkwy

### Unified Development Ordinance

Applicable Section(s)	Description
4.480, 4.490	Vacation of Easement

## Process

**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.

## Background

- April 6, 1976 – The subject property was annexed into the city. The property was zoned C-2 in Cass County prior to annexation, which became C-1 (General Business District) upon annexation.
- November 1, 2001 – The property's zoning was reclassified from C-1 to its current CP-2 zoning upon the Unified Development Ordinance (UDO) going into effect.
- January 12, 2017 – The subject sanitary sewer easement dedicated to the City was recorded with Cass County by document # 598956.
- May 4, 2017 – The City Council approved a change in zoning classification from CP-2 to R-1 and a preliminary development plan for the subject property (Appl. #PL2017-033) by Ord. #8149.

## Analysis of Vacation of Easement

The applicant proposes to vacate a portion of an existing sanitary sewer easement located on 4801 SW Raintree Pkwy. The easement to be vacated reflects a previous alignment of the proposed sanitary sewer, which has since been redesigned. A new easement will be dedicated to cover the new alignment.

Notice was sent to the City's Public Works and Water Utilities Departments, for their input. No objections were received to the proposed vacation of easement.

## Code and Ordinance Requirements

*The items in the box below are specific to this application and must be satisfactorily addressed in order to bring it into compliance with the Codes and Ordinances of the City.*

### **Planning**

1. The vacation of easement shall be recorded prior to the issuance of any building permits on the subject property. A copy of the recorded document shall be provided to the Development Services Department.
2. No building permits shall be issued until such time as a certificate of substantial completion is issued for the sanitary sewer improvements.
3. A minor plat shall be approved and recorded prior to issuance of any building permits.

Attachments:

1. Easement Vacation Exhibit, date stamped December 20, 2017 – 2 pages
2. Location Map