



LEE'S SUMMIT
MISSOURI
Development Services Department

Development Services Staff Report

File Number	PL2020-221 – VACATION OF RIGHT-OF-WAY
Applicant	Engineering Solutions, LLC
Property Address	An approximately 110' segment of SW Flintrock Dr adjacent to 1713 SW Napa Valley Dr
Planning Commission Date Heard by	October 22, 2020 Planning Commission and City Council
Analyst	Hector Soto, Jr., AICP, Planning Manager
Checked By	Kent Monter, PE, Development Engineering Manager

Public Notification

Pre-application held: June 30, 2020

Neighborhood meeting conducted: The requirement for an applicant to hold in-person neighborhood meetings pursuant to UDO §2.205 has been suspended during the period of the Emergency Declaration which will end on January 31, 2021, unless earlier terminated or further extended by the Mayor. Pursuant to the Mayor's Emergency Order, applicants are encouraged to use all available alternative methods of communication to inform neighbors of each pending application and solicit neighbors' input and feedback and provide answers to questions about proposed land development.

Newspaper notification published on: October 3, 2020

Radius notices mailed to properties within 300 feet on: October 2, 2020

Site posted notice on: October 2, 2020

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Attachments

Exhibit and Legal Description, date stamped September 16, 2020

Location Map

1. Project Data and Facts

Project Data	
Applicant/Status	Engineering Solutions, LLC / Engineer
Applicant's Representative	Matt Schlicht
Location of Property	An approximately 110' segment of SW Flintrock Dr adjacent to 1713 SW Napa Valley Dr
Size of Property	±0.06 Acres (2,788 sq. ft.)
Zoning	PMIX (Planned Mixed Use)
Comprehensive Plan Designation	Low-Density Residential
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>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 right-of-way was dedicated in 2005 as part of <i>Napa Valley, 1th Plat</i>. The right-of-way was dedicated with the intent of extending a street south to create a short connection between SW Napa Valley Dr and SW Blackstone Pl. The intended layout for the area was since changed, making originally intended connection unnecessary. The street stub for SW Flintrock Dr was constructed within the subject right-of-way in 2005, but was removed by the developer in 2018.</p>

Description of Applicant's Request
<p>The developer has altered the original lot and street layout for the immediate area calling for a connection of SW Flintrock Dr between SW Napa Valley Dr and SW Blackstone Pl, thus rendering the subject right-of-way unnecessary. The City has no requirement for a street at this location. The developer intends to combine the vacated right-of-way with the abutting lot to the west in order to create an additional residential lot and has already submitted a minor plat application to the City toward that end.</p>

It should be noted that the applicant only seeks to vacate the western half of the 50'-wide SW Flintrock Dr right-of-way. The original intent was to vacate the entire 50' width, resulting in each half of the vacated right-of-way reverting back to the parcels located on either side of the property. However, the abutting property owner to the east (1713 SW Napa Valley Dr) has expressed no desire to participate in the application to acquire the additional property at this time, and thus the eastern half of right-of-way will remain as such.

2. Land Use

Description and Character of Surrounding Area

The subject segment of right-of-way is located in the middle of the Napa Valley single-family residential subdivision. The Napa Valley subdivision is developed with villa-style, standard and estate sized single-family residential lots.

Adjacent Land Uses and Zoning

North (across SW Napa Valley Dr):	Single-family residential / PMIX
South:	Single-family residential / PMIX
East:	Single-family residential / PMIX
West:	Single-family residential / PMIX

Site Characteristics

The subject right-of-way was for a planned street connection between SW Napa Valley Dr and SW Blackstone Pl. The previously existing street stub was removed by the developer and has been reverted to open ground.

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 the western half (25') of the SW Flintrock Dr right-of-way in order to create an additional residential lot. Elimination of the right-of-way does not negatively impact the immediate area. The originally proposed SW Flintrock Dr is not necessary to serve the area.

4. Comprehensive Plan

Focus Areas	Goals, Objectives & Policies
Public Facilities and Services	Objective 6.1

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 continued development of the immediate area can be access through the existing street network.

5. Analysis

Background and History

The applicant requests to vacate a 25’ wide x approximately 110’ long segment of SW Flintrock Dr right-of-way located south of SW Napa Valley Dr in the Napa Valley subdivision. Plans for a connection between SW Napa Valley Dr and SW Blackstone Pl have been abandoned by the developer, thus rendering the right-of-way unnecessary. The subject segment of right-of-way will revert back to the abutting property to the west and will be replatted to create an additional residential lot in the area.

The developer originally approached the City with the intent to vacate the entire 50’ wide right-of-way. However, the abutting property owner to the east (1713 SW Napa Valley Dr) has expressed no desire to participate in the application to acquire the additional property at this time, and thus the developer fell back to the position of seeking a vacation over only the western half of the right-of-way.

- October 21, 2004 – The City Council approved the final plat (Appl. #2004-059) for *Napa Valley, 1st Plat, Lots 1 thru 88 and Tracts A thru M* by Ordinance No. 5825. The subject right-of-way was dedicated as part of this plat.
- June 13, 2005 – The final plat of *Napa Valley, 1st Plat, Lots 1 thru 88 and Tracts A thru M* was recorded with the Jackson County Recorder of Deeds office by Instrument #2005-I-0049801.

Compatibility

The proposed vacation of right-of-way will revert to private property that the developer will use to create an additional residential lot.

Adverse Impacts

The proposed vacation of right-of-way 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. Adequate access to the surrounding lots is provided by the area’s existing street network.

Public Services

Public water, storm sewer and sanitary sewer lines are located in the vicinity. Public infrastructure will be protected through the dedication of utility easements as needed via the associated minor plat. Certain segments of the sanitary and storm sewers will need to be properly abandoned as part of this vacation of right-of-way and the minor platting processes.

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. The vacation of right-of-way shall not go into effect until such time as a new general utility easement is dedicated to cover existing infrastructure along the subject right-of-way.

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.