

City of Lee's Summit

Development Services Department

February 9, 2018

TO: Planning Commission
PREPARED BY: Jennifer Thompson, Planner
CHECKED BY: Hector Soto, Jr., AICP, Current Planning Manager
RE: **PUBLIC HEARING – Application #PL2018-013 – VACATION OF RIGHT-OF-WAY – portions of SW Longview Blvd and SW Fascination Dr, generally located at the intersection of SW Longview Blvd and SW Fascination Dr; City of Lee’s Summit, applicant**

Commentary

This application is to vacate portions of right-of-way along the angled parking areas along the north and south sides of SW Fascination Drive and along the east side of SW Longview Blvd. The subject portions of right-of-way were dedicated as part of the *Tower Park Commercial Phase 1 and 2; New Longview Roadway; and New Longview Commercial District* plats. The dedication of these portions of right-of-way necessitated the need for a maintenance agreement between the City and the property owner due to the encroachment of the angled parking spaces into the right-of-way. By vacating these portions of right-of-way, a maintenance agreement is no longer needed. A utility and sidewalk easement will be granted over the vacated portions of right-of-way to cover existing public infrastructure.

The request for vacation of right-of-way was sent to the City’s Public Works and Water Utilities Departments, as well as the private utility companies, for their input. No objections to the requested vacation were received.

Recommendation

Staff recommends **APPROVAL** of the vacation of right-of-way subject to the following:

1. A sidewalk and utility easement shall be granted to cover the vacated portions of right-of-way.

Zoning and Land Use Information

Location: generally located at the intersection of SW Longview Blvd and SW Fascination Dr

Current Zoning: PMIX (Planned Mixed Use District)

Surrounding zoning and use:

North (across SW Fascination Dr): PMIX (Planned Mixed Use District) – *New Longview Commercial District*; commercial uses and vacant ground

South: PMIX (Planned Mixed Use District) – *Fascination at New Longview, Lot 2*; vacant ground

East (across SW Kessler Drive): PMIX (Planned Mixed Use District) – unplatted vacant ground and a detention pond

West (across SW Longview Blvd): PMIX (Planned Mixed Use District) – *Tower Park Commercial Park*; commercial and apartment development

Site Characteristics. The subject portions of right-of-way are within the New Longview Commercial Phase II area, a proposed mixed-use development area. A theater is currently under construction immediately south of SW Fascination Dr.

Description and Character of Surrounding Area. The portions of right-of-way to be vacated are generally located at the intersection of SW Longview Blvd and SW Fascination Dr. The subject rights-of-way are bordered by commercial and future commercial development to the north, future residential to the south, vacant ground to the east, and commercial and apartment development to the west.

Public Notification

Neighborhood meeting conducted: n/a
Newspaper notification published: January 27, 2018
Notices mailed to properties within 185 feet: January 26, 2018

Process

Procedure: 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.
Duration of Validity: The vacation of right-of-way goes into effect upon City Council final action, unless otherwise stated in the approval, and does not expire.

Unified Development Ordinance

Applicable Section(s)	Description
4.460, 4.470	Vacation of Right-of-way

Comprehensive Plan

Focus Areas	Goals, Objectives and Policies
n/a	

Background

- September 29, 2004 – A minor plat (Appl. #2004-047) for *Tower Park Commercial Phase 1*, dedicating a portion of the subject right-of-way, was recorded at Jackson County Recorder of Deeds, by Document #2004I0093170.
- November 18, 2004 – A minor plat (Appl. #2004-244) for *Tower Park Commercial Phase 2*, dedicating a portion of the subject right-of-way, was recorded at Jackson County Recorder of Deeds, by Document #2004I0107121.
- July 18, 2005 – A minor plat (Appl. #2005-211) for *New Longview Roadway Plat Tracts J thru U*, dedicating a portion of the subject right-of-way, was recorded at Jackson County Recorder of Deeds, by Document #2005I0061432.
- October 18, 2007 – A final plat (Appl. #2007-185) for *New Longview Commercial District, 2nd Plat, Lot 44 & Tracts A & B*, dedicating a portion of the subject right-of-way, was approved by the City Council, by Ordinance No. 6514.

- February 4, 2010 – A final plat (Appl. #2009-105) for *New Longview Commercial District, 3rd Plat, Lots 42, 43, 51-54, Tracts C, D & E*, dedicating a portion of the subject right-of-way, was approved by the City Council, by Ordinance No. 6866.
- February 22, 2017 – A minor plat (Appl. #PL2017-007) for *Fascination at New Longview, Lots 1 & 2* was recorded at Jackson County Recorder of Deeds, by Document #2017E0016968.

Analysis of Vacation of Right-of-way

This application is to vacate portions of right-of-way along the angled parking areas along the north and south sides of SW Fascination Drive and along the east side of SW Longview Blvd. The subject portions of right-of-way were dedicated as part of the *Tower Park Commercial Phase 1 and 2; New Longview Roadway; and New Longview Commercial District* plats. The dedication of these portions of right-of-way necessitated the need for a maintenance agreement between the City and the property owner due to the encroachment of the angles parking spaces into the right-of-way. By vacating these portions of right-of-way, a maintenance agreement is no longer needed. A utility and sidewalk easement will be granted over the vacated portions of right-of-way to cover existing public infrastructure.

Letters were sent to the utility companies (KCP&L, Missouri Gas Energy/Spire, AT&T, Spectrum Cable and Comcast Cable), as well as to the City's Public Works and Water Utilities Departments, for their input. No objections to the requested vacation were received.

Attachments:

1. Drawings and description of the right-of-way to be vacated, date stamped January 17, 2018—5 pages
2. Sidewalk and Utility Easement Dedication—4 pages
3. Location Map