

City of Lee's Summit

Development Services Department

May 17, 2019

TO: Planning Commission
PREPARED BY: Hector Soto, Jr, AICP, Planning Manager
CHECKED BY: Kent D. Monter, P.E., Development Engineering Manager
RE: **Appl. #PL2019-123 – VACATION OF EASEMENT – 1715 NE Aberdeen Dr; Krueger Homes, LLC, applicant**

Commentary

The applicant proposes to vacate 5' of a 15' utility easement located along the south (rear) property line of Lot 228 of *Park Ridge, 4th Plat, Lots 218 thru 243, Tract A4 & Tract B4*. The request to vacate a portion of the existing easement stems from the need to eliminate a conflict that will facilitate the ability to situate a swimming pool in the rear yard of the subject property. No objection to the vacation was raised by the utility companies, the City's Public Works Department or Water Utilities Department.

Recommendation

Staff recommends **APPROVAL** of the vacation of a 5' portion of the 15' utility easement, as requested.

Zoning and Land Use Information

Location: Park Ridge subdivision, generally located 1 ¼ miles northeast of the intersection of I-470 and NE Woods Chapel Rd

Current Zoning: R-1 (Single-family Residential)

Surrounding zoning and use:

North (across NE Aberdeen Dr): R-1 — single-family residential

South: R-1 — single-family residential

East: R-1 — single-family residential

West: R-1 — single-family residential

Site Characteristics. The subject property is a single-family home site.

Description and Character of Surrounding Area. The subject property sits at the north end of the Park Ridge single-family residential subdivision.

Project Information

Use: single-family residential

Number of Lots: 1

Land Area: 13,506 sq. ft. (0.31 acres)

Unified Development Ordinance

Applicable Section(s)	Description
2.480, 2.490	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

- July 14, 2005—The City Council approved the preliminary plat (Appl. #2005-138) for *Park Ridge, Lots 1-347*.
- July 28, 2005—The City Council approved a rezoning (Appl. #2005-119) from AG (Agricultural) to R-1 and RP-1 (Planned Single-family Residential) and the preliminary development plan (Appl. #2005-120) for Park Ridge by Ordinance No. 6001.
- January 5, 2006—The City Council approved the Annexation and Development Agreement between ACH Development, LLC and the City of Lee’s Summit for 19.94 acres by Ordinance No. 6103.
- April 23, 2013—The Planning Commission approved the Preliminary Plat (Appl. #PL2013-002) for *Park Ridge, Lots 206-381 and Tracts A-I*.
- November 7, 2013 – The City Council approved the final plat (Appl. #PL2013-060) for *Park Ridge, 4th Plat, Lots 218-243, Tract A4 & Tract B4* by Ordinance No. 7390. The subject 15’ easement was dedicated as part of this plat. The final plat was recorded with the Jackson County Recorder of Deeds Office by Instrument No. 2013-E-0130021 on December 27, 2013.

Analysis of Vacation of Easement

The applicant requests to vacate 5’ of an existing 15’ utility easement, resulting in a 10’ wide utility easement along the south (rear) property line of the subject property. The proposed reduction in easement width will eliminate a conflict that will allow for the construction of a future swimming pool on the subject property.

The easement does not contain any public infrastructure. No objection to the vacation was raised by the utility companies, the City’s Public Works Department or Water Utilities Department.

Attachments:

1. Vacation of easement exhibit, dated March 29, 2019
2. Location Map