

City of Lee's Summit

Department of Planning and Codes Administration

September 9, 2016

TO: Planning Commission
FROM: Robert G. McKay, AICP, Director 
RE: **Application #PL2016-136 – VACATION OF EASEMENT – 251 SW Greenwich Dr.; Cosentino's Food Stores, applicant**

Commentary

This application is for the vacation of a 15' utility easement that is approximately 475' long located on Lot 1, *Raintree North Shopping Center, Lots 1-6*. The request to vacate this easement stems from a forthcoming expansion of the existing Price Chopper building. The easement currently contains a public water line. The grocery store's expansion project includes the conversion of the public water line to a private service line to be owned and maintained by the applicant. The City's Water Utilities Department has indicated that it is willing to divest itself of the ongoing need to maintain, repair and replace the portion of the water located within the subject easement proposed to be vacated. There are no other utility lines located within the easement.

Recommendation

Staff recommends **APPROVAL** of the vacation of easement.

Project Information

Vacation of Easement: a 15' utility easement

Location: 251 SW Greenwich Dr. (Lot 1, *Raintree North Shopping Center, Lots 1-6*)

Zoning: CP-2 (Planned Community Commercial)

Surrounding Zoning and Use:

North: CP-2—office/retail

South: RP-2—two-family residential district

East (across SW Raintree Plaza Dr.): CP-2—office/retail

West: CP-2—vacant commercial property

Background

- October 19, 2000 – The City Council approved a rezoning (Appl. #2000-018) from A (now AG) to C-1 (now CP-2) and preliminary site plan (Appl. #2000-019) for *Raintree North Shopping Center* located at the SW Corner of M-291 and M-150 by Ordinance No. 5049.
- May 22, 2001 – The City Council approved the final plat (Appl. #2001-066) for *Raintree North Shopping Center, Lots 1-6* by Ordinance No. 5164. The plat was recorded with the Jackson County Recorder of Deeds office on January 8, 2003, by Instrument #2003-I-0002855. The subject easement was dedicated as part of this plat.

Analysis of Vacation of Easement

The applicant requests a vacation of a 15' wide x approximately 475' long utility easement. The easement houses a public water line serving the Price Chopper building in the Raintree North Shopping Center. The scope of work for a forthcoming expansion project for Price Chopper includes the conversion of the public water line to a private water service line. The change from public infrastructure to private infrastructure necessitates a vacation of easement. Ownership of the water line, and all maintenance and repair responsibilities associated with it, will transfer from the City's Water Utilities Department to the applicant.

No objections were raised by the City's Public Works and Water Utilities Departments. Other utility companies were contacted regarding the request for vacation. No other utility lines have been identified as being located within the subject easement. The other utility companies contacted include: KCP&L, Laclede Gas, AT&T, Time Warner Cable, and Comcast.

Code and Ordinance Requirements

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

Public Works

1. The conversion of the public water line to a private water service line, including the installation of a backflow vault near the property line at SW Greenwich Drive, shall be completed prior to the vacation of the easement.

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2. The vacation of easement shall be recorded prior to the issuance of a final Certificate of Occupancy.

RGM/hsj

Attachments:

1. Drawing and legal description of the easement to be vacated, date stamped July 1, 2016—2 pages
2. Location Map