



**LEE'S SUMMIT**  
MISSOURI  
Development Services Department

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## Development Services Staff Report

<b>File Number</b>	PL2019-126 – VACATION OF RIGHT-OF-WAY
<b>Applicant</b>	Engineering Solutions, LLC
<b>Property Address</b>	Segment of SW Blackstone Pl located between 4028 SW Benziger Dr and 4032 SW Benziger Dr
<b>Planning Commission Date Heard by</b>	June 13, 2019 Planning Commission and City Council
<b>Analyst</b>	Hector Soto, Jr., AICP, Planning Manager
<b>Checked By</b>	Kent Monter, PE, Development Engineering Manager

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### Public Notification

Pre-application held: N/A  
Neighborhood meeting conducted: N/A  
Newspaper notification published on: May 25, 2019  
Radius notices mailed to properties within 185 feet on: May 28, 2019  
Site posted notice on: May 28, 2019

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### Attachments

Exhibit and Legal Description, date stamped March 29, 2019  
Location Map

## 1. Project Data and Facts

Project Data	
Applicant/Status	Engineering Solutions, LLC/Engineer
Applicant's Representative	Matt Schlicht, PE
Location of Property	Segment of SW Blackstone Pl located between 4028 SW Benziger Dr and 4032 SW Benziger Dr
Size of Property	±0.15 Acres
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 intended to serve as a second point of access into the Napa Valley subdivision from SW Pryor Rd. This section of SW Blackstone Pl was partially constructed to a public street standard in approximately 2006 and served as a construction entrance to the subdivision. The pavement, curb and gutter were removed in the past year; the ground has been reverted to grass.</p>

Description of Applicant's Request
<p>The applicant requests to vacate all of the right-of-way for the segment of SW Blackstone Pl located between SW Pryor Rd and SW Benziger Dr in order to create an additional single-family lot in the Napa Valley subdivision. Creation of the future lot requires the separate submittal of a minor plat application.</p>

## 2. Land Use

Description and Character of Surrounding Area
<p>The right-of-way is located near the southwestern limits of the Napa Valley single-family residential subdivision. Save for the property addressed 4032 SW Benziger Dr, the single-family lots in the immediate vicinity are developed.</p>

### Adjacent Land Uses and Zoning

North:	Single-family residential / PMIX
South:	Single-family residential / PMIX

<b>East:</b>	Single-family residential / PMIX
<b>West:</b>	SW Pryor Rd

<b>Site Characteristics</b>
The subject right-of-way is bounded by two single-family residential lots to the north and south. The lot to the north is developed; the lot to the south is vacant.

<b>Special Considerations</b>
N/A

### 3. Unified Development Ordinance (UDO)

Section	Description
2.460, 2.470	Vacation of Right-of-way

#### Unified Development Ordinance (UDO)

The ultimate purpose of the vacation of right-of-way is to allow for the creation of an additional single-family lot in the Napa Valley subdivision, which is an allowed use under the UDO and is also compatible with the uses under the approved preliminary development plan.

### 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. Adequate utility, pedestrian and vehicular access to the development is unaffected by the request to vacation the subject segment of right-of-way.

### 5. Analysis

#### Background and History

The applicant requests to vacate the segment of SW Blackstone Pl located between SW Pryor Rd and SW Benziger Dr. The vacation of right-of-way is necessary to accommodate the developer’s desire to create an additional single-family lot in this area. Creation of the additional lot requires approval of a separate submittal for a minor plat.

- March 9, 2004 – The Planning Commission approved the preliminary plat (Appl. #2004-10) for *Napa Valley, Lots 1 – 216 and Tracts A through V*.
- April 15, 2004 – The City Council approved the rezoning (Appl. #2004-008) from AG to PMIX and the preliminary development plan (Appl. #2004-009) for Napa Valley by Ordinance No. 5731.

- October 21, 2004 – The City Council approved the final plat (Appl. #2004-172) for *Napa Valley, 1<sup>st</sup> Plat, Lots 1-88 & Tracts A-M* by Ordinance No. 5825. The subject right-of-way was dedicated as part of this plat. The final plat was recorded with the Jackson County Recorder of Deeds Office by Instrument No. 2005-E-0049801 on June 13, 2005.
- December 17, 2015 – The City Council approved the preliminary development plan (Appl. #PL2015-130) for Napa Valley, 2<sup>nd</sup> Plat by Ordinance No. 7775. The preliminary development plan called for the removal of the subject segment of SW Blackstone Pl between SW Pryor Rd and SW Benziger Dr.

### **Compatibility**

The proposed vacation of right-of-way is one of the initial steps in the developer's ultimate pursuit of creating an additional single-family residential lot in the southwest area of the Napa Valley single-family residential subdivision.

### **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 subdivision is provided by the existing main entrance from SW Pryor Rd and an existing connection to the Stoney Creek subdivision to the south. Two additional access points will be provided in the future, with one to the north and one to the east.

### **Public Services**

No objections to the requested vacation of right-of-way have been expressed by the private utility companies. There is no objection from the City's Public Works and Water Utilities Departments, provided that easements are dedicated to cover the existing water and sanitary sewer lines in the area prior to the vacation. The vacation does not impact the provision of utilities to the area; adequate water and sewer currently exist to serve the area.

The elimination of a potential second access point onto SW Pryor Rd is not expected to negatively impact the street system. Two additional points of access to the subdivision currently exist, with two future points of access coming at the time the properties to the north develop and Napa Valley 4<sup>th</sup> Plat is constructed.

### **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. Easements shall be provided to cover the existing water and sanitary sewer lines located within the subject right-of-way to be vacated. The vacation of right-of-way shall not take effect until such time as the necessary easements are dedicated.

**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 any building permit on the affected property.