

# City of Lee's Summit

## Development Services Department

April 21, 2017

TO: Planning Commission  
FROM: Robert G. McKay, AICP, Director *RGM*  
RE: **PUBLIC HEARING – Application #PL2017-045 – VACATION OF RIGHT-OF-WAY – portions of SE Bailey Road located approximately ¼ mile east of SW M-291 Hwy.; The Grove at Lee's Summit, LLC, applicant**

### Commentary

This application is to vacate two portions of SE Bailey Road approximately ¼ mile east of SW M-291 Highway. The subject portions of right-of-way are surplus property obtained by the City for the construction of the Bailey Road bridge in 2009/10. The City has no use or need for the surplus right-of-way.

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 objection to the requested vacation was received.

### Recommendation

Staff recommends **APPROVAL** of the vacation of right-of-way.

### Project Information

**Vacation of Right-of-way:** two portions of SE Bailey Road, approximately ¼ mile east of SW M-291 Hwy.

**Location:** SE Bailey Road, approximately ¼ mile east of SW M-291 Hwy.

**Zoning:** Existing right-of-way is not zoned

**Surrounding zoning and use:**

**North:** PMIX (Planned Mixed Use) – undeveloped, The Grove development (future)

**South:** PMIX (Planned Mixed Use) – undeveloped, The Grove development (future)

**East (across UPRR):** PI (Planned Industrial) – warehouse/distribution and undeveloped industrial property

**West:** PMIX (Planned Mixed Use) – undeveloped, The Grove development (future)

### Background

- December 29, 1951 – The Pfizer property and surrounding, located north of Persels/Bailey, was annexed into the City of Lee's Summit.
- December 29, 1954 – The City's first zoning ordinance (Ord. #421) was adopted. This zoning ordinance placed the zoning designation of C-6 on the subject property located north of Persels/Bailey. District C (Highway Business and Industrial) allowed a variety of uses including wholesale, storage, warehousing, processing, and manufacturing.

- September 16, 1959 – The subject property located south of Persels/Bailey, including the properties located north of SE Thompson Drive, were annexed into the City of Lee's Summit.
- March 27, 1962 – The City adopted Zoning Ordinance #715. The subject property was identified as M-1 (Light Industrial) under this zoning ordinance.
- November 1, 2001 – The Unified Development Ordinance (UDO) became effective and changed District M-1 (Light Industrial) to District PI (Planned Industrial).
- September 13, 2005 – The Planning Commission approved Resolution 05-03 amending the Comprehensive Plan to change the preferred land use from industrial and low-density residential to planned mixed use on the land located south of U.S. 50 Hwy., on both sides of M-291 Hwy., to Persels Road on the west side of M-291 Hwy.; and to just south of 16<sup>th</sup> Street on the east side of M-291 Hwy.
- November 9, 2005 – Rezoning (Appl. #2005-369) and preliminary development plan (Appl. #2005-370) applications were filed for the property generally located south of U.S. 50 Hwy. on both sides of M-291 Hwy. for the proposed City Walk development. The applications contained a total of 182.25 acres. The Calmar site (called the Retail A site on the City Walk plan) encompassed 24.81 acres with 218,000 sq. ft. of retail building and 12,000 sq. ft. of fast food/retail building. In December 2006, the applications were withdrawn after a motion to approve the City Walk Tax Increment Financing plan failed.
- April 12, 2007 – The City Council approved a rezoning (Appl. #2007-016) from PI to CP-2 and preliminary development plan (Appl. #2007-017) for the Shops at Bridgepoint by Ord. #6374.
- December 22, 2010 – The minor plat (Appl. #2009-097) of *Pfizer Way* was recorded at the Jackson County Recorder of Deeds Office by Instrument #2010E0126141.
- November 27, 2016 – An ordinance approving a preliminary development plan (Appl. #PL2016-165) for The Grove on approximately 73 acres zoned Planned Mixed Use (PMIX) located at the northeast and southeast corners of SE M-291 Hwy. and SE Bailey Road was deemed approved by Ord. #8021 under Section 3.13(g) and Section 4.4(c) of the Charter of the City of Lee's Summit, Missouri, First Amended, November, 2007, due the Mayor's failure to either sign or disapprove the same within ten days of receipt.

### **Analysis of Vacation of Right-of-way**

This application is to vacate two portions of SE Bailey Road approximately ¼ mile east of SW M-291 Hwy. The subject portions of right-of-way are surplus property for which the City has no use or need.

Letters were sent to the utility companies (KCP&L, Laclede Gas, AT&T, Time Warner Cable and Comcast Cable), as well as to the City's Public Works and Water Utilities Departments, for their input. No objections were received.

RGM/cs

Attachments:

1. Drawing and description of the right-of-way to be vacated, date stamped March 3, 2017—1 page
2. Location Map