

# City of Lee's Summit

## Development Services Department

November 10, 2017

TO: Planning Commission  
CHECKED BY: Josh Johnson, AICP, Assistant Director of Plan Services  
PREPARED BY: Christina Stanton, AICP, Senior Planner  
RE: **Appl. #PL2017-228 – VACATION OF EASEMENT – 4548 SW Raintree Shore Dr.; Wesley Fields, applicant**

### Commentary

The applicant proposes to vacate all of the 15 foot utility easement located along the south property line of Lot 14, *North Shore at Raintree Lake*. The easement conflicts with the location of a proposed 18' x 35' swimming pool and associated pool deck.

### Recommendation

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

### Zoning and Land Use Information

**Location:** 4548 SW Raintree Shore Dr.

**Zoning:** R-1 (Single-Family Residential)

**Surrounding Zoning and Use:**

**North (across SW Raintree Shore Dr.):** R-1 — Single-family residences

**South:** Raintree Lake

**East:** R-1 — Single-family residences

**West:** R-1 — Single-family residences

### Project Information

**Current Use:** single-family residence

**Vacation of Easement:** all of the south 15' utility easement on Lot 14, *North Shore at Raintree Lake*

### Unified Development Ordinance

Applicable Section(s)	Description
4.480, 4.490	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

- February 24, 2004 – The Planning Commission approved a preliminary plat (Appl. #2003-307) for *North Shore at Raintree Lake*.
- April 1, 2004 – The City Council approved a rezoning (Appl. #2003-308) from RP-3 (Planned Residential Mixed Use) and CP-2 (Planned Community Commercial) to R-1 (Single-Family Residential) for the North Shore at Raintree Lake subdivision by Ord. #5722.
- October 7, 2004 – The City Council approved a final plat (Appl. #2004-149) for *North Shore at Raintree Lake* by Ord. #5818. The plat was recorded at the Jackson County Recorder of Deeds Office on May 27, 2005, by Instrument #200510044515.
- November 2, 2016 – The Codes Administration Department issued Building Permit #PRRES20162747 for a single-family house with 2 covered decks, the larger of which was set back 30' from the rear property line, at 4548 SW Raintree Shore Drive.
- September 14, 2017 – The Codes Administration Department issued Building Permit #PRRES20172863 for a swimming pool that was shown to be 10' from all decks and the (east) side property line, and was outside the 15' utility easement. This slightly curvilinear pool was approximately 15' long by 13' wide.
- October 26, 2017 – The Board of Zoning Adjustments continued a variance (Appl. #PL2017-215) to the November 16, 2017 hearing date due to lack of quorum. The variance request is for 8' to the required 10' swimming pool patio/deck setback requirement.

## Analysis of Vacation of Easement

The applicant proposes to vacate all of the 15 foot utility easement located along the south property line of Lot 14, *North Shore at Raintree Lake*. The easement conflicts with the location of a proposed 18' x 35' swimming pool and associated pool deck.

Letters were sent to the utility companies (KCP&L, 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 were received to the proposed vacation of easement.

## Code and Ordinance Requirements

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

### **Planning**

1. The vacation of easement shall be recorded prior to the issuance of a building permit for a swimming pool on the subject property. A copy of the recorded document shall be provided to the Development Services Department.

Attachments:

1. Drawing of easement to be vacated, date stamped October 23, 2017 – 1 page
2. Copy of reduced site plan showing approximate location of proposed swimming pool and pool deck, date stamped October 23, 2017 – 1 page
3. Rendering of proposed pool and pool deck with approximate easement location indicated, date stamped October 23, 2017 – 1 page
4. Reduced copy of *North Shore at Raintree Lake, Lots 1-50 & Tracts A-F* – 2 pages
5. Location Map