



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

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## Development Services Staff Report

<b>File Number</b>	PL2019-239 – VACATION OF RIGHT-OF-WAY
<b>Applicant</b>	Worley Real Estate 5 NW Market Series, LLC
<b>Property Address</b>	Alley segment north of SW 1 <sup>st</sup> St between NW Market St and NW Main St
<b>Planning Commission Date Heard by</b>	September 12, 2019 Planning Commission and City Council
<b>Analyst Checked By</b>	Hector Soto, Jr., AICP, Planning Manager Kent Monter, PE, Development Engineering Manager

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### Public Notification

Pre-application held: August 29, 2018  
Neighborhood meeting conducted: N/A  
Newspaper notification published on: August 24, 2019  
Radius notices mailed to properties within 185 feet on: August 28, 2019  
Site posted notice on: August 28, 2019

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### Attachments

Exhibit and Legal Description, date stamped July 15, 2019  
Location Map

## 1. Project Data and Facts

Project Data	
Applicant/Status	Worley Real Estate 5 NW Market Series, LLC/Developer
Applicant's Representative	Tim Hosmann
Location of Property	Alley segment north of SW 1 <sup>st</sup> St between NW Market St and NW Main St
Size of Property	±0.15 Acres
Zoning	CP-2 (Planned Community Commercial) and PIX(Planned Industrial)
Comprehensive Plan Designation	New Downtown Neighborhood
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 dedicated in 1883 as part of <i>W.B Howard's Second Addition</i>. The right-of-way was dedicated for the purpose of expanding the downtown alley network. Use of the alley has been abandoned for an indeterminate period of time. Each of the lots abutting the alley use SW 1<sup>st</sup> St, NW Market St or NW Main St for vehicular access; none of the abutting lots use the alley as a means of access.</p>

Description of Applicant's Request
<p>The applicant requests to vacate all of the right-of-way for the alley segment north of SW 1<sup>st</sup> St between NW Market St and NW Main St in order to gain additional lot area so as to facilitate the future development of the abutting parcel addressed 5 NW Market St. The development of 5 NW Market St will require submittal and approval of a preliminary development plan.</p>

## 2. Land Use

Description and Character of Surrounding Area
<p>The alley is located north of the Central Business District, just west of the rail line. The surrounding area is primarily residential in nature, though the adjacent use to the east is an office-warehouse.</p>

### Adjacent Land Uses and Zoning

North:	Single-family residential / CP-2 (Planned Community Commercial); and
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	Two-family residential / RP-2 (Two-family Residential)
<b>South:</b>	Church / CP-2
<b>East:</b>	Single-family residential / CP-2; and Office-warehouse / PI (Planned Industrial)
<b>West:</b>	Single-family residential / CP-2

<b>Site Characteristics</b>	
The subject right-of-way contains an alley that has been abandoned for an indeterminate period of time. The alley surface is grass and shows no obvious signs of vehicle use. All abutting lots use SW 1 <sup>st</sup> , NW Market St or NW Main St for vehicular access.	

<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 applicant’s purpose for the vacation of right-of-way is to gain additional lot area to facilitate the future development of 5 NW Market St. Under existing conditions, the development of the property addressed 5 NW Market St has challenges due to its irregular lot shape, the proximity to both water and sanitary sewer lines, building setbacks and parking setback requirements that limit the property’s buildable area.

### 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. In fact, the request is intended to improve the viability of the abutting site addressed as 5 NW Market St as a developable property. Adequate utility, pedestrian and vehicular access to the abutting properties is unaffected by the request to vacate the subject segment of alley right-of-way.

### 5. Analysis

#### Background and History

The applicant requests to vacate a 20’ wide x approximately 300’ long alley right-of-way located north of SW 1<sup>st</sup> St between NW Market St and NW Main St. The request stems from the applicant’s pursuit of

the future development of the abutting property at 5 NW Market St and the desire to gain additional lot area in order to address existing lot conditions that present development challenges of said property. There is no specific development plan for the property at this time. Development of the property will require the future submittal and approval of a preliminary development plan.

- September 11, 1883 – The plat for *W.B Howard's Second Addition* was filed with the Jackson County Recorder of Deeds office. The subject alley right-of-way was dedicated as part of this plat.

### **Compatibility**

The proposed vacation of right-of-way is one of the initial steps in the developer's ultimate pursuit of creating additional lot area for the future development of 5 NW Market St.

### **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 surrounding lots is provided by the area's existing street network.

### **Public Services**

A public sanitary sewer line and overhead electric lines exist within the entire length of the subject alley right-of-way. A condition of approval placed on this application is to retain a general utility easement to cover the existing infrastructure serving the area.

### **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. A general utility easement shall be retained over the entire width and length of the alley right-of-way to cover existing infrastructure located within the subject right-of-way.

### **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.