



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

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## Development Services Staff Report

<b>File Number</b>	PL2019-348 – VACATION OF EASEMENT – various easements in the Streets of West Pryor development
<b>Applicant</b>	Levy Craig Law Firm
<b>Property Address</b>	generally located at the northwest corner of NW Pryor Rd and NW Chipman Rd
<b>Planning Commission Date Heard by</b>	December 12, 2019 Planning Commission and City Council
<b>Analyst</b>	Hector Soto, Jr., AICP, Planning Manager
<b>Checked By</b>	Sue Pyles, PE, Development Engineer

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### Public Notification

Pre-application held: N/A  
Neighborhood meeting conducted: N/A  
Newspaper notification published on: N/A  
Radius notices mailed to properties within 300 feet on: N/A  
Site posted notice on: N/A

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### Attachments

Exhibits and Legal Descriptions, dated July 26, 2019, and September 12, 2019 – 4 pages  
Location Map

## 1. Project Data and Facts

Project Data	
Applicant/Status	Levy Craig Law Firm /Attorney
Applicant's Representative	Jeff Bauer
Location of Property	Generally located at the northwest corner of NW Pryor Rd and NW Chipman Rd
Size of Property	±73 Acres - overall
Zoning	PMIX (Planned Mixed Use District)
Comprehensive Plan Designation	Commercial – Office Retail
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.  Approval of the vacation of easement does not expire unless stated in the approval.

Current Land Use
The subject site is composed of multiple undeveloped parcels. Site work is currently being undertaken in preparation for future construction of the Streets of West Pryor development.

Description of Applicant's Request
The applicant requests to vacate six (6) utility easements within the Streets of West Pryor development.

## 2. Land Use

Description and Character of Surrounding Area
The area surrounding the intersection of NW Pryor Rd and NW Lowenstein Dr. is the developed Summit Woods Shopping Center to the east and Lowenstein Park and single-family residential development to the south and west. The site is bordered by I-470 to the north and NW Chipman Road to the south.

### Adjacent Land Uses and Zoning

<b>North:</b>	AG (Agricultural) – Family Ranch – rock excavation (across I-470 Highway)
<b>South:</b>	R-1 (Single-family residential) – single family subdivision and AG (Agricultural) – Lowenstein Park (across NW Lowenstein Dr.)
<b>East:</b>	CP-2 (Planned Community Commercial District) – existing Summit Woods Shopping Center (across NW Pryor Rd.)
<b>West:</b>	R-1 (Single-family residential) and AG (Agricultural) – single-family subdivision and Lowenstein Park

Site Characteristics
Existing KCP&L overhead powerlines run north and south through the center of the property. As part of

the approved development plan, the overhead lines are proposed to be relocated, parallel to NW Pryor Rd. The property environment is rugged, jagged terrain requiring extensive mass grading and clearing to make the site developable.

**Special Considerations**

N/A

### 3. Unified Development Ordinance (UDO)

Section	Description
2.480, 2.490	Vacation of Easement

#### Unified Development Ordinance (UDO)

The purpose of vacating the four (4) easements along the NW Pryor Rd street frontage is to remove unnecessary historic easement encumbrances on what is now the Streets of West Pryor site. New easements were dedicated where necessary to serve the infrastructure needs of the site as part of the *Streets of West Pryor* plat.

The purpose of vacating the two (2) easements along the NW Lowenstein Dr street frontage is to eliminate a conflict created by the recent construction of retaining walls within the easements. City policy does not allow retaining walls to be located within a public utility easement.

### 4. Analysis

#### Background and History

The applicant requests to vacate six (6) utility easements on the Streets of West Pryor site. The vacation of the easements is necessary to eliminate unnecessary easement encumbrances on the property, as well as eliminate a conflict where retaining walls have been constructed within public easements.

- October 5, 2000 – The City Council approved a final plat (Appl. #2000-194) for *Chipman-Hwy 50, Lots 1-18 & Tracts A-D* by Ordinance No. 5047. The four (4) easements along NW Pryor Rd were dedicated as part of this plat.
- April 6, 2017 – The City Council approved a rezoning (Appl. #PL2016-206) from R-1 and CP-2 to PMIX – Approximately 39 acres generally bounded by I-470 on the north, NW Pryor Road on the east, and NW Lowenstein Drive on the southwest known as West Pryor Village, by Ordinance No. 8127.
- January 11, 2019 – The City Council approved a rezoning and preliminary development plan (Appl. #PL2018-098) for Streets of West Pryor by Ordinance No. 8531.
- March 19, 2019 - The City Council approved a final plat (Appl. #PL2018-232) for Streets of West Pryor, Lots 1-14, Tracts A, B, C, & D by Ordinance No. 8595. The two (2) easements along NW Lowenstein Dr were dedicated as part of this plat.

#### Compatibility

The proposed vacation is one of the required steps in the process of developing the subject properties according to the approved development plan.

**Adverse Impacts**

The proposed vacation 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.

**Public Services**

With the exception of AT&T, no objections to the requested vacation of easements have been expressed by the utility companies, including the City's Public Works and Water Utilities Departments. AT&T has existing infrastructure along NW Lowenstein Dr and along NW Pryor Rd. However, AT&T will waive its objection under the condition that new easements be dedicated to cover the existing infrastructure.

The vacation will not impact the provision of utilities to the area. New easements were dedicated as part of the final plat of Streets of West Pryor.

**Comprehensive Plan**

The proposed vacation of easement does not compromise the ability to implement and/or achieve any policies, goals or objectives outlined in the Comprehensive Plan.

**Recommendation**

With the conditions of approval below, the application meets the requirements of the UDO and Design and Construction Manual (DCM).

**5. Recommended Conditions of Approval**

**Site Specific**

1. The vacation of easement of easement shall not go into effect until such time as the necessary easements to cover the existing AT&T infrastructure have been dedicated.

**Standard Conditions of Approval**

2. The ordinance approving the vacation of easement 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 lots.