

City of Lee's Summit

Development Services Department

October 20, 2017

TO: Planning Commission
CHECKED BY: Josh Johnson, AICP, Assistant Director of Plan Services
PREPARED BY: Christina Stanton, AICP, Senior Planner
RE: **Appl. #PL2017-178 – VACATION OF EASEMENT – 4508 SW Raintree Shore Dr.; Jamie Cox, applicant**

Commentary

The applicant proposes to vacate all but the north 7.5 feet of the 15 foot utility easement located along the west property line of Lot 9, *North Shore at Raintree Lake*. The easement conflicts with the location of a proposed 16' x 36' swimming pool and associated pool deck.

Recommendation

Staff recommends APPROVAL of the vacation of easement.

Project Information

Vacation of Easement: all of the west 15' utility easement except the north 7.5'

Location: 4508 SW Raintree Shore Dr.

Zoning: R-1 (Single-Family Residential)
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Surrounding Zoning and Use:

North: R-1 — Single-family residences
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South: R-1 — Single-family residences
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East (across SW Raintree Shore Dr.): R-1 — Single-family residences
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West (across Raintree Lake): R-1 — Single-family residences
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Unified Development Ordinance

Applicable Section(s)	Description
4.480, 4.490	Vacation of Easement

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.
- June 19, 2015 – The Codes Administration Division issued Building Permit #PRRES20150964 for a single-family house on the subject property.
- September 28, 2017 – The Board of Zoning Adjustments approved a variance of 6' to the required 10' swimming pool patio/deck setback requirement.

Analysis of Vacation of Easement

The applicant proposes to vacate all but the north 7.5 feet of the 15 foot utility easement located along the west property line of Lot 9, *North Shore at Raintree Lake*. The easement conflicts with the location of a proposed 16' x 36' swimming pool and associated pool deck.

Letters were sent to the utility companies (KCP&L, Laclede Gas, 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.

<p><u>Planning</u></p> <ol style="list-style-type: none"> 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.

JJ/cs

Attachments:

1. Legal description and drawing of easements to be vacated, date stamped September 21, 2017 – 1 page
2. Copy of reduced site plan showing proposed layout of swimming pool and pool deck, date stamped September 1, 2017 – 1 page
3. Reduced copy of *North Shore at Raintree Lake, Lots 1-50 & Tracts A-F* – 2 pages
4. Location Map