



LEE'S SUMMIT
MISSOURI
Development Services Department

Development Services Staff Report

File Number	PL2025-082 – VACATION OF EASEMENT
Applicant	DPLS P1, LLC
Property Address	1900 and 1920 NE Discovery Ave
Planning Commission Date	August 28, 2025
Heard by	Planning Commission and City Council
Analyst	Hector Soto, Jr., AICP, Senior Planner

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

Legal Description and Exhibit – Utility Easement, dated April 9, 2025 – 2 pages
Location Map

1. Project Data and Facts

Project Data	
Applicant/Status	DPLS P1, LLC /Applicant

Applicant's Representative	Brian Maenner
Property Owner	DPLS P1, LLC
Location of Property	1900 and 1920 NE Discovery Ave
Size of Property	±0.06 Acres (2,415 sq. ft.)
Zoning	PMIX (Planned Mixed Use)
Comprehensive Plan Designation	Mixed Use
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.

Current Land Use

The subject properties are the future sites of two mixed-use commercial/residential buildings on what are known as Lots 5 and 7 of The Village at Discovery Park. Site development of the overall development is currently underway.

Description of Applicant's Request

The applicant requests to vacate a 30' wide x 80.49' long general utility easement situated between two future buildings on Lots 5 and 7 of The Village at Discovery Park. The request stems from the need to construct a retaining wall within the existing easement due to a 5' shift in the location of the future Lot 5 building. The City's Encroachment Policy prohibits retaining walls from being constructed in a public utility easement, therefore necessitating vacation of the impacted easement. The existing water and sanitary sewer mains located within the subject easement are private infrastructure for which a public utility easement is not needed; the developer will dedicate a separate private utility easement to cover the private infrastructure upon vacation of the public easement.

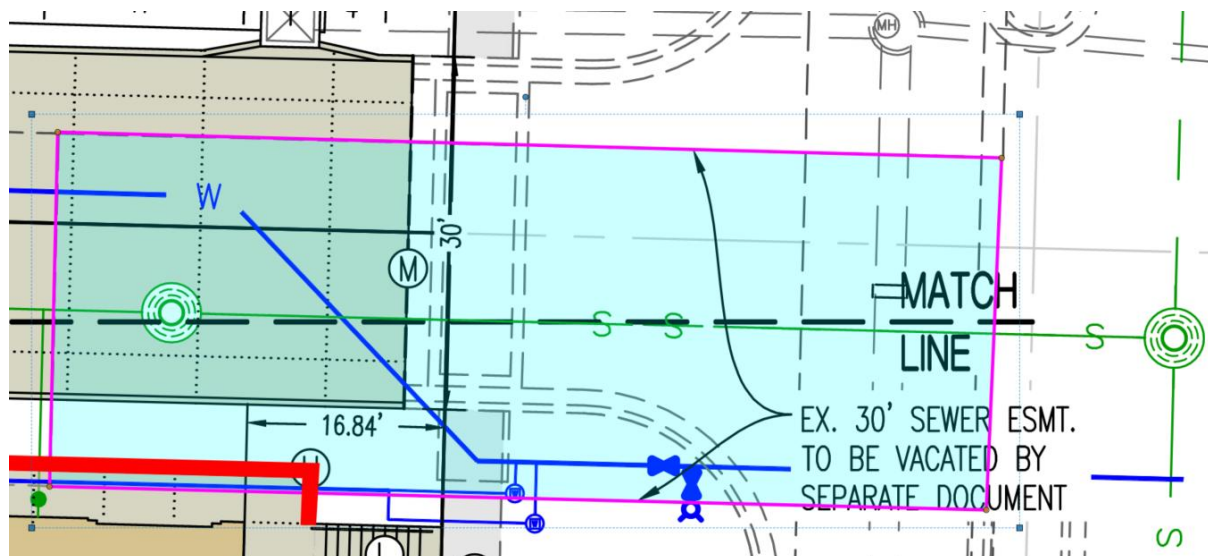
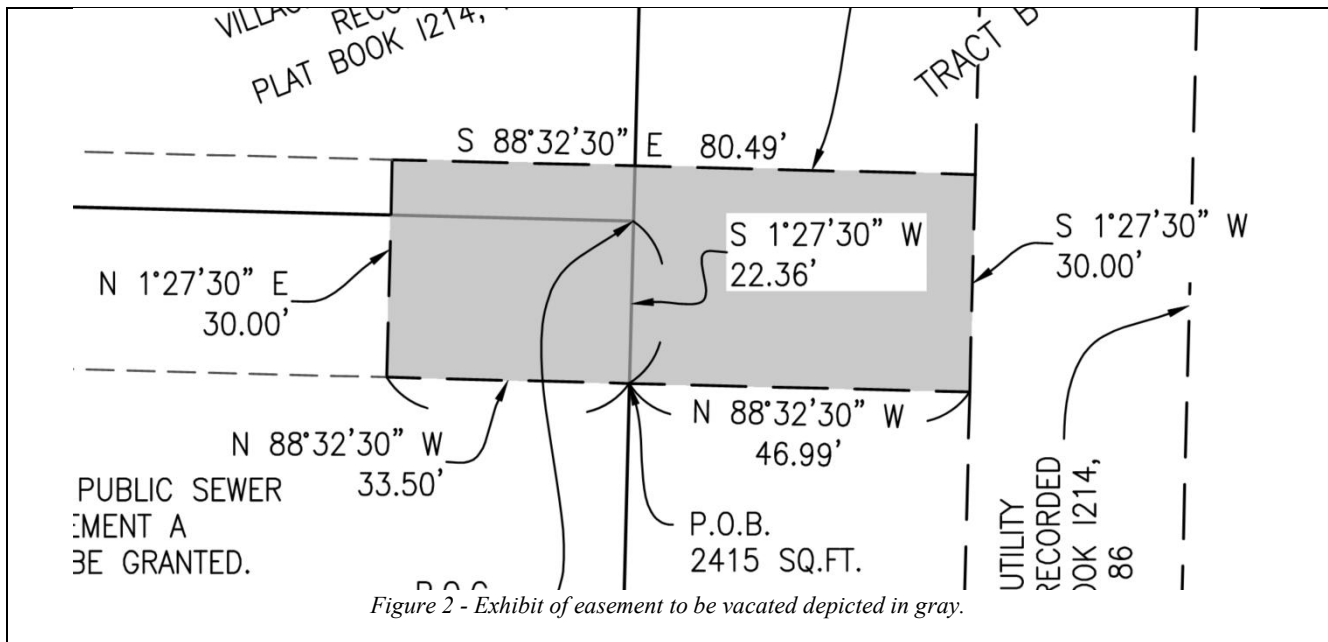


Figure 1 – Easement to be vacated depicted in teal w/ magenta outline. Retaining wall depicted in red.



2. Land Use

Description and Character of Surrounding Area

The surrounding property is the site of The Village at Discovery Park, a mixed-use development located at the northwest corner of the intersection of NE Douglas St and NE Colbern Rd.

Adjacent Land Uses and Zoning

North:	Future mixed-use/PMIX (Planned Mixed Use)
South:	Future mixed-use/PMIX
East:	Future mixed-use/PMIX
West:	Future mixed-use/PMIX

Site Characteristics

The lots traversed by the subject easement are the future sites of two approved mixed-use buildings. The Village at Discovery Park development as a whole is bordered and accessed by NE Colbern Rd and NE Douglas St to the south and east, respectively.

Special Considerations

N/A

3. Unified Development Ordinance (UDO)

Section	Description
2.480, 2.490	Vacation of Easement

Unified Development Ordinance (UDO)

The vacation of easement application stems from a conflict between the location of a future retaining wall and the subject public utility easement. The subject public utility easement is no longer needed due to the fact that only private water and sanitary sewer lines are located within the affected easement.

4. Comprehensive Plan

Focus Areas	Goals, Objectives & Policies
Facilities and Infrastructure	Objective: Maintain high-quality service levels for existing and future customers. Objective: Maintain high-quality infrastructure that supports and entices quality growth.

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 Ignite Comprehensive Plan. Private water, sanitary and storm sewer will serve the development, for which separate private utility easements will be dedicated by the developer to house said private infrastructure. The resulting network of private infrastructure only serves The Village at Discovery Park and therefore does not require the subject public utility easement.

5. Analysis**Background and History**

- July 25, 2023 – The City Council approved the rezoning from CP-2 (Planned Community Commercial) to PMIX and preliminary development plan (Appl. #PL2023-011) for Discovery Park – Zone 1 (now known as The Village at Discovery Park) by Ordinance No. 9720.
- November 14, 2023 – The City Council approved the final plat of *The Village at Discovery Park, Lots 1-13 and Tracts A & B* by Ordinance No. 9785. The subject easement was dedicated as part of this plat.
- December 15, 2023 – The final plat of *The Village at Discovery Park, Lots 1-13 and Tracts A & B* was recorded with the Jackson County Recorder of Deeds office by Instrument #2023-E-0089550.

Compatibility

The request to vacate the subject easements is consistent with the City's practice of managing its inventory of easements by eliminating easements in whole or in part that no longer serves a public purpose. The infrastructure within the subject easement is private and therefore serves no public purpose, which renders the existing public utility easement superfluous.

Adverse Impacts

The proposed vacation of easement 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

No objection to the requested vacation of easement was expressed by the City's Public Works and Water Utilities Departments or any private utility.

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. 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 a building permit for any structure conflicting with the location of the subject vacated easement.