

City of Lee's Summit

Development Services Department

January 20, 2017

TO: Planning Commission
FROM: Robert G. McKay, AICP, Director of Planning and Special Projects *RM*
RE: **Appl. #PL2016-211 – VACATION OF EASEMENT – 120 SW M-150 Hwy, QuikTrip No. 0200R; QuikTrip Corporation, applicant**

Commentary

This application is for the vacation of a 15' x approximately 360' utility easement. The vacation request stems from a conflict between the easement and future improvements to the property associated with the demolition and reconstruction of QuikTrip No. 0200R, located at 120 SW M-150 Hwy.

No objection was raised by the City's Public Works and Water Utilities Departments or other utility companies, except that AT&T believes that it may have infrastructure located within the subject easement. The applicant will need to have the infrastructure located to verify its location relative to the easement. AT&T will withdraw its objection if the applicant dedicates a private easement to cover the existing infrastructure or relocates the infrastructure and dedicates a new easement.

Recommendation

Staff recommends **APPROVAL** of the vacation of easement, subject to the following:

1. The vacation shall not become effective until such time as an easement is dedicated to AT&T to cover their existing infrastructure or the infrastructure is relocated and a new easement is dedicated to cover said infrastructure, as needed.

Project Information

Vacation of Easement: 15' x approximately 360' utility easement

Location: northeast corner of SW M-150 Hwy and SW Market St

Zoning: CP-2 (Planned Community Commercial District)

Surrounding zoning and use:

North: CP-2 (Planned Community Commercial District) – undeveloped acreage

South (across SW M-150 Hwy): CP-2 – retail center

East: CP-2 – bank

West (across SW Market St): CP-2 – fast-food restaurant and retail center

Background

- July 6, 2016 – The City Council approved the preliminary development plan (Appl. #PL2016-088) for the demolition and reconstruction of QuikTrip No. 0200R by Ordinance No. 7914.
- August 19, 2016 – A final development plan application (Appl. #PL2016-159) for QuikTrip No. 0200R was submitted to the City for administrative approval. The final development plan is currently going through the review process.

Analysis of Vacation of Easement

This application is for the vacation of a 15' x approximately 360' utility easement. The easement conflicts with the location of proposed parking lot lighting and a trash dumpster enclosure associated with the demolition and reconstruction of QuikTrip No. 0200R.

No objection was raised by the City's Public Works and Water Utilities Departments or other utility companies, except that AT&T believes that it may have infrastructure located within the subject easement. The applicant will need to have the infrastructure located to verify its location relative to the easement. AT&T will withdraw its objection if the applicant dedicates a private easement to cover the existing infrastructure or relocates the infrastructure and dedicates a new easement.

Code and Ordinance Requirements

The items in the box below are specific to this application and must be satisfactorily addressed in order to be in compliance with the Codes and Ordinances of the City.

Planning

1. The vacation of easement shall be recorded prior to the issuance of any building permit.

RGM/hsj

Attachments:

1. Exhibit and Legal Description for Easement to be Vacated, date stamped December 1, 2016 – 2 pages
2. Location Map