



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

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## Development Services Staff Report

<b>File Number</b>	PL2020-071 – VACATION OF EASEMENT
<b>Applicant</b>	Phelps Engineering, Inc.
<b>Property Address</b>	504, 512, and 520 NE Promised View Dr.
<b>Planning Commission Date</b>	May 14, 2020
<b>Heard by</b>	Planning Commission and City Council
<b>Analyst</b>	Victoria Nelson, Planner
<b>Checked By</b>	Hector Soto, Jr., AICP, Planning Manager Kent Monter, PE, Development Engineering Manager

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### Public Notification

Pre-application held: December 31, 2019  
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

Exhibit and Legal Description, dated March 10, 2020  
Location Map

## 1. Project Data and Facts

Project Data	
<b>Applicant/Status</b>	Phelps Engineering, Inc./Engineer
<b>Applicant's Representative</b>	Scott Confer
<b>Location of Property</b>	504, 512, and 520 NE Promised View Dr.
<b>Size of Property</b>	±0.083 Acres
<b>Zoning</b>	R-1 (Single Family Residential)
<b>Comprehensive Plan Designation</b>	R-1 and RP-1 (single Family Residential and Planned Single Family)
<b>Procedure</b>	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 property is currently vacant. However, construction of a single-family is proposed for this location.

Description of Applicant's Request
The applicant requests to vacate two segments of a 15' wide utility easement in order to facilitate the future development of the subject property with a residential home.

## 2. Land Use

Description and Character of Surrounding Area
The property is located on the north side of NE Velie Rd, approximately 1/3 mile west of NE Anderson Rd. This area is generally residential in nature. The majority of the property on the north side of NE Velie is R-1, while the south side is RP-1.

### Adjacent Land Uses and Zoning

<b>North:</b>	Single-family residential / R-1 (Single Family Residential)
<b>South:</b>	Single-family residential / RP-1 (Planned Single Family Residential)
<b>East:</b>	Single-family residential / R-1 (Single Family Residential)
<b>West:</b>	Single-family residential / R-1 (Single Family Residential)

Site Characteristics
The site has a steep down grade toward the north and northeast. The general property has frontage along NE Promised View Dr.

Special Considerations

N/A
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### 3. Unified Development Ordinance (UDO)

Section	Description
2.480, 2.490	Vacation of Easement

#### Unified Development Ordinance (UDO)

The purpose of the vacation of easement is to eliminate a conflict between the easement and a future building location on the affected properties.

### 4. Analysis

#### Background and History

The applicant requests to vacate segments of a 15’ wide utility easement located on Tiffany Woods Lots 3A, 4A, and 5. The vacation of easement is necessary to accommodate a future single family home that encroaches into the utility easement. There are no utilities located within the subject easement, thus neither the City nor the private utilities object to the requested vacation.

- July 8, 2004 – The City Council approved the rezoning (Appl. #PL2004-057) for a change in zoning from AG (Agricultural) to R-1 by Ordinance No. 5781.
- December 16, 2004 – The City Council approved the final plat (Appl. #PL2004-232) for *Tiffany Woods Lots 1-13 and Tracts A-C* by Ordinance No. 5867.
- November 20, 2008 – The City Council approved the final plat (Appl. #PL2008-088) for *Tiffany Woods 2<sup>nd</sup> Plat, Lots 1A-4A, 6A-8A and Tracts A-1, B-1 and C-1* by Ordinance No. 6730.
- August 21, 2014 – The City Council approved the vacation of easements (Appl. #PL2014-072) for *Tiffany Woods 2<sup>nd</sup> Plat, Lots 1A-4A, 6A-8A and Tracts A-1, B-1 and C-1* by Ordinance No. 7509.
- July 27, 2015 – The City Council approved a vacation of easement (Appl. #PL2014-073) for *Tiffany Woods 3<sup>rd</sup> Plat, Lot 7B* (513 and (517 NE Promised View Dr.) by Ordinance No. 7670.

#### Compatibility

The proposed vacation of easement facilitates the future development of a residence on the subject property.

#### 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 objections to the requested vacation of easement have been expressed by the utility companies, including the City’s Public Works and Water Utilities Departments. The vacation will not impact the provision of utilities to the area.

**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**

**Standard Conditions of Approval**

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 any building permit on the affected lots.