



LEE'S SUMMIT
MISSOURI
Development Services Department

Development Services Staff Report

File Number	PL2020-279 – VACATION OF RIGHT-OF-WAY
Applicant	Streets of West Pryor, LLC
Property Address	An approximately 700' segment of NW Black Twig Ln located north of NW Lowenstein Dr
Planning Commission Date Heard by	January 28, 2021 Planning Commission and City Council
Analyst	Jennifer Thompson, Senior Planner
Checked By	Hector Soto, Jr., AICP, Planning Manager Kent Monter, PE, Development Engineering Manager

Public Notification

Pre-application held: September 15, 2020

Neighborhood meeting conducted: The requirement for an applicant to hold in-person neighborhood meetings pursuant to UDO §2.205 has been suspended during the period of the Emergency Declaration which will end on January 31, 2021, unless earlier terminated or further extended by the Mayor. Pursuant to the Mayor's Emergency Order, applicants are encouraged to use all available alternative methods of communication to inform neighbors of each pending application and solicit neighbors' input and feedback and provide answers to questions about proposed land development.

Newspaper notification published on: January 9, 2021

Radius notices mailed to properties within 300 feet on: January 11, 2021

Site posted notice on: January 8, 2021

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Attachments

Exhibit and Legal Description, date stamped November 2, 2020

Location Map

1. Project Data and Facts

Project Data	
Applicant/Status	Streets of West Pryor, LLC / Property Owner
Applicant’s Representative	Dave Olson
Location of Property	An approximately 700’ segment of NW Black Twig Ln north of NW Lowenstein Dr
Size of Property	±0.85 Acres (36,871 sq. ft.)
Zoning	R-1 (Single-family Residential) and PMIX (Planned Mixed Use)
Comprehensive Plan Designation	Low-Density Residential
Procedure	<p>The Planning Commission holds a public hearing and makes a recommendation to the City Council on the proposed vacation of right-of-way. The City Council holds a public hearing and takes final action on the vacation of right-of-way application. All vacation of right-of-way applications shall be approved by ordinance.</p> <p>The vacation of right-of-way goes into effect upon City Council final action, unless otherwise stated in the approval, and does not expire.</p>

Current Land Use
<p>The subject right-of-way was dedicated in 2019 as part of <i>Streets of West Pryor, Lots 1 thru 14, Tracts A, B, C & D</i>”. The right-of-way was dedicated with the intent of extending NW Black Twig Ln north of NW Lowenstein Dr and looping the street back to NW Lowenstein Dr further west. Though the right-of-way for NW Black Twig Ln north of NW Lowenstein Dr is in place, no portion of the street extension has been constructed to date.</p>

Description of Applicant’s Request
<p>The subject vacation of right-of-way application is associated with the rezoning and preliminary development plan (Appl. #PL2020-274) application for Streets of West Pryor, Lots 7 and Tract C, that is also on this agenda. Whereas a previously approved preliminary development plan called for the extension of NW Black Twig Ln north of NW Lowenstein Dr as a public street, a new proposed preliminary development plan instead calls for access to the property to be provided via a private drive/street of the same general configuration as was previously approved.</p>

2. Land Use

Description and Character of Surrounding Area
The subject right-of-way is located at the intersection of NW Black Twig Ln and NW Lowenstein Dr. The area to the east is currently being developed as commercial/residential use. The area to the southwest is developed as single-family residential. To the southeast is Lowenstein Park.

Adjacent Land Uses and Zoning

North:	Future Streets of West Pryor / PMIX
South (across NW Lowenstein Dr):	Single-family residential / R-1 (Single-family Residential); Lowenstein Park / AG (Agricultural)
East:	Streets of West Pryor / PMIX
West:	Future Streets of West Pryor / R-1

Site Characteristics
No street has been constructed within the subject right-of-way, thus remains undeveloped property.

Special Considerations
N/A

3. Unified Development Ordinance (UDO)

Section	Description
2.460, 2.470	Vacation of Right-of-way

Unified Development Ordinance (UDO)

The purpose of the application is to vacate an approximately 700' long segment of right-of-way for a planned public street extension of NW Black Twig Ln. The developer has submitted a new preliminary development plan for the area calling for a private drive/street to serve future development in the area rather than a public street. The proposed preliminary development plan is also on this agenda.

4. Comprehensive Plan

Focus Areas	Goals, Objectives & Policies
Public Facilities and Services	Objective 6.1

Comprehensive Plan

The proposed vacation of right-of-way does not compromise the ability to implement and/or achieve any policies, goals or objectives outlined in the Comprehensive Plan. The continued development of the immediate area can be adequately served by a private drive/street.

5. Analysis

Background and History

The applicant requests to vacate a 50' wide x approximately 700' long segment of NW Black Twig Ln right-of-way located north of NW Lowenstein Dr. Initial plans to serve the area with a public street extension are proposed to be replaced with a new preliminary development plan calling for the area to be served by a private drive/street of the same general configuration. The vacated right-of-way will revert to the applicant's ownership.

- March 19, 2019 – The City Council approved the final plat (Appl. #PL2018-232) for *Streets of West Pryor, Lots 1 thru 14, Tracts A, B, C & D* by Ordinance No. 8595. The subject right-of-way was dedicated as part of this plat.

Compatibility

The proposed vacation of right-of-way will revert to private property that the developer will use to construct a private drive/street. The future private drive/street will be owned and maintained by a homeowners or property owners association established for the development.

Adverse Impacts

The proposed vacation of right-of-way 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. Adequate access to the surrounding lots is provided by a combination of the area's existing public street network and future private drive/street.

Public Services

There is no public infrastructure located within the subject right-of-way.

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

Standard Conditions of Approval

1. The ordinance approving the vacation of right-of-way 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.