



LEE'S SUMMIT
MISSOURI
Development Services Department

Development Services Staff Report

File Number	PL2019-127 – VACATION OF EASEMENT
Applicant	Engineering Solutions, LLC
Property Address	4032 SW Benziger Dr
Planning Commission Date	June 13, 2019
Heard by	Planning Commission and City Council
Analyst	Hector Soto, Jr., AICP, Planning Manager
Checked By	Kent Monter, PE, Development Engineering Manager

Public Notification

Pre-application held: N/A
Neighborhood meeting conducted: N/A
Newspaper notification published on: N/A
Radius notices mailed to properties within 185 feet on: N/A
Site posted notice on: N/A

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Attachments

Exhibit and Legal Description, date stamped March 29, 2019
Location Map

1. Project Data and Facts

Project Data	
Applicant/Status	Engineering Solutions, LLC/Engineer
Applicant's Representative	Matt Schlicht, PE
Location of Property	4032 SW Benziger Dr
Size of Property	±0.28 Acres
Zoning	R-1 (Single-family Residential)
Comprehensive Plan Designation	Low-Density Residential
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. Approval of the vacation of easement does not expire unless stated in the approval.

Current Land Use
The subject property is the site of a vacant single-family residential lot. The property was zoned PMIX in 2004 for Napa Valley, a residential subdivision offering a mix of standard-sized, villa-sized and estate-sized single-family lots. The subject lot was platted in 2004.

Description of Applicant's Request
The applicant requests to vacate all of a 10' utility easement along the north property line of Lot 14 of <i>Napa Valley, 1st Plat, Lots 1-88 and Tracts A-M.</i>

2. Land Use

Description and Character of Surrounding Area
The property is located near the southwestern limits of the Napa Valley single-family residential subdivision. The property is one of the last lots in the immediate area to be developed.

Adjacent Land Uses and Zoning

North:	Single-family residential / PMIX
South:	Single-family residential / PMIX
East:	Single-family residential / PMIX
West:	SW Pryor Rd

Site Characteristics
The site consists of a rectangular-shaped lot surrounded by single-family residences on all sides. The lot has frontage on both SW Pryor Rd and SW Benziger Dr. Access to the site comes from SW Benziger Dr.

Special Considerations
N/A

3. Unified Development Ordinance (UDO)

Section	Description
2.480, 2.490	Vacation of Easement

Unified Development Ordinance (UDO)

The ultimate purpose of the vacation of easement is to allow for the creation of an additional single-family lot in the Napa Valley subdivision, which is an allowed use under the UDO and is also compatible with the uses under the approved preliminary development plan.

4. Analysis

Background and History

The applicant requests to vacate the 10' utility easement along the northern boundary of the subject property. The vacation of easement is necessary to accommodate the creation of an additional single-family lot in this area, pending approval of a related request for a vacation of right-of-way for the abutting portion of Blackstone Pl.

- March 9, 2004 – The Planning Commission approved the preliminary plat (Appl. #2004-10) for *Napa Valley, Lots 1 – 216 and Tracts A through V*.
- April 15, 2004 – The City Council approved the rezoning (Appl. #2004-008) from AG to PMIX and the preliminary development plan (Appl. #2004-009) for Napa Valley by Ordinance No. 5731.
- October 21, 2004 – The City Council approved the final plat (Appl. #2004-172) for *Napa Valley, 1st Plat, Lots 1-88 & Tracts A-M* by Ordinance No. 5825. The subject 10' easement was dedicated as part of this plat. The final plat was recorded with the Jackson County Recorder of Deeds Office by Instrument No. 2005-E-0049801 on June 13, 2005.

Compatibility

The proposed vacation of easement is one of the initial steps in the developer's ultimate pursuit of creating an additional single-family residential lot in the southwest area of the Napa Valley single-family residential subdivision.

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. A new easement to accommodate any future utility needs will be dedicated at the time the future single-family lot is created.

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 lot.