

City of Lee's Summit

Development Services Department

February 8, 2019

TO: Planning Commission
PREPARED BY: Hector Soto, Jr., Current Planning Manager
CHECKED BY: Kent D. Monter, PE, Development Engineering Manager
RE: **PUBLIC HEARING – Appl. #PL2018-102 – VACATION OF RIGHT-OF-WAY – a portion of NE Douglas St abutting 1410 NE Douglas St; Oakview Capital Partners, LLC, applicant**

Commentary

The applicant proposes to vacate a portion of the NE Douglas St right-of-way in order to accommodate the development of the abutting property addressed 1410 NE Douglas St.

The request for vacation of right-of-way was sent to the City's Public Works and Water Utilities Departments, as well as the private utility companies, for their input. No objections to the vacation were raised by the City or the private utility companies.

This application is associated with the final plat (Appl. #PL2018-099) for *Oakview, Lots 1-5*, also on this agenda.

Recommendation

Staff recommends **APPROVAL** of the vacation of right-of-way for a portion of NE Douglas St.

Zoning and Land Use Information

Location: 1410 NE Douglas Street (Lot 2, *Polytainers Addition, Lots 1 & 2*)

Zoning: PI (Planned Industrial District) and CP-2 (Planned Community Commercial)

Surrounding zoning and use:

North: CP-2—Saint Luke's East Hospital

South (across NE Victoria Drive): PI—office, warehousing/storage, manufacturing

East (across NE Douglas Street): CP-2—theater and retail

West: PI—office/warehouse, manufacturing

Site Characteristics. The property abutting the subject right-of-way is vacant undeveloped property with shared access from NE Victoria Drive through the adjacent Polytainers development.

Description and Character of Surrounding Area. NE Douglas Street is primarily commercial in nature between I-470 to the north and NE Tudor Rd to the south, though Saint Luke's East Hospital is located to the immediate north of the subject property. NE Victoria Drive east of NE Douglas St serves as an entryway to an industrial area.

Public Notification

Neighborhood meeting conducted: n/a

Newspaper notification published: January 26, 2019

Process

Procedure: 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.

Duration of Validity: The vacation of right-of-way goes into effect upon City Council final action, unless otherwise stated in the approval, and does not expire.

Unified Development Ordinance

Applicable Section(s)	Description
2.460, 2.470	Vacation of Right-of-way

Comprehensive Plan

Focus Areas	Goals, Objectives and Policies
n/a	

Background

- March 22, 1989 – The minor plat (Appl. #1989-136) of *Lee's Summit North Industrial Park, First Plat* was recorded with the Jackson County Recorder of Deed office by Instrument No. I-902903. The subject right-of-way was dedicated as part of this plat.
- March 21, 2016 – The minor plat (Appl. #PL2016-002) of *Polytainers Addition, Lots 1 & 2* was recorded with the Jackson County Recorder of Deeds office by Instrument No. 2016-E-0023636. All of Lot 1 of *Lee's Summit North Industrial Park* was replatted as part of this plat.
- December 14, 2017 – The City Council approved a special use permit (Appl. #PL2017-205) for an indoor storage facility located at 1410 NE Douglas St., for a time period of 25 years, by Ord. #8301. No preliminary development plan was required because the storage facility is located on PI zoned property, the applicant agreed to meet all ordinance requirements and no modifications were requested.
- June 28, 2018 – The City Council approved a rezoning for 3.3 acres of the subject property from PI to CP-2 and also approved a preliminary development plan for the future development of the subject property by Ordinance No. 8403.

Analysis of Vacation of Right-of-way

The applicant proposes to vacate a portion of the NE Douglas St right-of-way abutting the property addressed 1410 NE Douglas St. The requested vacation of the excess NE Douglas St right-of-way is related to the future development of 1410 NE Douglas St. The subject portion of right-of-way serves no current or future public purpose.

The request for vacation of right-of-way was sent to the City's Public Works and Water Utilities Departments, as well as the private utility companies, for their input. No objections to the vacation of right-of-way were received.

/hsj

Attachments:

1. Vacation of Right-of-way Exhibit and Legal Description, date stamped January 4, 2019 – 2 pages
2. Location Map