

# City of Lee's Summit

## Development Services Department

June 23, 2017

TO: Planning Commission  
FROM: Robert G. McKay, AICP, Director of Planning & Special Projects *RM*  
RE: **Appl. #PL2017-105 – VACATION OF EASEMENT – Two blanket water line easements generally located at the southeast corner of SE M-291 Hwy. & SE Bailey Rd.; The Grove at Lee's Summit, LLC, applicant**

---

### Commentary

The applicant has requested to vacate two blanket water line easements that cover land being developed as the first phase of The Grove. The easements were granted to the Public Water District #4 (now the City of Lee's Summit Water Utilities Department) and will no longer be required. New, and appropriately sized, easements are being dedicated on the final plat (Appl. #PL2017-089) *The Grove at Lee's Summit, Lots 1, 2, & Tract A.*

The easements currently contain only public water line infrastructure. There are no other public or private utilities located within the subject easements. The subject easements were specifically dedicated to the Public Water District #4 by separate document. As a result, no input regarding the vacation request is required from any private utilities. No objection to the vacation was raised by the City's Water Utilities Department.

This vacation of easement application will not be placed on a City Council agenda for approval until such time as the final plat dedicating new easements is approved and recorded.

### Recommendation

Staff recommends **APPROVAL** of the vacation of easement.

### Project Information

**Vacation of Easement:** two blanket water line easements

**Location:** generally located at the southeast corner of SE M-291 Hwy. & SE Bailey Rd.

**Zoning:** PMIX (Planned Mixed-Use)

**Surrounding zoning and use:**

**North (across SE Bailey Rd.):** PMIX—Pfizer and vacant undeveloped property (future phases of The Grove development)

**South:** PMIX—industrial, office/warehouse

**West (across SE M-291 Hwy.):** CP-2 (Planned Community Commercial) and PI (Planned Industrial)—commercial, industrial

**East (across UPRR):** PI—County Beverage Company

### Background

- December 29, 1951 – The Pfizer property and surrounding property, located north of Persels/Bailey, was annexed into the City of Lee's Summit.
- December 29, 1954 – The City's first zoning ordinance (Ord. #421) was adopted. This zoning ordinance placed the zoning designation of C-6 on the subject property located

north of Persels/Bailey. District C (Highway Business and Industrial) allowed a variety of uses including wholesale, storage, warehousing, processing, and manufacturing.

- September 16, 1959 – The subject property located south of Persels/Bailey, including the properties located north of SE Thompson Drive, were annexed into the City of Lee's Summit.
- March 27, 1962 – The City adopted Zoning Ordinance #715. The subject property was identified as M-1 (Light Industrial) under this zoning ordinance.
- November 1, 2001 – The Unified Development Ordinance (UDO) became effective and changed District M-1 (Light Industrial) to District PI (Planned Industrial).
- September 13, 2005 – The Planning Commission approved Resolution 05-03 amending the Comprehensive Plan to change the preferred land use from industrial and low-density residential to planned mixed use on the land located south of U.S. 50 Hwy., on both sides of M-291 Hwy., to Persels Road on the west side of M-291 Hwy.; and to just south of 16<sup>th</sup> Street on the east side of M-291 Hwy.
- November 9, 2005 – Rezoning (Appl. #2005-369) and preliminary development plan (Appl. #2005-370) applications were filed for the property generally located south of U.S. 50 Hwy. on both sides of M-291 Hwy. for the proposed City Walk development. The applications contained a total of 182.25 acres. The Calmar site (called the Retail A site on the City Walk plan) encompassed 24.81 acres with 218,000 sq. ft. of retail building and 12,000 sq. ft. of fast food/retail building. In December 2006, the applications were withdrawn after a motion to approve the City Walk Tax Increment Financing plan failed.
- April 12, 2007 – The City Council approved a rezoning (Appl. #2007-016) from PI to CP-2 and preliminary development plan (Appl. #2007-017) for the Shops at Bridgepoint by Ord. #6374.
- December 22, 2010 – The minor plat (Appl. #2009-097) of *Pfizer Way* was recorded at the Jackson County Recorder of Deeds Office by Instrument #2010E0126141.
- November 3, 2016 – The City Council approved a City-initiated rezoning (Appl. #PL2016-158) from CP-2, PI, and PMIX to PMIX and conceptual development plan for approximately 237 acres generally bounded by Pine Tree Plaza, US 50 Hwy., Adesa Property, Jefferson Street (west of M-291 Hwy.), 16<sup>th</sup> Street (east of M-29 Hwy.), Union Pacific Railroad right-of-way and south M-291 Hwy. by Ord. #8013.
- November 27, 2016 – An ordinance approving a preliminary development plan (Appl. #PL2016-165) for The Grove on approximately 73 acres zoned Planned Mixed Use (PMIX) located at the northeast and southeast corners of SE M-291 Hwy. and SE Bailey Road was deemed approved by Ord. #8021 under Section 3.13(g) and Section 4.4(c) of the Charter of the City of Lee's Summit, Missouri, First Amended, November, 2007, due the Mayor's failure to either sign or disapprove the same within ten days of receipt.

## **Analysis of Vacation of Easement**

The applicant has requested to vacate two blanket water line easements that cover land being developed as the first phase of The Grove. The easements were with the Public Water District #4 and will no longer be required. New, and appropriately sized, easements are being dedicated on the final plat (Appl. #PL2017-089) *The Grove at Lee's Summit, Lots 1, 2, & Tract A*.

The easements currently contain only public water line infrastructure. There are no other public or private utilities located within the subject easements. The subject easements were

specifically dedicated to the Public Water District #4 by separate document. As a result, no input regarding the vacation request is required from any private utilities. No objection to the vacation was raised by the City's Water Utilities Department.

RGM/cs

Attachments:

1. Drawing of the easements to be vacated and legal description, date stamped May 5, 2017—  
2 pages
2. Location Map