



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

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## Development Services Staff Report

<b>File Number</b>	PL2024-233 – VACATION OF RIGHT-OF-WAY
<b>Applicant</b>	Wineteer Construction
<b>Property Address</b>	Vacation of a 15.6'-wide 140'-long portion of right-of-way along SW 1 <sup>st</sup> St, adjacent to 101 SW Market St.
<b>Planning Commission Date Heard by</b>	November 14, 2024 Planning Commission and City Council
<b>Analyst</b>	Claire Byers, Senior Planner

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### Public Notification

Pre-application held: July 23, 2024  
Neighborhood meeting conducted: October 21, 2024  
Newspaper notification published on: October 26, 2024  
Radius notices mailed to properties within 300 feet on: October 25, 2024  
Site posted notice on: October 25, 2024

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### Attachments

Exhibit, uploaded September 27, 2024  
Legal Description, uploaded September 12, 2024  
Location Map

## 1. Project Data and Facts

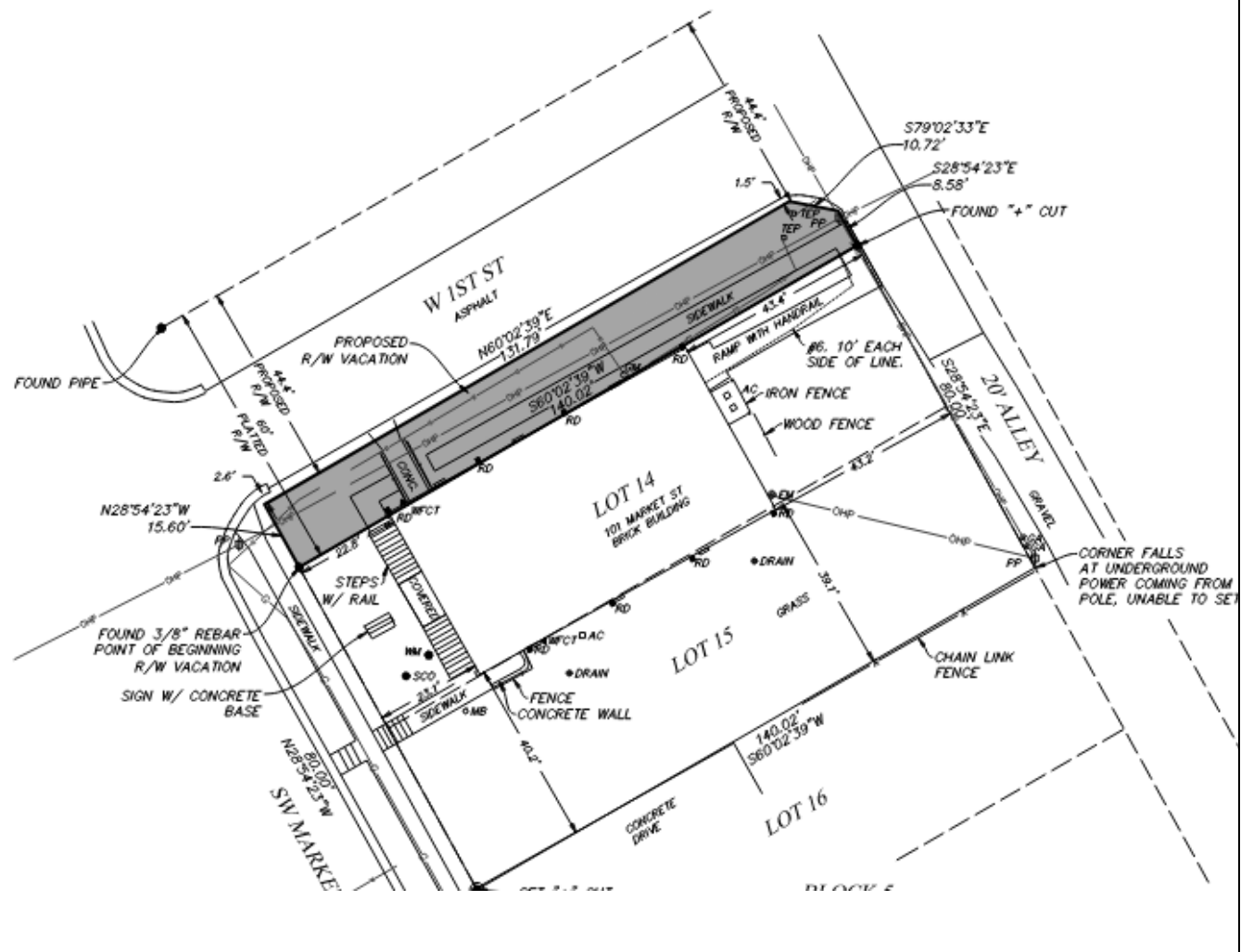
Project Data	
Applicant/Status	Grace Community Church/Property Owner Wineteer Construction/Applicant
Location of Property	Vacation of a 15.6'-wide 140'-long portion of the southerly right of way of SW 1st Street, between the easterly right of way of SW Market St and the existing 20 ft alley, and the north property line of 101 SW Market St.
Size of Property	ROW area: ±0.05 Acres (2,155 sq. ft.)
Zoning	CP-2 (Planned Community Commercial District)
Comprehensive Plan Designation	Activity Center
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><b>Duration of Validity:</b> 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, a portion of W 1<sup>st</sup> St, was dedicated in 1865 as part of the Plat of the Town of Strother. The existing church building is built up to the property line abutting the right-of-way with no setback and the concrete entrance and sidewalk ramp for the church are located within the right-of-way.</p>

**Description of Applicant's Request**

The applicant represents Grace Community Church, the owners of the adjacent property, 101 SW Market St. The applicant requests to vacate an excess portion of W 1<sup>st</sup> St. right-of-way that abuts the property to the north. The subject portion of right-of-way was originally dedicated in 1865 as part of the Map of the Town of Strother.

The purpose of the vacation is to revert the subject portion of excess right-of-way back to the abutting private property, so that Grace Community Church can renovate the existing structures located within the subject area. The portion of right-of-way that is requested to be vacated does not include any portion of the existing street. The location of the subject right-of-way does not align with any future road plans in the area and thus serves no current or future public purpose.



## 2. Land Use

Description and Character of Surrounding Area
The subject right-of-way is located along SW 1 <sup>st</sup> St, perpendicular to NW Market St. The surrounding area is characterized by commercial as well as both single-family and two-family residential uses. To the east of SW 1 <sup>st</sup> St is a parking lot that serves the subject property. The church on 101 SW Market St. was constructed up to the property line with no setback, and the concrete side entrance into the church is located within the right-of-way.

### Adjacent Land Uses and Zoning

<b>North (across SW 1<sup>st</sup> St):</b>	Commercial / CP-2
<b>South:</b>	Commercial / CP-2
<b>East:</b>	Parking lot / CP-2 & Single-family residential / R-1 (Single-Family Residential)
<b>West (across SW Market Rd):</b>	Single-family and duplex residential / RP-2 (Planned Two-Family Residential)

Site Characteristics
The subject right-of-way was established in 1865, but only 25' of the platted 60' were used to construct SW 1 <sup>st</sup> St. The subject portion of right-of-way effectively constitutes the side entrance and yard of the adjacent property. Private utility infrastructures are located within the right-of-way to be vacated, however, the utility companies have approved the vacation with a condition of approval retaining a 10' utility easement.

Special Considerations
N/A

## 3. Unified Development Ordinance (UDO)

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

### Unified Development Ordinance (UDO)

Vacating the right-of-way does not negatively impact the area. The road for which the subject right-of-way was dedicated was never constructed, nor would staff support any future road widening at this location based on future area road plans.

## 4. 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 subject right-of-way does not align with any future road plans for the area.

## **5. Analysis**

### **Background and History**

- October 19, 1865 – The subject right-of-way was dedicated as part of the map of the Town of Strother.

### **Public Services**

The proposed vacation of right-of-way will not impede the continued normal and orderly development and improvement of the surrounding area. The subject excess right-of-way serves no public purpose and does not align with future area road plans. The City's Thoroughfare Master Plan does not show any future connection points near the subject right-of-way.

The subject right of way currently houses private utilities; overhead lines for Evergy and underground lines for AT&T. A 10' utility easement will be retained running the length of the right-of-way to protect the utilities that will remain in place.

### **Adverse Impacts**

The proposed vacation of right-of-way will not negatively impact the use or aesthetics of any neighboring property, nor will it negatively impact the health, safety and welfare of the public. The subject right-of-way was dedicated but not utilized in the construction of SW 1<sup>st</sup> St; does not figure into any future area road plans; and serves no current or future public purpose. Access to the adjacent single-family residence at 1 NW Market St. will not be affected, as they will still be able to use the existing SW 1<sup>st</sup> St.

### **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**

### **Site Specific**

1. A 10' utility easement shall be retained running the length of the vacated segment to cover the existing infrastructure located within the subject right-of-way.

### **Standard Conditions of Approval**

2. 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.