

**The City of Lee's Summit**  
**Action Letter - Final**  
**Planning Commission**

Thursday, September 12, 2019

5:00 PM

City Council Chambers

City Hall

220 SE Green Street

Lee's Summit, MO 64063

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Call to Order

Roll Call

**Present:** 6 - Board Member Mark Kitchens  
Board Member Carla Dial  
Chairperson Jason Norbury  
Vice Chair Donnie Funk  
Board Member Terry Trafton  
Board Member Dana Arth

**Absent:** 3 - Board Member John Lovell  
Board Member Jake Loveless  
Board Member Jeff Sims

Approval of Agenda

Chairperson Norbury announced that there were no changes to the agenda, and asked for a motion to approve.

A motion was made by Vice Chair Funk, seconded by Board Member Dial, that this agenda be approved. The motion carried unanimously.

Public Comments

There were no public comments presented at the meeting.

Approval of Consent Agenda

[BILL NO. 19-220](#) An Ordinance accepting final plat entitled "Hawthorn Ridge, 2nd Plat, Lots 101 thru 159", as a subdivision to the city of Lee's Summit, Missouri.

A motion was made by Vice Chair Funk, seconded by Board Member Dial, that this application be recommended for approval to the City Council - Regular Session, due back on 10/1/2019. The motion carried unanimously.

[2019-3002](#) Minutes of the August 22, 2019, Planning Commission meeting

A motion was made by Vice Chair Funk, seconded by Board Member Dial, that these minutes be approved. The motion carried unanimously.

Public Hearings

[2019-3025](#) Public Hearing: Application #PL2019-239 - Vacation of Right-Of-Way - the alley segment north of SW 1st St between NW Market Street and NW Main Street;

Worley Real Estate 5 NW Market Series, LLC, applicant.

Chairperson Norbury opened the hearing at 5:03 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

The applicant declined to give a presentation. Chairperson Norbury then asked for staff comments.

Mr. Soto entered Exhibit (A), list of exhibits 1-12 into the record. He related that the applicant proposed to vacate a 20-foot wide segment of an alley that was north of SW 1st Street. An aerial map showed the alley as a red and yellow line. It extended about 330 feet, from the church parking lot at the south end at 1st Street and Market north to intersect again with Market Street. Single-family residential development was on both sides of the alley, plus an office/warehouse building that fronted on SW Main Street. The applicant had future plans to develop the property at 5 NW Market Street, which was adjacent to the alley. After the right-of-way vacation was approved, the ownership of the strip would be divided between the property owners immediately adjacent to the east and to the west. The property at 9 NW Market Street was not associated with this application but would be part of an application brought to the Commission and the City Council as part of a preliminary development plan. The purpose of tonight's request was to facilitate the future of the development at 5 NW Market Street.

Notices had been sent to the private utility companies as well as to public utilities. The right-of-way contained a public sanitary sewer main as well as a Spire Inc. natural gas main, shown on the displayed map in green. Overhead electric poles also ran through the alley. Staff's Condition of Approval stated that "a general utility easement shall be retained over the entire width and length of the alley right-of-way to cover existing infrastructure located within the subject right-of-way."

Mr. Soto then summarized staff's analysis of the application. It had been dedicated in 1883 and had been abandoned from use for an unknown period. It no longer served any transportation-related purpose, although it did currently house public and private utilities. Vacating it would facilitate development of the adjacent property, which was zoned for commercial use. Staff supported the vacation of the right-of-way.

Following Mr. Soto's comments, Chairperson Norbury asked if there was anyone present wishing to give testimony, either in support for or opposition to the application. Seeing none, Chairperson Norbury asked if the Commission had questions for the applicant or staff.

Mr. Funk asked the applicant if they agreed that the alley would remain a utility easement. Mr. Mr. Tim Hosmann, representing the applicant, replied that they did not intend to move any of the utilities. That would include the KCP&L overhead power lines, which were already protected by setbacks. He added that they would have had to do a survey of the property in any event. The 1st Street vacation had been done during the 1970s, leaving this short piece that had not been maintained. Other issues existed that would require a lot line adjustment, as the current one included part of an adjacent property.

Mr. Monter stated that staff needed to be sure that the sanitary sewer was within the easement that would be dedicated. That would protect the City's interests from a water utility perspective; and the applicant might be required to confirm its exact location. He noted that utilities were not always put where they were supposed to be. Mr. Hosmann noted that they would intend to push the building as far to the front of the lot as possible; however, the sanitary sewer ran very close to the front of the property line and that created a setback issue. He emphasized that it would not be in the applicants' interest to have the structure near enough to a utility line that maintenance would become an issue. They did have about 125 feet along the south edge; and the proposed building would be about 25 by 40 feet, so it could be set back far enough from both Market Street and the alleyway to satisfy everyone.

Chairperson Norbury asked if there were further questions for the applicant or staff. Hearing none, he closed the public hearing at 5:12 p.m. and asked for discussion among the Commission members, or for a motion.

Mr. Funk made a motion to recommend approval of Application PL2019-239, Vacation of Right-of-Way: the alley segment north of SW 1st St. between NW Market St and NW Main St; Worley Real Estate 5 NW Market Series, LLC, applicant; subject to staff's letter of September 6, 2019, specifically Conditions of Approval 1 and 2. Ms. Dial seconded.

Chairperson Norbury asked if there was any discussion of the motion. Hearing none, he called for a vote.

A motion was made by Vice Chair Funk, seconded by Board Member Dial, that this application be recommended for approval to the City Council - Regular Session, due back on 10/1/2019. The motion carried unanimously.

#### Other Agenda Items

#### Roundtable

There were no roundtable items presented at the meeting.

#### Adjournment

There being no further business, Chairperson Norbury adjourned the meeting at 5:14 P.M.

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