



LEE'S SUMMIT
MISSOURI
Development Services Department

Development Services Staff Report

File Number	PL2021-318 – VACATION OF RIGHT-OF-WAY
Applicant	Lee's Summit R-7 School District
Property Address	A segment of SE 15 th St located east of SE Dalton Dr (adjacent to 1501 SE Dalton Dr)
Planning Commission Date Heard by	August 11, 2022 Planning Commission and City Council
Analyst	Hector Soto, Jr., AICP, Senior Planner
Checked By	Kent Monter, PE, Development Engineering Manager

Public Notification

Pre-application held: January 14, 2020
Neighborhood meeting conducted: March 21, 2022
Newspaper notification published on: June 25, 2022
Radius notices mailed to properties within 300 feet on: June 17, 2022
Site posted notice on: June 17, 2022

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Attachments

Exhibit and Legal Description, sealed June 8, 2021 – 3 pages
Neighborhood Meeting Minutes, dated March 21, 2022
Location Map

1. Project Data and Facts

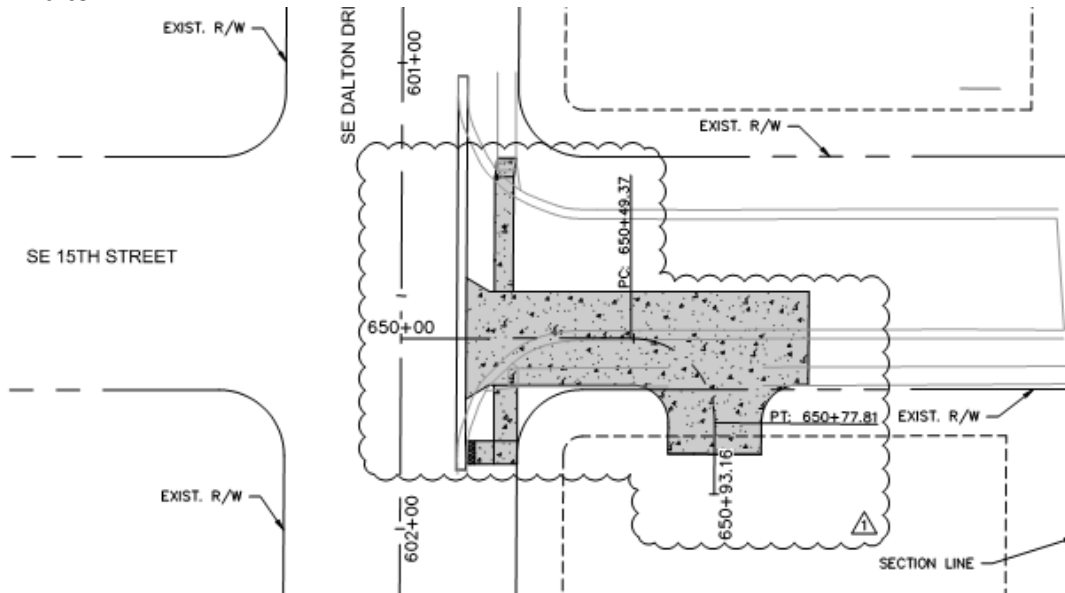
Project Data	
Applicant/Status	Lee’s Summit R-7 School District / Applicant
Applicant’s Representative	Kyle Gorrell
Location of Property	An approximately 106 ft. segment of SE 15 th St located east of SE Dalton Dr
Size of Property	±0.14 Acres (6,092 sq. ft.)
Zoning	R-1 (Single-family Residential District)
Comprehensive Plan Designation	Residential 1
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>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 segment of SE 15th St right-of-way is a dead end originally dedicated in 2001 as part of <i>Newberry, 3rd Plat, Lots 165-201, 250-253 and Tract A</i> for the purpose of future residential street extension at the time the abutting acreage to the east was developed. The street stub located within the right-of-way had a 5’-wide sidewalk along its entire south side. The abutting property to the south (1501 SE Dalton Dr) had its driveway access onto said street segment. Both the street stub and sidewalk have since been removed and replaced with a driveway to provide direct vehicular access onto SE Dalton Dr. A north-south sidewalk segment has also been constructed along the east side of SE Dalton Dr to provide an accessible pedestrian connection from the existing sidewalk along the south side of SE 15th St (west of SE Dalton Dr) to the existing sidewalk along the east side of SE Dalton Dr (north of SE 15th St).</p>

Description of Applicant’s Request

The applicant requests to vacate an approximately 50’ wide x 106’ long segment of SE 15th St located east of SE Dalton Dr. The subject right-of-way stub was dedicated for future residential street extension to the east at the time the abutting acreage was developed. The abutting acreage is now the site of East Trails Middle School. The approved plan for the school did not require the extension of a street through the subject right-of-way and as a result no longer serves a public purpose for the street network. Interconnectivity between the new middle school and the Newberry subdivision was achieved by extending other existing street stubs located to the north and south at SE 13th St and SE Cape Dr, respectively. Upon the vacation of right-of-way, the abutting residential lots to the north and south will receive the abutting half of the vacated right-of-way.

The subject segment of right-of-way provides driveway access to the abutting residence to the south. As part of the vacation of right-of-way, the school district has removed the entire street stub and sidewalk that was located along the south side of the stub. In its place, a new driveway and north-south segment of sidewalk has been constructed (see image below) to provide public street access for 1501 SE Dalton Dr onto SE Dalton Dr.



2. Land Use

Description and Character of Surrounding Area

The subject right-of-way sits at the eastern boundary of the Newberry single-family residential subdivision. The surrounding properties to the north, south and west are developed with single-family homes. The property to the east is the site of the new East Trails Middle School.

Adjacent Land Uses and Zoning

North:	Single-family residential / R-1
South:	Single-family residential / R-1
East:	Single-family residential / R-1

West (across SE Dalton Dr:	East Trails Middle School (under construction) / AG (Agricultural)
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Site Characteristics
The subject right-of-way dead ends at the eastern boundary of the Newberry subdivision. The segment previously provided driveway access for 1501 SE Dalton Dr.

Special Considerations
N/A

3. Unified Development Ordinance (UDO)

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

Unified Development Ordinance (UDO)

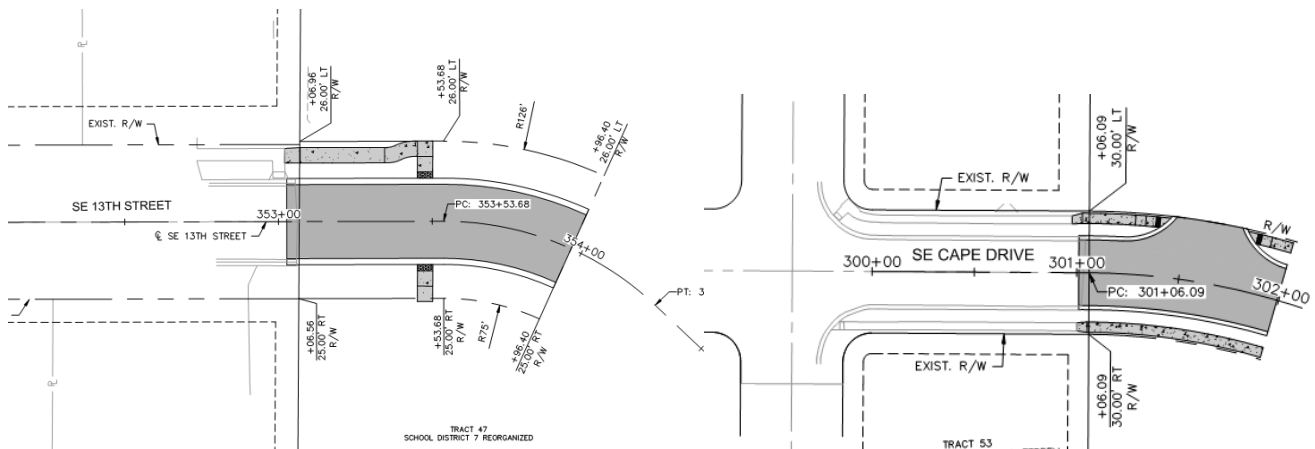
The purpose of the application is to vacate an approximately 50' x 106' segment of SE 15th St located east of SE Dalton Dr. Elimination of the right-of-way does not negatively impact the immediate area. Two pedestrian and vehicular connection points are provided between the Newberry subdivision and East Trails Middle School at SE 13th St and SE Cape Dr. With the removal of the SE 15th St stub, a new driveway has been constructed to provide public street access onto SE Dalton Dr for 1501 SE Dalton Dr.

4. Comprehensive Plan

Focus Areas	Goals, Objectives & Policies
Public Facilities, Infrastructure & Resiliency	Goal 3.5.B: Plan and build City services & infrastructure to promote quality growth & resiliency

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. Interconnectivity between the Newberry subdivision and East Trails Middle School is accomplished via the extension of SE 13th St to the north and SE Cape Dr to the south. To provide pedestrian access between the abutting developments, sidewalk is constructed along one side of SE 13th St and along both sides of SE Cape Dr (see images below).



5. Analysis

Background and History

- February 17, 2000 – The City Council approved a rezoning from A (now AG), C-B (now CP-1) and CS to R-1, R-3 (now RP-3) and M-1P (now PI) for the Newberry single-family subdivision; Newberry Commons residential condos and commercial development; and Newberry Landings industrial development (Appl. #1999-040) by Ordinance No. 4917.
- July 11, 2000 – The Planning Commission approved a preliminary plat (Appl. #2000-122) for *Newberry, Lots 165-279*.
- August 10, 2000 – The City Council approved the final plat (Appl. #2000-123) for *Newberry, 3rd Plat, Lots 165-201, 250-253 and Tract A* by Ordinance No. 5010. The subject right-of-way was dedicated as part of this plat.
- October 18, 2001 – The Jackson County Recorder of Deeds office recorded the final plat of *Newberry, 3rd Plat, Lots 165-201, 250-253 and Tract A* by Instrument #2001-I-0084709.

Compatibility

The proposed vacation of right-of-way is consistent with the approved plan for the development of the new middle school to the east, which does not require a street extension for connectivity at this location.

Public Services

The proposed vacation of right-of-way will not impede the normal and orderly development and improvement of the surrounding property. The subject right-of-way no longer serves a public purpose for the area’s street network. The existing street stub will be removed by the school district as part of the off-site improvements for the abutting East Trails Middle School project.

The subject right-of-way currently houses a public water main along the north side of SE 15th St and a public sanitary sewer main along the south side. The City has received feedback on the requested vacation from both Spire and Google indicating that they each also have infrastructure located within the right-of-way that is to be vacated. The establishment of easements shall be required to protect both the public and private utilities that will remain in the vacated right-of-way.

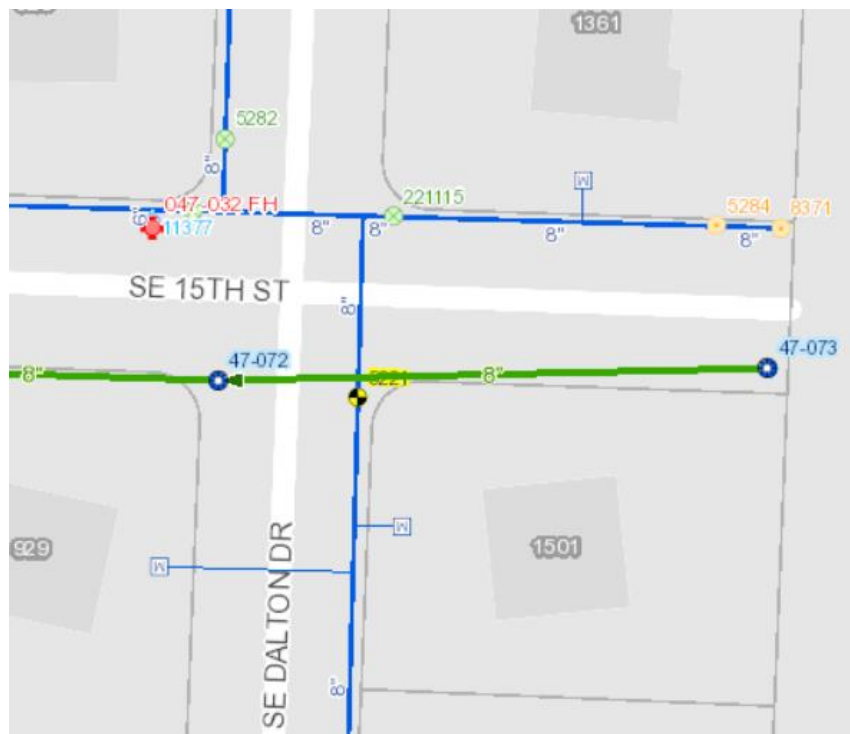


Figure 1 - Existing public infrastructure (green - sanitary sewer; blue - water)

Adverse Impacts

The subject segment no longer serves a public purpose for a street extension to the east to serve the middle school. The existing residence at 1501 SE Dalton Dr that previously had its only vehicular access via the street stub has had a new driveway constructed that provides direct vehicular access onto SE Dalton Dr.

The proposed vacation of right-of-way will not negatively impact the use or aesthetics of any neighboring property, nor is it expected to negatively impact the health, safety and welfare of the public. Both pedestrian and vehicular connections between the Newberry subdivision and the middle school are provided along SE 13th St and SE Cape Dr.

Public Comments

Citing increased pedestrian safety and a reduction in walking distance for area students traveling by foot between the Newberry subdivision and the middle school, the City has received comments from two (2) area residents as of the writing of this report requesting that a public pedestrian connection be maintained through the subject right-of-way proposed to be vacated. Both pieces of correspondence are included as attachments.

Two public sidewalk connections between the Newberry subdivision and the middle school are provided along SE 13th St and SE Cape Dr, which staff believes to provide reasonable pedestrian access between both developments. Public sidewalks are constructed along public streets to provide safe, parallel travel facilities for non-vehicular modes of transportation. With no street connection between the middle school and subdivision at SE 15th St, there is no need for a public sidewalk connection through this location that the City would own and maintain. Understanding that a connection between the subdivision and middle school at this location would provide a benefit to Newberry residents, staff is not opposed to any efforts by Newberry residents or its homeowner's association (HOA) to pursue a private sidewalk connection between the two developments that would be owned and maintained by the HOA.

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. Easements shall be retained to cover the existing public (water and sanitary sewer) and private (Spire and Google) infrastructure located within the subject right-of-way as described in Exhibit A of the ordinance.

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 prior to the issuance of a building permit.