



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

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## Development Services Staff Report

<b>File Number</b>	PL2024-100
<b>File Name</b>	VACATION OF EASEMENT
<b>Applicant</b>	Clayton Properties Group, Inc.
<b>Property Address</b>	3734, 3736, 3735, & 3537 SW Knoxville Court
<b>Planning Commission Date Heard by</b>	June 13, 2024 Planning Commission and City Council
<b>Analyst</b>	Ian Trefren, Planner

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### Public Notification

Pre-application held: N/A  
Neighborhood meeting conducted: N/A  
Newspaper notification published on: N/A  
Radius notices mailed to properties within 300 feet on: N/A  
Site posted notice on: N/A

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### Attachments

Legal Description and Exhibit, revision date April 22, 2024  
Location Map  
Recorded Osage Second Plat  
Recorded Osage Third Plat

## 1. Project Data and Facts

Project Data	
Applicant/Status	Bradley Kempf / Applicant Representative
Location of Property	3734, 3736, 3735, & 3537 SW Knoxville Court
Size of Property	10,607 sq. ft. (+/- 0.24 acres) – 3735/3737 10,596 sq. ft. (+/- 0.24 acres) – 3734/3736
Zoning	RP-3 (Planned Residential Mixed-Use District)
Comprehensive Plan Designation	Residential 2
Procedure	The Planning Commission makes a recommendation to the City Council on the vacation of easement. The City Council takes final action on the vacation of easement in the form of an ordinance.  <b>Duration of Validity:</b> Approval of the vacation of easement does not expire unless stated in the approval.

Current Land Use
The subject properties are the site of two two-family dwelling units.

Description of Applicant's Request
The applicant requests to vacate a 17' wide drainage easement along the southern edge of Lots 82 and 83 of the Osage Third Plat residential subdivision. The proposed vacation is to render the most recent subdivision plat more accurate. The re-grading associated with the Third Plat's public improvements eliminated the need for an underground storm sewer pipe in the subject easement, however the easement was not vacated along with the plat. Since these improvements were made, there has not been any public or private utilities located within the subject portion of the easement to be vacated.

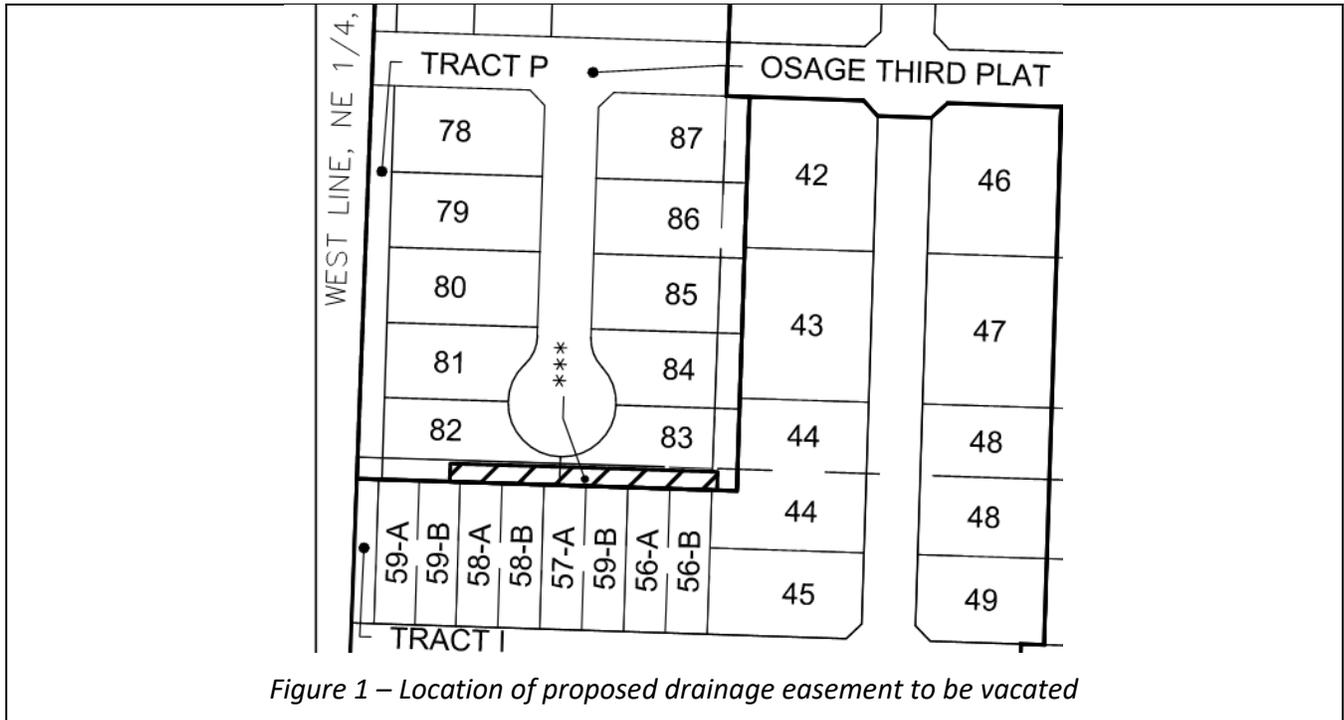


Figure 1 – Location of proposed drainage easement to be vacated

## 2. Land Use

### Description and Character of Surrounding Area

The subject property properties are located at the end of SW Knoxville Court in the Osage 3<sup>rd</sup> Plat residential subdivision. The subject property is surrounded by duplex, townhome, and fourplex residential developments to the north, south, and east, respectively. An HOA tract and large agricultural property are located to the west.

### Adjacent Land Uses and Zoning

<b>North:</b>	Mixed-density residential / RP-3
<b>South:</b>	Mixed-density residential / RP-3
<b>East:</b>	Mixed-density residential / RP-3
<b>West:</b>	Agricultural property / AG & R-1

### Site Characteristics

The subject properties are two, two-family residential lots with frontage along SW Knoxville Ct. Building permits have been issued for both properties.

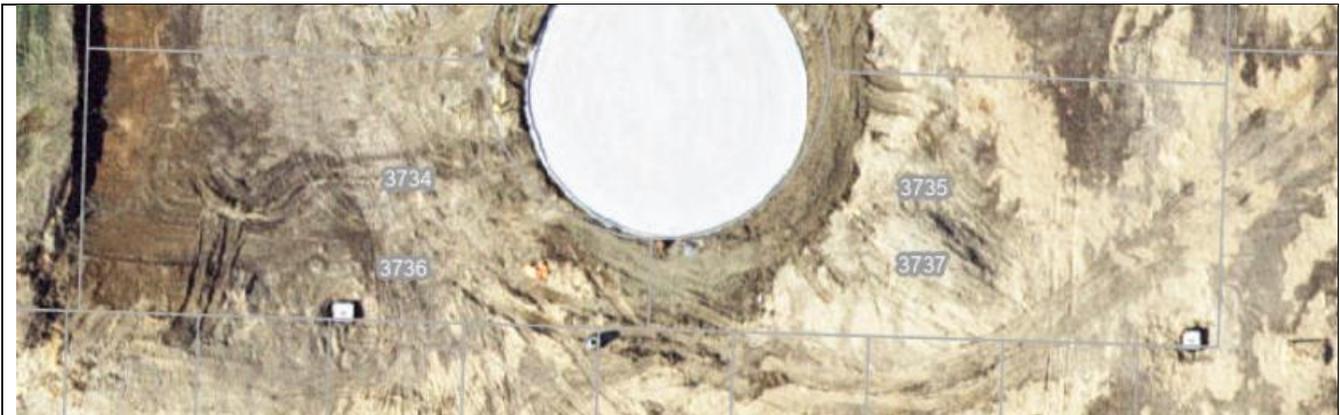


Figure 1 - 2023 aerial photo

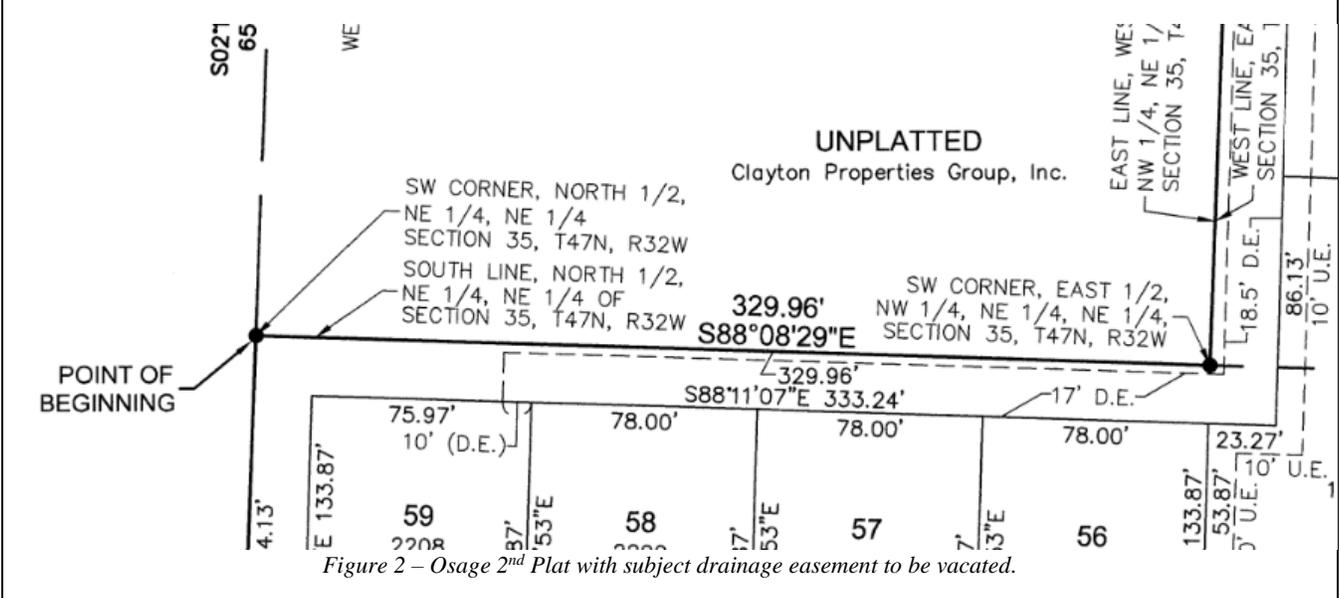


Figure 2 – Osage 2<sup>nd</sup> Plat with subject drainage easement to be vacated.

Special Considerations	
N/A	

### 3. Unified Development Ordinance (UDO)

Section	Description
2.480, 2.490	Vacation of Easement

**Unified Development Ordinance (UDO)**

The vacation of easement is needed to clarify existing public utility easements on the subject properties and render the most recent subdivision plat accurate with respect to existing easements. City policy is to remove easements when they are not needed, and staff has determined that this easement is not necessary to protect the public welfare.

## 4. Comprehensive Plan

Focus Areas	Goals, Objectives & Policies
Facilities and Infrastructure	<p>Objective: Maintain high-quality service levels for existing and future customers.</p> <p>Objective: Maintain high-quality infrastructure that supports and entices quality growth.</p>

### Comprehensive Plan

The proposed vacation of easement does not compromise the ability to implement and/or achieve any policies, goals or objectives outlined in the Ignite! Comprehensive Plan. Public improvements associated with Osage Third Plat included a re-grading of the site to move water to the subdivision’s detention basin rather than using storm sewer infrastructure, rendering the previously required easement no longer necessary. Following these improvements, the subject portion of easement does not house any public utilities and does not serve a specific function.

## 5. Analysis

### Background and History

- July 21, 2022 – City Council approved the final plat (Appl. #2021-233) of Osage, 2<sup>nd</sup> Plat by Ordinance #9462
- January 10, 2023 – City Council approved the final plat (Appl. #2021-261) of Osage, 3<sup>rd</sup> Plat by Ordinance #9577

### Compatibility

The request to vacate the subject easement is consistent with the City’s practice of managing its inventory of easements by eliminating easements in whole or in part that do not serve a public purpose. The subject portion of easement contains no utilities and thus does not serve a public purpose.

### Adverse Impacts

The proposed vacation of easement application will not negatively impact the use or aesthetics of any neighboring property, nor does it negatively impact the health, safety and welfare of the public.

### Public Services

No objection to the requested vacation was expressed by the private utility companies or the City’s Public Works and Water Utilities Departments.

### 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. The vacation of easement shall become effective immediately at the time of ordinance approval.

### **Standard Conditions of Approval**

2. The ordinance approving the vacation of easement 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 issuance of building occupancy.