



LEE'S SUMMIT
MISSOURI
Development Services Department

Development Services Staff Report

File Number	PL2023-223 – VACATION OF RIGHT-OF-WAY
Applicant	Diana Gronberg
Property Address	A portion of NE Hardage Circle right-of-way located north of NE Todd George Rd (abutting 1502 NE Hardage Circle)
Planning Commission Date Heard by	March 14, 2024 Planning Commission and City Council
Analyst	Hector Soto, Jr., AICP, Senior Planner

Public Notification

Pre-application held: August 15, 2023
Neighborhood meeting conducted: September 27, 2023
Newspaper notification published on: February 24, 2024
Radius notices mailed to properties within 300 feet on: February 20, 2024
Site posted notice on: February 21, 2024

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Attachments

Exhibit and Legal Description, dated November 7, 2023
Neighborhood Meeting Minutes, dated September 27, 2023
Location Map

1. Project Data and Facts

Project Data	
Applicant/Status	Diana Gronberg / Property Owner
Applicant's Representative	Diana Gronberg
Location of Property	A portion of NE Hardage Circle right-of-way located north of NE Todd George Rd (abutting 1502 NE Hardage Circle)
Size of Property	±0.11 Acres (4,880 sq. ft.)
Zoning	R-1 (Single-family Residential)
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>Duration of Validity: 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 portion of right-of-way is excess right-of-way originally dedicated in 1943 for construction of the street now named NE Hardage Circle. The subject portion of excess right-of-way extends up to the face of the existing residence at 1502 NE Hardage Circle.</p>
<p><i>Figure 1 - Aerial photo depicting limits of proposed right-of-way vacation</i></p>	

Description of Applicant's Request

The applicant owns the residence at 1502 NE Hardage Circle. The applicant requests to vacate an excess portion of NE Hardage Circle right-of-way that abuts their property to the east. The subject portion of right-of-way was originally dedicated in 1943 at the time the *Calloway Heights* subdivision was platted. The subject portion of right-of-way follows the original road configuration for Lake Shore Drive (now known as NE Hardage Circle), which had several jogs that mimicked the shoreline. A subsequent linear road configuration for what is now NE Hardage Circle was later constructed. The linear configuration required the dedication of additional right-of-way to the east of the original right-of-way in 1962, resulting in excess right-of-way that the applicant now seeks to vacate. The portion of right-of-way that is requested to be vacated does not cover any portion of the existing street.

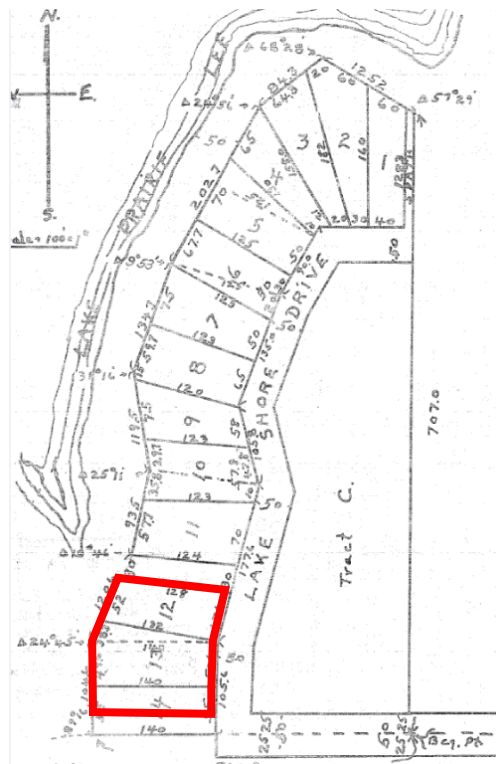


Figure 2 - Original Lake Shore Drive (now NE Hardage Circle) configuration. Location of 1502 NE Hardage Circle in red.



Figure 3 - Current NE Hardage Circle configuration. Location of 1502 NE Hardage Cir.

The purpose of the vacation is to revert the subject portion of excess right-of-way back to the abutting private property. The request for vacation of right-of-way stems from the efforts of the current property owner to merge and replat the lots that compose the parcel addressed 1502 NE Hardage Circle into a single lot. It was during the course of these efforts that the limits of the excess right-of-way were discovered to constitute the front yard of the aforementioned properties; a small portion of the existing house on 1502 NE Hardage Circle actually encroaches into the subject right-of-way. Vacation of the requested portion of right-of-way will still leave 50' of right-of-way to cover the actual street and area utility infrastructure. A utility easement will be retained over the eastern 10' of the vacated right-of-way for any future need.

2. Land Use

Description and Character of Surrounding Area

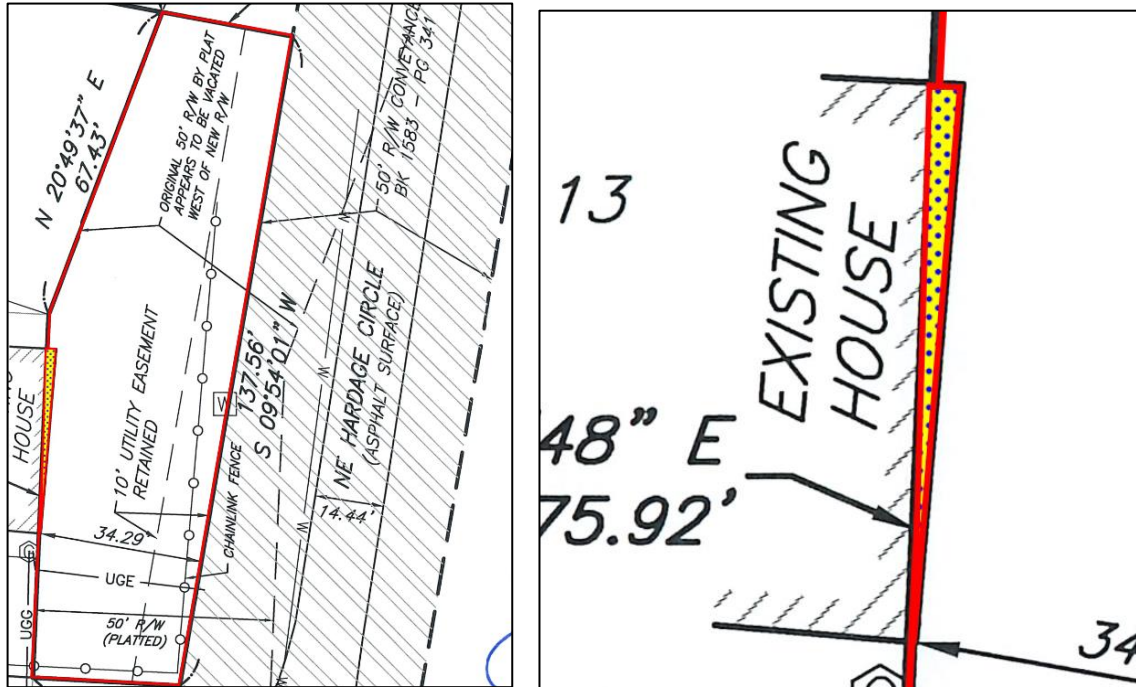
The subject right-of-way is located along the west boundary of NE Hardage Circle, north of NE Todd George Rd. The surrounding area is characterized by single-family homes on lots ranging from standard-size subdivision lots to 5-acre lots.

Adjacent Land Uses and Zoning

North:	Single-family residences / R-1 (Single-family Residential)
South (across NE Todd George Pkwy):	Single-family residences / R-1
East (across NE Hardage Cir):	Single-family residences / R-1
West:	Single-family residences / R-1; and Prairie Lee Lake

Site Characteristics

The subject portion of right-of-way effectively constitutes the front yard of the applicant’s property addressed 1502 NE Hardage Circle. A small portion of the existing residence on 1502 NE Hardage Circle encroaches into the subject portion of right-of-way. There is no public infrastructure located within the subject portion of right-of-way to be vacated. Public improvements (e.g. street pavement, water main and low-pressure sanitary sewer main) are located further to the east within the 50’ of right-of-way that will remain for NE Hardage Circle.



Figures 4 and 5 - Depiction of right-of-way to be vacated and encroachment of house into right-of-way.

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 137’ long portion of right-of-way along the west boundary of NE Hardage Circle. The excess portion of right-of-way makes up the front yard of 1502 NE Hardage Circle. Vacating the right-of-way does not negatively impact the immediate area due to the fact that 50’ feet of right-of-way will remain to house the existing street and public infrastructure (i.e., Water District #13 water main and low-pressure sanitary sewer main) that runs along said street.

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. Adequate right-of-way will remain to continue to house existing public infrastructure improvements.

5. Analysis

Background and History

- January 22, 1943 – The plat titled *Calloway Heights* was recorded with the Jackson County Recorder of Deeds office by Instrument #1943-I-0483981. The subject portion of right-of-way was dedicated as part of the plat. The subdivision and all associated rights-of-way were in unincorporated Jackson County at the time of platting.
- January 1, 1962 – An additional 50' of right-of-way was dedicated east of the subject right-of-way by Instrument #1962-I-0795163 for the purpose of constructing Lake Shore Drive (now NE Hardage Circle).
- December 31, 1964 – Approximately 24,429 acres were annexed into the corporate limits of Lee's Summit. The subject right-of-way and the Calloway Heights subdivision were included in the annexation.
- April 11, 1972 – A building permit (Permit #5405) was issued for construction of a single-family residence at 1502 NE Hardage Circle.

Public Services

The proposed vacation of right-of-way will not impede the continued normal and orderly development and improvement of the surrounding residential area. The subject excess right-of-way no longer serves a public purpose. Adequate road and utility infrastructure currently exist within the 50' of right-of-way that will remain to serve area residential development.

No objections to the proposed vacation of right-of-way were expressed by the utility companies (e.g. Evergy, Spire, Comcast, etc.) or the City's Public Works and Water Utilities Departments.

Adverse Impacts

The subject portion of right-of-way no longer serves a public purpose. The originally planned location and configuration of Lake Shore Drive, now known as NE Hardage Circle, shifted to the east, became more linear and thus no longer requires the full inventory of right-of-way width along this immediate area.

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.

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 utility easement shall be retained over the eastern 10' of the vacated right-of-way as depicted and described in the exhibit and legal description document dated November 7, 2023, and appended to the approving ordinance as Attachment A.

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.