# City of Lee's Summit

# **Development Services Department**

February 9, 2018

TO: Planning Commission

PREPARED BY: Jennifer Thompson, Planner

CHECKED BY: Hector Soto, Jr., AICP, Current Planning Manager

RE: PUBLIC HEARING - Application #PL2018-013 - VACATION OF

RIGHT-OF-WAY – portions of SW Longview Blvd and SW Fascination Dr, generally located at the intersection of SW Longview

Blvd and SW Fascination Dr; City of Lee's Summit, applicant

# Commentary

This application is to vacate portions of right-of-way along the angled parking areas along the north and south sides of SW Fascination Drive and along the east side of SW Longview Blvd. The subject portions of right-of-way were dedicated as part of the *Tower Park Commercial Phase 1 and 2; New Longview Roadway; and New Longview Commercial District* plats. The dedication of these portions of right-of-way necessitated the need for a maintenance agreement between the City and the property owner due to the encroachment of the angled parking spaces into the right-of-way. By vacating these portions of right-of-way, a maintenance agreement is no longer needed. A utility and sidewalk easement will be granted over the vacated portions of right-of-way to cover existing public infrastructure.

The request for vacation of right-of-way was sent to the City's Public Works and Water Utilities Departments, as well as the private utility companies, for their input. No objections to the requested vacation were received.

#### Recommendation

Staff recommends **APPROVAL** of the vacation of right-of-way subject to the following:

1. A sidewalk and utility easement shall be granted to cover the vacated portions of right-ofway.

# **Zoning and Land Use Information**

**Location:** generally located at the intersection of SW Longview Blvd and SW Fascination Dr

**Current Zoning:** PMIX (Planned Mixed Use District)

Surrounding zoning and use:

**North (across SW Fascination Dr):** PMIX (Planned Mixed Use District) – New Longview Commercial District; commercial uses and vacant ground

**South:** PMIX (Planned Mixed Use District) – Fascination at New Longview, Lot 2; vacant ground

**East (across SW Kessler Drive):** PMIX (Planned Mixed Use District) – unplatted vacant ground and a detention pond

West (across SW Longview Blvd): PMIX (Planned Mixed Use District) – Tower Park Commercial Park; commercial and apartment development

**Site Characteristics.** The subject portions of right-of-way are within the New Longview Commercial Phase II area, a proposed mixed-use development area. A theater is currently under construction immediately south of SW Fascination Dr.

**Description and Character of Surrounding Area.** The portions of right-of-way to be vacated are generally located at the intersection of SW Longview Blvd and SW Fascination Dr. The subject rights-of-way are bordered by commercial and future commercial development to the north, future residential to the south, vacant ground to the east, and commercial and apartment development to the west.

### **Public Notification**

Neighborhood meeting conducted: n/a

Newspaper notification published: January 27, 2018

Notices mailed to properties within 185 feet: January 26, 2018

#### **Process**

**Procedure:** 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.

**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.

## **Unified Development Ordinance**

| Applicable Section(s) | Description              |
|-----------------------|--------------------------|
| 4.460, 4.470          | Vacation of Right-of-way |

## **Comprehensive Plan**

| Focus Areas | Goals, Objectives and Policies |
|-------------|--------------------------------|
| n/a         |                                |

# **Background**

- September 29, 2004 A minor plat (Appl. #2004-047) for Tower Park Commercial Phase 1, dedicating a portion of the subject right-of-way, was recorded at Jackson County Recorder of Deeds, by Document #2004l0093170.
- November 18, 2004 A minor plat (Appl. #2004-244) for *Tower Park Commercial Phase 2*, dedicating a portion of the subject right-of-way, was recorded at Jackson County Recorder of Deeds, by Document #2004l0107121.
- July 18, 2005 A minor plat (Appl. #2005-211) for *New Longview Roadway Plat Tracts J thru U*, dedicating a portion of the subject right-of-way, was recorded at Jackson County Recorder of Deeds, by Document #2005l0061432.
- October 18, 2007 A final plat (Appl. #2007-185) for New Longview Commercial District, 2<sup>nd</sup> Plat, Lot 44 & Tracts A & B, dedicating a portion of the subject right-of-way, was approved by the City Council, by Ordinance No. 6514.

- February 4, 2010 A final plat (Appl. #2009-105) for *New Longview Commercial District, 3<sup>rd</sup> Plat, Lots 42, 43, 51-54, Tracts C, D & E,* dedicating a portion of the subject right-of-way, was approved by the City Council, by Ordinance No. 6866.
- February 22, 2017 A minor plat (Appl. #PL2017-007) for Fascination at New Longview, Lots 1 & 2 was recorded at Jackson County Recorder of Deeds, by Document #2017E0016968.

## **Analysis of Vacation of Right-of-way**

This application is to vacate portions of right-of-way along the angled parking areas along the north and south sides of SW Fascination Drive and along the east side of SW Longview Blvd. The subject portions of right-of-way were dedicated as part of the *Tower Park Commercial Phase 1 and 2; New Longview Roadway; and New Longview Commercial District* plats. The dedication of these portions of right-of-way necessitated the need for a maintenance agreement between the City and the property owner due to the encroachment of the angles parking spaces into the right-of-way. By vacating these portions of right-of-way, a maintenance agreement is no longer needed. A utility and sidewalk easement will be granted over the vacated portions of right-of-way to cover existing public infrastructure.

Letters were sent to the utility companies (KCP&L, Missouri Gas Energy/Spire, AT&T, Spectrum Cable and Comcast Cable), as well as to the City's Public Works and Water Utilities Departments, for their input. No objections to the requested vacation were received.

#### Attachments:

- 1. Drawings and description of the right-of-way to be vacated, date stamped January 17, 2018—5 pages
- 2. Sidewalk and Utility Easement Dedication—4 pages
- 3. Location Map