



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

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## Development Services Staff Report

<b>File Number</b>	PL2019-350 – VACATION OF EASEMENT
<b>Applicant</b>	Top Star, LLC
<b>Property Address</b>	5030 NE Lakewood Way
<b>Planning Commission Date</b>	December 12, 2019
<b>Heard by</b>	Planning Commission and City Council
<b>Analyst</b>	Hector Soto, Jr., AICP, Planning Manager
<b>Checked By</b>	Kent Monter, PE, Development Engineering Manager

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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

Exhibit and Legal Description, date stamped October 29, 2019 – 2 pages  
Location Map

## 1. Project Data and Facts

Project Data	
<b>Applicant/Status</b>	Top Star, LLC /Owner
<b>Applicant's Representative</b>	Robert De la Fuente
<b>Location of Property</b>	5030 NE Lakewood Way
<b>Size of Property</b>	±1.83 Acres
<b>Zoning</b>	CP-2 (Planned Community Commercial District)
<b>Comprehensive Plan Designation</b>	Commercial (Office/Retail)
<b>Procedure</b>	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.  Approval of the vacation of easement does not expire unless stated in the approval.

Current Land Use
The subject property is currently undeveloped. There is an approved preliminary development plan for the development of a two-phase, multi-building office/retail development on the site.

Description of Applicant's Request
The applicant requests to vacate all of a 15' wide water line easement in order to facilitate the development of the subject property. A final development plan application is currently under review for the development of two 4,800 sq. ft. retail buildings on the site. The proposed buildings conflict with the water line easement location.

## 2. Land Use

Description and Character of Surrounding Area
The property is located at the southwest corner of NE Lakewood Way and NE Bowlin Rd. The area is primarily developed with office buildings, plus an adjacent convenience store and gas station.

### Adjacent Land Uses and Zoning

<b>North:</b>	Undeveloped / CP-2
<b>South:</b>	Office / CP-2
<b>East:</b>	Office and convenience store / CP-2
<b>West:</b>	I-470

Site Characteristics
The site is a generally flat property. The site has frontage along NE Bowlin Rd, NE Lakewood Way and the I-470 off-ramp. The site is accessed via NE Lakewood Way.

Special Considerations

N/A
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### 3. Unified Development Ordinance (UDO)

Section	Description
2.480, 2.490	Vacation of Easement

#### Unified Development Ordinance (UDO)

The purpose of the vacation of easement is to eliminate a conflict between the easement and future buildings on the subject property.

### 4. Analysis

#### Background and History

The applicant requests to vacate a 15' wide water line easement located on Lot 11C of *Executive Lakes Center, Lots 11B & 11C*. The vacation of easement is necessary to accommodate the future construction of two (2) buildings on the subject lot. The subject easement was originally dedicated as part of *Executive Lakes Center, Lot 11A*. Lot 11A was replatted as Lot 11C in 2012.

- October 9, 2008 – The City Council approved a rezoning (Appl. #2008-115) from AG (Agricultural) and CP-2 to CP-2 and preliminary development plan (Appl. #2008-116) for a 16,960 sq. ft. commercial center by Ordinance No. 6707.
- May 30, 2003 – The minor plat (Appl. #2003-037) for *Executive Lakes Center, Lot 11A* was recorded by the Jackson County Recorder of Deeds office by Instrument #2003-I-0063718. The subject easement was dedicated as part of this plat.
- September 5, 2012 – The minor plat (Appl. #PL2012-071) for *Executive Lakes Center, Lots 11B & 11C* was recorded by the Jackson County Recorder of Deeds office by Instrument #2012-E-0095178.
- October 11, 2019 – A final development plan (Appl. #PL2019-308) for two 4,800 sq. ft. retail buildings were submitted and are currently under review for the subject property.

#### Compatibility

The proposed vacation of easement facilitates the future development of two commercial buildings on the subject property. The property is located in an office park area along NE Lakewood Way.

#### Adverse Impacts

The proposed vacation of easement 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

The easement was originally dedicated to the City for use of a public water line. No objection to the requested vacation of easement has been expressed by the City's Public Works and Water Utilities Departments. The vacation will not impact the provision of utilities to the area; adequate easements exist and will remain to serve the subject property.

**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 Comprehensive Plan.

**Recommendation**

With the conditions of approval below, the application meets the requirements of the UDO and Design and Construction Manual (DCM).

**5. Recommended Conditions of Approval**

**Standard Conditions of Approval**

1. 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 the issuance of any building permit on the affected lot.