



LEE'S SUMMIT
MISSOURI
Development Services Department

Development Services Staff Report

File Number	PL2019-418 – VACATION OF EASEMENT
Applicant	Townsend Summit, LLC
Property Address	400 NW Chipman Rd
Planning Commission Date	January 23, 2020
Heard by	Planning Commission and City Council
Analyst	Victoria Nelson, Planner
Checked By	Hector Soto, Jr., AICP, Planning Manager Kent Monter, PE, Development Engineering Manager

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, dated December 13, 2019
Location Map

1. Project Data and Facts

Project Data	
Applicant/Status	Townsend Summit, LLC /Owner
Applicant's Representative	Steve Rich
Location of Property	400 NW Chipman Rd
Size of Property	±2.1 Acres
Zoning	PMIX (Planned Mixed Use District)
Comprehensive Plan Designation	PMIX (Planned Mixed Use District)
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. Approval of the vacation of easement does not expire unless stated in the approval.

Current Land Use
The subject property is currently vacant. However, the City is currently reviewing a final development plan for the development of the subject property with a gas station/convenience store.

Description of Applicant's Request
The applicant requests to vacate all of a 10' wide utility easement in order to facilitate the future development of the subject property with a gas station/convenience store.

2. Land Use

Description and Character of Surrounding Area
The property is located on the north side of NW Chipman Rd between NW Ward Rd and NW Donovan Rd. The north side of NW Chipman Rd is generally commercial in nature. However, there is an existing apartment complex to the east and an apartment complex under construction to the north. The south side of NW Chipman Rd is generally single-family residential in nature.

Adjacent Land Uses and Zoning

North:	PMIX – future Summit Orchard phases
South:	R-1 (Single-family Residential) – single-family residences
East:	PMIX - apartments
West:	PMIX – Summit Technology Campus

Site Characteristics
The site has undulating topography. The general property has frontage along NW Chipman Rd, NW Ward and NW Donovan Rd. Access to the property will come off NW Ward Rd and NW Donovan Rd.

Special Considerations

N/A

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 a future building location on the affected property.

4. Analysis

Background and History

The applicant requests to vacate a 10’ wide utility easement located on Corrected Summit Orchard, Lots 4A-4E. The vacation of easement is necessary to accommodate a future gas station/convenience store that as currently proposed encroaches into the utility easement. The final development plan for the gas station/convenience store shall not be approved until the easement is vacated. There are no utilities located within the subject easement, thus neither the City nor the private utilities object to the requested vacation.

- June 4, 2019 – The City Council approved the final plat (Appl. #PL2019-124) for *Corrected Summit Orchard, Lots 4A-4E* by Ordinance No. 8638. The subject easement was dedicated as part of this plat.
- August 30, 2019 – The final plat (Appl. #PL2019-124) for *Corrected Summit Orchard, Lots 4A-4E* was recorded by the Jackson County Recorder of Deeds office by Instrument #2019-E-0068481.

Compatibility

The proposed vacation of easement facilitates the future development of a commercial building on the subject property. The property is located in a planned mixed-use area along NW Chipman Rd.

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

No objections to the requested vacation of easement have been expressed by the utility companies, including the City’s Public Works and Water Utilities Departments. The vacation will not impact the provision of utilities to the area.

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 lots.