



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

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## Development Services Staff Report

<b>File Number</b>	PL2020-142 – VACATION OF EASEMENT
<b>Applicant</b>	Gale Communities, Inc.
<b>Property Address</b>	3000 NW Audubon Ln
<b>Planning Commission Date</b>	July 23, 2020
<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 May 4, 2020  
Location Map

## 1. Project Data and Facts

Project Data	
<b>Applicant/Status</b>	Gale Communities, Inc. / Developer
<b>Applicant's Representative</b>	David Gale
<b>Location of Property</b>	3000 NW Audubon Ln
<b>Size of Property</b>	±0.07 Acres (3,106 sq. ft.)
<b>Zoning</b>	R-1 (Single-family Residential)
<b>Comprehensive Plan Designation</b>	Low-Density Residential
<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 a vacant single-family lot in the Winterset Valley subdivision. The lot has a 25' utility easement along the front property line and a 7.5' utility easement along the west and north property lines.

Description of Applicant's Request
The developer proposes to vacate all of the 25' utility easement along the front property line, all of the 7.5' utility easement along the west property line and a portion of the 7.5' utility easement along the north property line. New easements will be dedicated as part of a related replat of the subject residential lot.

## 2. Land Use

Description and Character of Surrounding Area
The subject easements are located on a vacant residential lot located at the northwestern edge of the Winterset Valley single-family residential subdivision. To the south and east are existing phases of Winterset Valley. To the north and west is undeveloped property.

### Adjacent Land Uses and Zoning

<b>North:</b>	Undeveloped acreage / R-1 (Single-family Residential) and AG (Agricultural)
<b>South:</b>	Single-family residential / R-1
<b>East:</b>	Single-family residential / R-1 and AG
<b>West:</b>	Undeveloped acreage / R-1

Site Characteristics
The subject property has a significant amount of slope from southeast to northwest that leads to a natural drainageway.

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 related to a proposed vacation of a portion of the abutting NW Audubon Ln right-of-way. The subject residential lot will be reconfigured upon vacation of the abutting right-of-way. New easements will be dedicated as part of the replat of the subject property.

### 4. Comprehensive Plan

Focus Areas	Goals, Objectives & Policies
Public Facilities and Services	Objective 6.1

#### 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. New utility easements will be dedicated as part of a related replatting of the subject property.

### 5. Analysis

#### Background and History

The applicant requests to vacate all of the 25' utility easement along the front property line, all of the 7.5' utility easement along the west property line and a portion of the 7.5' utility easement along the north property line. The proposed vacation stems from a related application to vacate a portion of the abutting NW Audubon Ln. The subject residential lot will be replatted upon the vacation of the abutting right-of-way. The existing easements do not match the proposed lot reconfiguration, and thus new easements will be dedicated as part of the replat.

- August 15, 2019 – The City Council approved the final plat (Appl. #PL2018-059) for *Winterset Valley, 12<sup>th</sup> Plat, Lots 1435 thru 1471 & Tracts A12 thru D12* by Ordinance No. 8697. The subject easements were dedicated as part of this plat.
- August 22, 2019 – The final plat of *Winterset Valley, 12<sup>th</sup> Plat, Lots 1435 thru 1471 & Tracts A12 thru D12* was recorded with the Jackson County Recorder of Deeds office by Instrument #2019-E-0066556-1.

#### Compatibility

The proposed vacation and subsequent dedication of new easements ensures the appropriate utility access to the subject property.

**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.

**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 not go into effect until such time as new utility easements covering existing infrastructure are dedicated on the subject property.

**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.