



LEE'S SUMMIT
MISSOURI
Development Services Department

Development Services Staff Report

File Number	PL2020-271 – VACATION OF RIGHT-OF-WAY
Applicant	City of Lee's Summit
Property Address	Two segments of NE Douglas St generally located south of 2305 NE Douglas St
Planning Commission Date Heard by	October 8, 2020 Planning Commission and City Council
Analyst	Hector Soto, Jr., AICP, Planning Manager
Checked By	Kent Monter, PE, Development Engineering Manager

Public Notification

Pre-application held: N/A

Neighborhood meeting conducted: The requirement for an applicant to hold in-person neighborhood meetings pursuant to UDO §2.205 has been suspended during the period of the Emergency Declaration which will end on January 31, 2021, unless earlier terminated or further extended by the Mayor. Pursuant to the Mayor's Emergency Order, applicants are encouraged to use all available alternative methods of communication to inform neighbors of each pending application and solicit neighbors' input and feedback and provide answers to questions about proposed land development.

Newspaper notification published on: September 19, 2020

Radius notices mailed to properties within 300 feet on: September 18, 2020

Site posted notice on: September 18, 2020

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Attachments

Land Title Survey, dated April 30, 2019 – 2 pages

Legal Description, dated August 31, 2020 – 3 pages

Location Map

1. Project Data and Facts

Project Data	
Applicant/Status	City of Lee’s Summit / Applicant
Applicant’s Representative	Mike Weisenborn
Location of Property	An approximately 500-foot segment of NE Douglas St located south of 2305 NE Douglas St
Size of Property	±1.59 Acres (69,203 sq. ft.)
Zoning	AG (Agricultural) and CP-2 (Planned Community Commercial)
Comprehensive Plan Designation	Business Park and Industrial
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>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
The subject right-of-way is remnant property that serves no current or future public purpose since completion of the NE Douglas St intersection realignment with NE Lee’s Summit Rd.

Description of Applicant’s Request
The City proposes to vacate two portions of NE Douglas St right-of-way rendered unnecessary since completion of a capital improvement project around 2016 that relocated the intersection of NE Douglas St with NE Lee’s Summit Rd.

2. Land Use

Description and Character of Surrounding Area

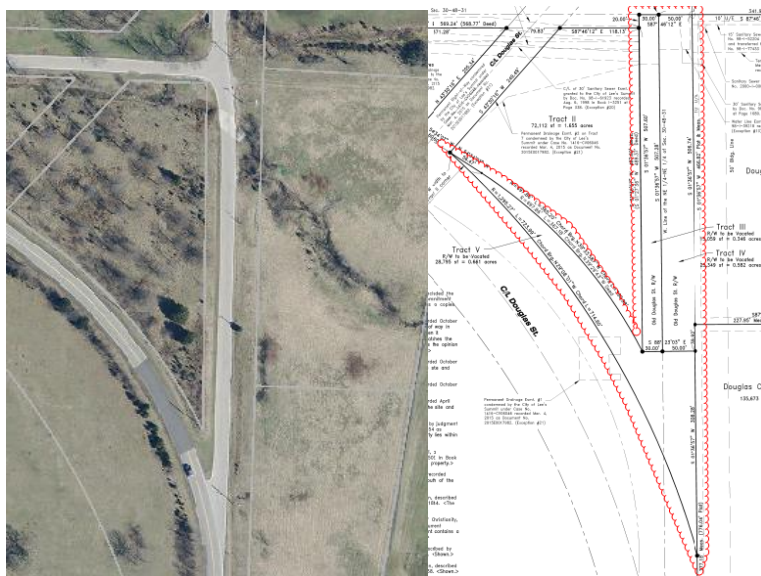
The subject property sits at the gateway to the Lee’s Summit Airport. The area surrounding the subject intersection is composed of both developed and undeveloped residential, commercial and industrial properties.

Adjacent Land Uses and Zoning

North:	Single-family residential / AG (Agricultural), RDR (Rural Density Residential) and R-1 (Single-family Residential); and Church / PI (Planned Industrial)
South:	NE Douglas St
East:	Vacant property / CP-2 (Planned Community Commercial)
West:	Vacant property / AG; and NE Douglas St

Site Characteristics

The subject right-of-way previously served the northbound, one-way lane of NE Douglas St providing access to the airport and surrounding residential, commercial and industrial property. The NE Douglas St intersection has since been realigned, thus rendering the right-of-way unneeded.



Excess NE Douglas St right-of-way along the curve that transitions to NE Lee’s Summit Rd is also proposed to be vacated.

Special Considerations

N/A

3. Unified Development Ordinance (UDO)

Section	Description
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2.460, 2.470	Vacation of Right-of-way
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Unified Development Ordinance (UDO)

The purpose of the vacation of right-of-way is to eliminate unneeded right-of-way that will revert to the abutting parent parcels from which the right-of-way was originally dedicated.

4. Comprehensive Plan

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

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. Access to the surrounding property is provided via the relocated NE Douglas St intersection.

5. Analysis

Background and History

The City proposes to vacate portions of NE Douglas St right-of-way rendered unnecessary since completion of a capital improvement project in 2016 that relocated and realigned the intersection of NE Douglas St with NE Lee’s Summit Rd. The vacated right-of-way will revert to private property and will be absorbed by the abutting parcels. Public water, sanitary sewer and storm water lines exist within the subject right-of-way. The water line and sanitary sewer line will remain public infrastructure and require the retention of a public easement to cover said infrastructure. The storm sewer line will revert to private infrastructure to be owned and maintained by the new property owner.

Compatibility

The proposed vacation of right-of-way will result in the creation of additional developable property between the realigned NE Douglas St/NE Lee’s Summit Rd intersection and the airport property to the east.

Adverse Impacts

The proposed vacation of right-of-way 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. Adequate access to the surrounding lots is provided by the area’s existing street network.

Public Services

A 20” public water transmission line runs the length of the subject north-south right-of-way. A 12” public sanitary sewer line crosses the northern limits of the subject north-south right-of-way. Both 18” and 24” public storm sewer lines exist within the subject north-south right-of-way. A condition of approval placed on this application is to retain a general utility easement to cover the existing water and sanitary sewer lines located within the subject right-of-way. The existing public storm sewer lines will revert to private infrastructure to be owned and maintained by the property owner.

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. An easement shall be retained to cover the existing public water line and public sanitary sewer infrastructure located within the subject right-of-way.
2. The existing public storm sewer lines located within the vacated right-of-way shall become private infrastructure to be owned and maintained by the owner of the vacated right-of-way.

Standard Conditions of Approval

3. 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.