



LEE'S SUMMIT
MISSOURI
Development Services Department

Development Services Staff Report

File Number	PL2020-284 – VACATION OF EASEMENT
Applicant	Anderson Survey Company
Property Address	1008 SW Drake Circle
Planning Commission Date	November 12, 2020
Heard by	Planning Commission and City Council
Analyst	Jennifer Thompson, Senior 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

Table of Contents

1. Project Data and Facts	2
2. Land Use	2
3. Unified Development Ordinance (UDO)	3
4. Comprehensive Plan	3
5. Analysis	3
6. Recommended Conditions of Approval	4

Attachments

Exhibit and Legal Description, date stamped October 28, 2020
Location Map

1. Project Data and Facts

Project Data	
Applicant/Status	Anderson Survey Company / Surveyor
Applicant's Representative	Bob Anderson
Location of Property	1008 SW Drake Circle
Size of Property	±0.31 Acres (13,618 sq. ft.)
Zoning	R-1 (Single-Family Residential)
Comprehensive Plan Designation	Low-Density Residential
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 (Lot 3) is a single-family lot with an existing home in the Raintree Reserve subdivision. The lot has 15' and 20' utility easements along the north (rear) and east (side) property lines, respectively.

Description of Applicant's Request
The homeowner proposes to vacate a portion of the north 15' utility easement along rear property line. The request for the vacation is to allow for the construction of a swimming pool.

2. Land Use

Description and Character of Surrounding Area
The subject easement is located on a developed residential lot located in the Raintree Reserve single-family residential subdivision. The Raintree Reserve subdivision is developed with standard sized single-family residential lots.

Adjacent Land Uses and Zoning

North:	Common area and pond / R-1
South (across SW Drake Cir):	Single-family residential / R-1
East:	Single-family residential / R-1
West:	Single-family residential / R-1

Site Characteristics
The subject property was platted as a single-family residential lot, located west of SW Ward Rd and the Raintree Lake Subdivision. A large pond is located north of this lot.

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 requested to allow for the construction of a swimming pool. Only the southern 5’ of the 15’ utility easement along the northern property line will be vacated. A 10’ utility easement will remain.

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. A 10’ utility easement will remain in place.

5. Analysis

Background and History

The applicant requests to vacate a 5’ wide and approximately 59’ long utility easement along the north property line of the subject property. The existing easement conflicts with the buildable area for the construction of a pool on the lot. A 10’ utility easement will remain in this location, and the 20’ utility easement located on the east side of the property will remain untouched.

- February 11, 2011 – The final plat of *Raintree Reserve, 1st Plat, Lots 1-30 and Tracts A, B, and C* was recorded with the Jackson County Recorder of Deeds office by Instrument #2011-E-0014211. The subject easement was dedicated as part of this plat.
- December 27, 2017 – A Certificate of Occupancy was issued (Permit #PRRES20170476) for 1008 SW Drake Circle, by the City of Lee’s Summit Development Services Department.

Compatibility

The proposed vacation and remaining easements ensures the appropriate utility access to the area properties.

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

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 a building permit.