

Development Review Staff Report



PLANNING AND ZONING COMMISSION PUBLIC HEARING:
CITY COUNCIL PUBLIC HEARING:

OCTOBER 8, 2020
N/A

CASE: Relinquishment of Easement 904

ACRES: N/A

LOCATION: 2880 & 2885 South Morningway Drive

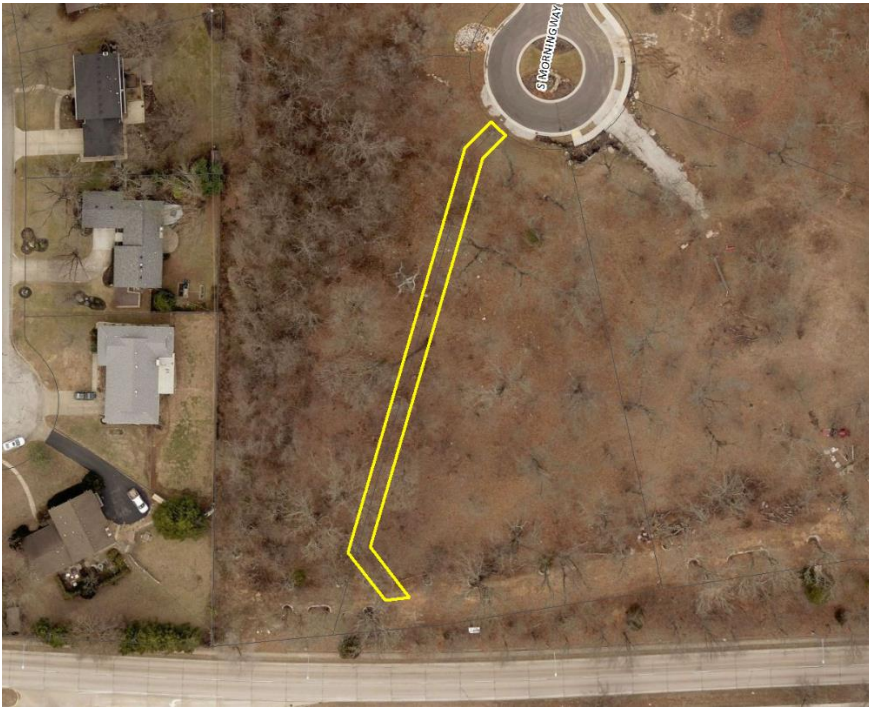
EXISTING LAND: Undeveloped land

APPLICANT: Hill at Lone Pine, LLC

STAFF: Andrew Menke, Assistant Planner
417-864-1613

STAFF RECOMMENDATIONS:
Approve

PROPOSED MOTION: Move to approve as submitted in the staff report. 5 voting members to approve or deny.



SUMMARY OF REQUEST:

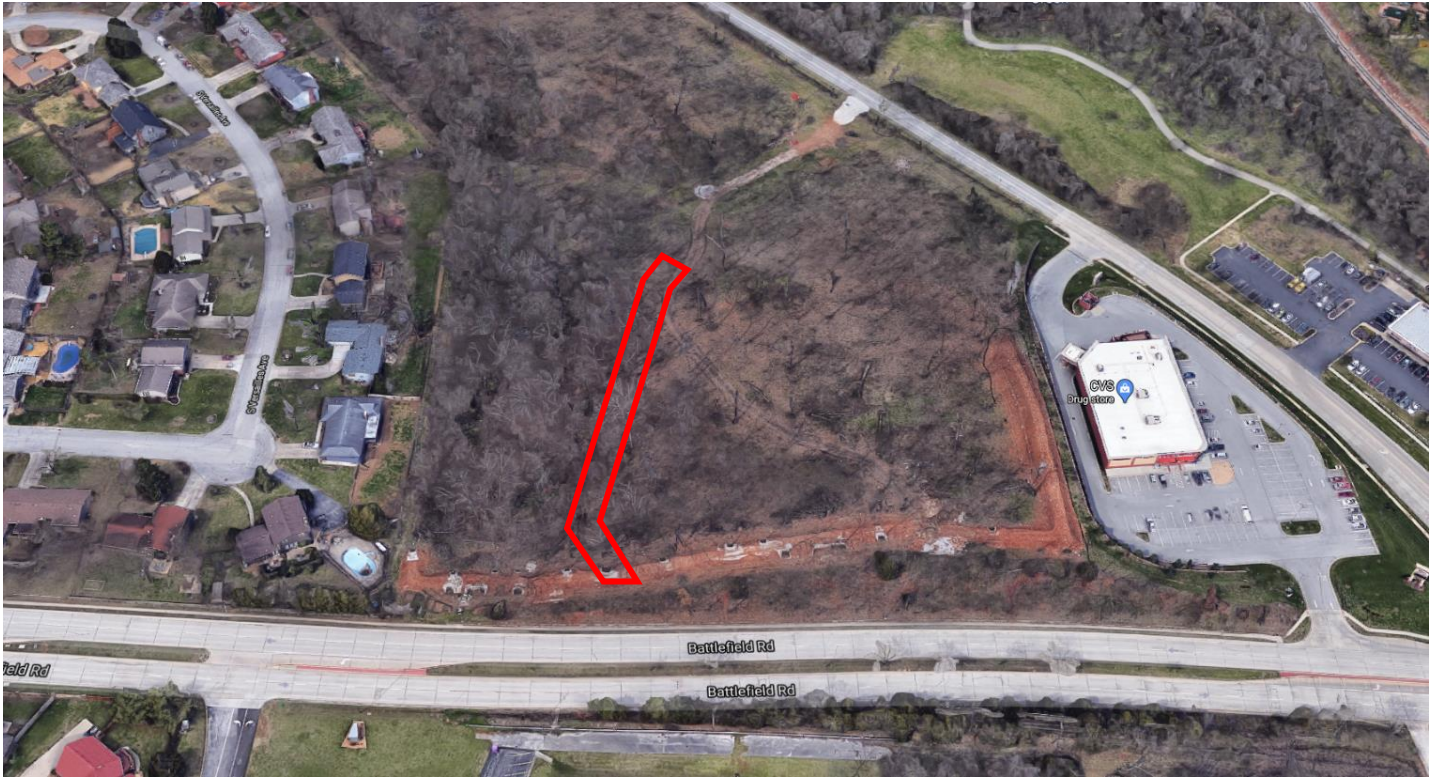
The applicant, Hill at Lone Pine, LLC, is requesting to relinquish a drainage easement to facilitate the development of their property. The owner is interested in pursuing a Lot line Adjustment where the easement is currently located. No replacement easements are to be dedicated.

FINDINGS FOR STAFF RECOMMENDATION:

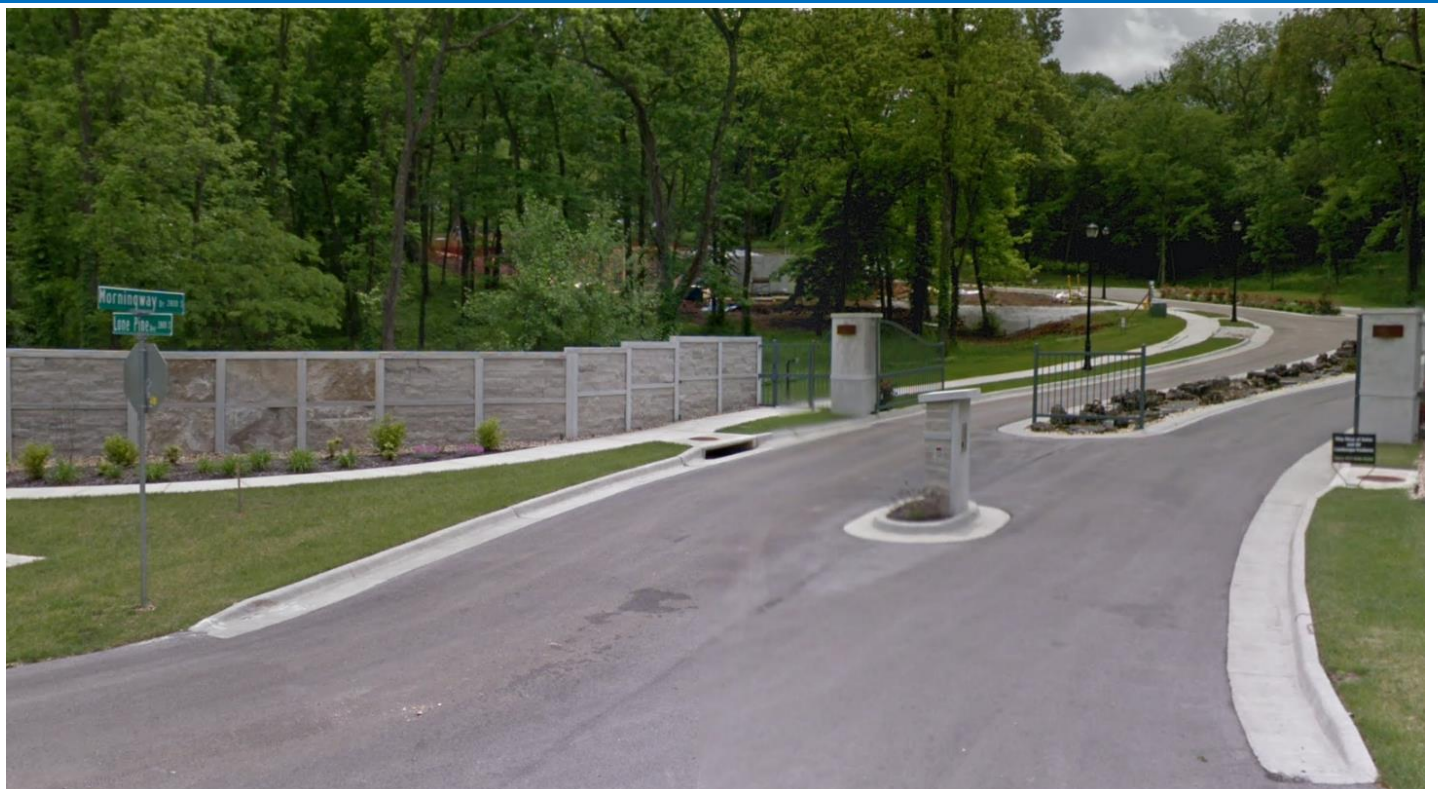
The requested relinquishment meets the approval criteria listed in Table A.

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GOOGLE AERIAL OF LANDMARKS, BUSINESSES, AND ATTRACTIONS:



GOOGLE MAPS STREET VIEW:



PLANNING AND ZONING COMMISSION AUTHORITY:

Sec. 98-160. - Relinquishment of public utility easements.

- (a) The planning and zoning commission may authorize the relinquishment of a public utility easement upon determining the following:
- (1) No one has objected to the relinquishment of the easement.
 - (2) The appropriate city agency (public works in the case of sewer easements, and city utilities in the case of electric, gas and water easements) has filed with the department of community development a statement that the easement is no longer needed to provide utility service.
 - (3) The retention of the easement no longer serves any useful public purpose.
- (b) Upon the planning and zoning commission determining that the conditions set forth in subsection (a) of this section have been satisfied, the commission may adopt a resolution authorizing the mayor of the city to quitclaim the city's interest in the public utility easement, which quitclaim deed shall be filed in the county land records. If the conditions set forth in subsection (a) of this section are not satisfied, any person who has filed a request for the relinquishment of the public utility easement can request that the city council consider the matter by filing a notice with the director of community development asking that the city council hear the matter.

STAFF COMMENTS:

1. The applicant is requesting to relinquish a drainage easement in order to facilitate the development of the property.
2. The Planning and Zoning Commission has the authority to relinquish easements; if the relinquishment does not affect public utilities.
3. No one has objected to this request to date.

DEPARTMENT COMMENTS:

DEPARTMENT OF PUBLIC WORKS STORMWATER ENGINEERING DIVISION:

There is no issue with relinquishing the stormwater easement. There is no existing stormwater infrastructure within the easement nor is it necessary to convey offsite water through this property.

RELINQUISHMENT OF EASEMENT RESPONSES:

Table A

In order to approve a relinquishment of a public easement, the Planning and Zoning Commission must make the following findings.		Staff Response
1.	No one has objected to the relinquishment of the easements.	No one has objected to the relinquishment of the easements.
2.	The appropriate City agency has filed with the Planning and Development Department a statement that the easements are no longer needed to provide service.	All interested City agencies have filed a statement and do not object to the relinquishment of the subject easement. The applicant is not required to dedicate a replacement easement.
3.	That the retention of the easements no longer serves any useful public purpose.	The retention of the subject easement no longer serves a public purpose. The applicant is not required to dedicate a replacement easement.

LEGAL:

A DRAINAGE EASEMENT DESCRIBED AS FOLLOWS:

A FIFTEEN (15) FEET DRAINAGE EASEMENT BEING A PART OF LOTS 4 AND 5 OF THE FINAL PLAT OF THE HILL, A SUBDIVISION IN THE CITY OF SPRINGFIELD, FILED IN BOOK AAA-381, PAGE 4966 IN GREENE COUNTY, MISSOURI, THE BOUNDARY BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 4 OF THE FINAL PLAT OF THE HILL, SAID POINT BEING ON THE SOUTHERLY RIGHT OF WAY LINE OF A SIXTY (60) FEET RADIUS CUL-DE-SAC KNOWN AS MORNINGWAY DRIVE (AS IT NOW EXISTS); THENCE SOUTHEASTERLY, ALONG THE SOUTHERLY RIGHT OF WAY LINE OF SAID CUL-DE-SAC, ON A CURVE TO THE LEFT, (SAID CURVE HAVING A RADIUS OF 60.00 FEET, A CHORD BEARING AND DISTANCE OF S51°53'45"E, 7.51 FEET) AN ARC LENGTH OF 7.52 FEET; THENCE S41°41'41"W, 23.76 FEET; THENCE S15°58'19"W, 292.07 FEET; THENCE S40°25'52"E, 52.35 FEET; THENCE S85°21'10"W, 18.49 FEET; THENCE N40°25'52"W, 49.58 FEET; THENCE N15°58'19"E, 303.54 FEET; THENCE N41°41'41"E, 27.18 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF THE ABOVE MENTIONED CUL-DE-SAC; THENCE SOUTHEASTERLY, ALONG SAID RIGHT OF WAY LINE, ON A CURVE TO THE LEFT, (SAID CURVE HAVING A RADIUS OF 60.00 FEET, A CHORD BEARING AND DISTANCE OF S44°42'54"E, 7.51 FEET) AN ARC LENGTH OF 7.52 FEET TO THE POINT OF BEGINNING.

BEARINGS ARE BASED ON GRID NORTH OF THE MISSOURI COORDINATE SYSTEM OF 1983, CENTRAL ZONE.

