

**DEVELOPMENT SERVICES**

**Residential Rezoning with Preliminary Development Plan  
Applicant's Letter**

**Date:** Wednesday, January 19, 2022

**To:**

**Property Owner:** THIRD AXIS INVESTMENTS LLC    Email:

**Applicant:** DUSTIN BAXTER

Email: DBAXTER@MWHWINC.COM

**Engineer:** HG CONSULT, INC

Email: ksterrett@hgcons.com

**Property Owner:** CAPITAL HOME INVESTMENTS    Email:  
LLC

**From:** Mike Weisenborn, Project Manager

**Re:**

**Application Number:** PL2020239

**Application Type:** Residential Rezoning with Preliminary Development Plan

**Application Name:** 705 SE High St

**Location:** 201 SE SUMMIT AVE, LEES SUMMIT, MO 64063  
707 SE HIGH ST, LEES SUMMIT, MO 64063  
705 SE HIGH ST, LEES SUMMIT, MO 64063

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**Tentative Schedule**

Submit revised plans by 4pm on Monday, December 14, 2020 . Revised documents shall be uploaded to the application through the online portal.

If the revised submittal deadline is not met or plans are deficient, the item will be moved to a later meeting and a new deadline will be set. Future deadlines and meeting dates can be found on the "Planning Commission Meeting Dates" handout. Dates are subject to change; we will keep you informed throughout the process.

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**Electronic Plans for Resubmittal**

All Planning application and development engineering plan resubmittals shall include an electronic copy of the documents as well as the required number of paper copies.

Electronic copies shall be provided in the following formats:

- Plat - All plats shall be provided in multi-page Portable Document Format (PDF).
- Engineered Civil Plans – All engineered civil plans shall be provided as multi-page Portable Document Format (PDF).

- Architectural and other plan drawings – Architectural and other plan drawings, such as site electrical and landscaping, shall be provided as multi-page Portable Document Format (PDF).
- Studies – Studies, such as stormwater and traffic, shall be provided in Portable Document Format (PDF).

Please contact Staff with any questions or concerns.

## Excise Tax

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On April 1, 1998, an excise tax on new development for road construction went into effect. This tax is levied based on the type of development and trips generated. If you require additional information about this development cost, as well as other permit costs and related fees, please contact the Development Services Department at (816) 969-1200.

## Planning Commission and City Council Presentations

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Presentations before the Planning Commission and City Council shall be (1) in electronic format or (2) reduced drawings for use on the document camera to display on the screen. Electronic presentations shall be on a laptop, CD-ROM, DVD, or flash drive. The City's presentation system can support Word, Excel, PowerPoint, Adobe, Windows Media Player and Internet Explorer applications. Presentation boards will no longer be allowed. The presentation(s) shall be submitted to Development Services Department staff no later than the day of the Planning Commission meeting by 4:00 pm.

## Notice Requirements

### 1. Notification of Surrounding Property Owners.

- **Mail Notices.** The applicant must mail letter notices to all property owners within 300 feet from the boundaries of the property for which the application is being considered at least 15 days prior to the hearing. Sample notices are available. The notice must include:
  - time and place of hearing,
  - general description of the proposal,
  - location map of the property,
  - street address, or general street location
  - statement explaining that the public will have an opportunity to be heard
- **File Affidavit.** An affidavit must be filed with the Planning and Codes Administration Department prior to the public hearing certifying the notices have been sent. Provide a list of the property owners notified and a copy of the sent notice .

### 2. Notice Signs.

- **Post Sign.** The applicant shall post a sign on the premises, at least 15 days prior to the date of the hearing, informing the general public of the time and place of the public hearing. When revised plans are submitted, staff will prepare the sign and provide it to the applicant for posting.
- **Maintain Sign.** The applicant shall make a good faith effort to maintain the sign for at least the 15 days immediately preceding the date of the hearing, through the hearing, and through any continuances of the hearing. The sign shall be placed within 5 feet of the street right-of-way line in a central position on the property that is the subject of the hearing. The sign shall be readily visible to the public. If the property contains more than one street frontage, one sign shall be placed on each street frontage so as to face each of the streets abutting the land. The sign may be removed at the conclusion of the public hearing(s) and must be removed at the end of all proceedings on the application or upon withdrawal of the application.

**3. Neighborhood Meeting.** One neighborhood meeting is required for each application, which must occur within the initial 10 day review period and prior to re-submission of the application. More than one neighborhood meeting may be held on an application, at the option of the applicant

- **Timing and location:** Within two miles of the project site, Monday through Thursday, excluding holidays, and start between 6:00P.M. and 8:00 P.M. If location for the meeting is not available within [2] miles of the subject property. The applicant shall select a location outside this area that is reasonably close to these boundaries.
- **Notification:** Shall be sent by certified mail or delivered to property owners within 300 feet of the project site. Mailed notices shall be postmarked at least seven days prior to the meeting. Hand deliveries must occur at least five (5) days prior to the meeting.
- **Notes:** The Applicant shall take sufficient notes at the neighborhood meeting to recall issues raised by the participants, in order to report on and discuss them at public hearings before City governmental bodies on the application. The notes shall be turned in with the application re-submittal.

#### **Analysis of Residential Rezoning with Preliminary Development Plan:**

<b>Planning Review</b>	Shannon McGuire (816) 969-1237	Planner Shannon.McGuire@cityofls.net	No Comments
<b>Engineering Review</b>	Gene Williams, P.E. (816) 969-1223	Senior Staff Engineer Gene.Williams@cityofls.net	Corrections

1. Only the stormwater drainage report dated Dec. 29, 2021 was reviewed. No additional plans were provided, and shall be provided if the waiver is granted by the City Engineer for stormwater detention.
2. Plans are based on the acquisition of an off-site easement(s), and grading on-site and possibly off-site. This shall be the responsibility of the applicant, and all such easements shall be acquired prior to approval of the plat or any building permits or plans. Prior review of any easements shall be performed by City of Lee's Summit Legal Department prior to execution and recording to ensure the legal description is correct, language is correct, and exhibit(s) showing in graphical format the metes and bounds legal description is accurate.
3. A curve number for the proposed condition at DA-1 was presented in the report as 78. This is too low based on residential use. However, the bigger issue is the use of an inappropriate method to size stormwater pipes. Please see subsequent comment concerning the requirement that the rational method be used. Finally, report did not appear to include stormwater passing through the site from adjacent property. It only appears to address the drainage area on the property. All stormwater facilities shall be designed to manage not only the on-site flows, but off-site contributors to flow. Please reconcile, correct, and revise as appropriate. This would appear to increase the sizing of the underground pipe to be installed as part of this project.
4. The new field inlet to be installed is too close to the sanitary sewer. The minimum distance is 5 feet, as measured from the outside of the sanitary sewer line (i.e., not the middle) to the outside of the storm structure.
5. Stormwater drainage study mentions a waiver to detention requirements, but the rationale was not well thought-out and will likely be rejected by the City Engineer. Recommend a perusal of the City of Lee's Summit requirements, including Section 5600 of the Design and Construction Manual, and in particular, the portion under "exceptions". For instance, this site was very close to being exempted for stormwater detention, but missed the exemption by virtue of being greater impervious area than prior. And finally, the conclusions of the report state "flood protection for the 1% storm are not reasonably attainable." This is an incorrect statement that the City does not agree. All stormwater systems in the City shall be designed and constructed at a minimum to the 1% storm standard, either within the pipe, or by overflow swales, or other means, and provide a minimum of 2.0 feet of freeboard between the 1% water surface elevation and any building opening, unless the stormwater can be fully-contained within the underground system a minimum of 6 inches below the throat of the inlet. For this, there are no waivers available that would be supported by staff.

6. A waiver to the stormwater detention requirements is required and shall be submitted on forms provided by the City, along with a summary explanation of the waiver (i.e., NOT the entire stormwater report), and summary exhibit(s). Typically, the summary is a one sheet sealed and signed document, along with an exhibit or two. In this case, we suggest the summary explanation describe the fact that: 1) existing drainage in the vacated alley is poor, with substandard existing slopes, 2) installation of detention behind the proposed buildings (and only if it were if possible, and current information indicates it is not possible due to grade issues, and freeboard requirements and lack of a suitable outfall based on gravity flow) will not change this poor drainage issue in any way, 3) explain the difficulties associated with constructing detention basin in the rear of the units, since above-ground detention requires 2.0 feet freeboard requirements, 20 foot setback requirements from the clogged condition/zero available storage 100 year WSE, lack of a gravity flow outfall for either above-ground or below ground detention, and lack of continued maintenance by individual homeowners.

7. Rational method should be used for pipe sizing. I am not sure why you went through a detention basin routing analysis because detention is not being proposed for this site. In any case, using the SCS method using curve numbers is not an appropriate method for sizing pipes in the City of Lee's Summit.

8. The Preliminary Development Plan shall be updated to include all aspects of the stormwater design. It shall be submitted in its entirety, not just a revision sheet (i.e., the entire PDP shall be submitted in its entirety). Many of the elements of the underground and overland swale components of the design were missing in the report. All of these aspects shall be properly labeled, and preliminary sizing of the pipes and inlets shall be provided. A review of utility conflicts shall also be performed prior to moving forward, to ensure the placement of the storm line as proposed will be feasible. Applicant shall ensure the placement of pipe (minimum sizing is 15 inch) is placed at a minimum depth of cover as specified in the Design and Construction Manual (typically 1.5 feet), and still be able to discharge as assumed on the concept plan shown in the stormwater report. Recommend a profile view be generated to make this determination, since it appears that daylighting the pipe at Independence may present an issue.

9. Our preliminary assessment of the concept design appears to show the line as shown near Independence Ave. where it daylights (or is assumed to daylight, no labels provided so basing this on an assumption) is not possible with the grades shown. A minimum depth of cover is 1.5 feet for the storm line (or greater if recommended by pipe manufacturer), and the minimum diameter is 15 inches (with more being required if not able to manage the 100 year event without surcharging above the 6 inch level to the throat of any inlet) is likely going to prevent this concept from being possible.

<b>Fire Review</b>	Jim Eden (816) 969-1303	Assistant Chief Jim.Eden@cityofls.net	No Comments
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<b>Traffic Review</b>	Michael Park (816) 969-1820	City Traffic Engineer Michael.Park@cityofls.net	No Comments
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