

**DEVELOPMENT SERVICES**

**Vacation of Right-of-Way  
Applicant's Letter**

**Date:** Tuesday, August 02, 2022

**To:**

**Property Owner:** THE FAMILY RANCH LLC

**Email:**

**Property Owner:** THE FAMILY RANCH LLC

**Email:**

**City Staff:** Mike Weisenborn

**Email:** mike.weisenborn@cityofls.net

**Applicant:** STAR EXCAVATION LLC

**Email:** INFO@STAREXCAVATIONLLC.COM

**Engineer:** GBA ARCHITECTS ENGINEERS

**Email:** BBURTON@GBATEAM.COM

**From:** Mike Weisenborn, Project Manager

**Re:**

**Application Number:** PL2021325

**Application Type:** Vacation of Right-of-Way

**Application Name:** NW Lowenstein Drive VOR

**Location:** 2301 NW QUARRY PARK RD, LEES SUMMIT, MO 64081  
2501 NW CLIFFORD RD, LEES SUMMIT, MO 64081

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**Tentative Schedule**

Submit revised plans by 4pm on Monday, September 20, 2021 . 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**

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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 Vacation of Right-of-Way:**

<b>Planning Review</b>	Hector Soto Jr. (816) 969-1238	Planning Division Manager Hector.Soto@cityofls.net	Corrections
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1. It is known that there is at least a 6" water line located within the ROW that is to be vacated. Additional utilities may also be located within the ROW, for which the City is awaiting feedback from the respective utility companies. Once feedback on the vacation request is received regarding the presence of any utilities, the applicant shall locate any existing utilities and shall be prepare an exhibit to retain the necessary easement(s) from the vacated ROW to cover any existing utility lines.

Mike Weisenborn 03/03/2022 9:09 AM - At this time the we are aware that the City of Lee's Summit, Evergy and AT&T have utilities located in this are. Additional utilites may be present. Easement for these utilites shall be provided to the City for review and approval prior to the Vacation of Right-of-Way application being placed on a public hearing agenda.

Hector Soto 08/02/2022 11:06 PM - A water line easement exhibit to cover the public water line located within the subject ROW to be vacated has been provided. However, it does not appear that any easement exhibit has been provided to cover the Evergy and AT&T infrastructure that is also located within the subject ROW to be vacated.

<b>Engineering Review</b>	Sue Pyles, P.E. (816) 969-1245	Senior Staff Engineer Sue.Pyles@cityofls.net	No Comments
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<b>Fire Review</b>	Jim Eden (816) 969-1303	Assistant Chief Jim.Eden@cityofls.net	No Comments
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1. The ROW is to be replaced with a utility easement. Precautions should be taken to protect the water line from on-site operations.

<b>Traffic Review</b>	Brad Cooley, P.E., RSPI Brad.Cooley@cityofls.net	No Comments
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