

**The City of Lee's Summit**  
**Action Letter**  
**Planning Commission**

Thursday, January 27, 2022

5:00 PM

City Council Chambers  
and Via Video Conference  
220 SE Green Street  
Lee's Summit, MO 64063

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Notice is hereby given that the Planning Commission for the City of Lee's Summit will meet on Thursday, January 27, 2022, at 5:00 pm in the City Council Chambers at City Hall, 220 SE Green Street, Lee's Summit, Missouri, and via video conference as provided by Section 2-50 of the City of Lee's Summit Code of Ordinances, adopted by the City Council on June 15, 2021, Ordinance No. 9172. Persons wishing to comment on any item of business on the agenda, including public testimony during a Public Hearing, via video conference may do so by sending a request prior to 5:00 p.m. on Wednesday, January 26, 2022, to the City Clerk at [clerk@cityofls.net](mailto:clerk@cityofls.net) to attend the meeting on the video conferencing platform. The City Clerk will provide instructions regarding how to attend by this method.

**1. Call to Order**

**2. Roll Call**

**Present:** 7 - Vice Chair Dana Arth  
Board Member Randy Benbrook  
Board Member Tanya Jana-Ford  
Board Member Jake Loveless  
Board Member Cynda Rader  
Board Member Chip Touzinsky  
Board Member Terry Trafton

**Absent:** 2 - Chairperson Donnie Funk  
Board Member Mark Kitchens

**3. Approval of Agenda**

A motion was made by Board Member Trafton, seconded by Board Member Rader, that this agenda be approved. The motion carried unanimously.

**4. Public Comments**

There were no public comments at the meeting.

**5. Approval of Consent Agenda**

- A. [BILL NO. 22-16](#) An Ordinance accepting Final Plat entitled The Ridge at Winterset Summit, Lots 1601-1605 and Tract A, as a subdivision to the city of Lee's Summit, Missouri.

A motion was made by Board Member Trafton, seconded by Board Member Jana-Ford, that this application be recommended for approval to the City Council - Regular Session. The motion carried unanimously.

- B. [2022-4670](#) Approval of the January 13, 2022, Planning Commission Minutes

A motion was made by Board Member Trafton, seconded by Board Member Jana-Ford, that the minutes be approved. The motion carried unanimously.

## 6. Public Hearings

- A. [2022-4687](#) Continued Appl. #PL2021-450 - REZONING FROM AG TO RP-3 AND PRELIMINARY DEVELOPMENT PLAN - Anderson Pointe, 5601 NE Anderson Rd; Engineering Solutions, LLC, applicant (to be continued to a date certain of March 10, 2022)

A motion was made by Board Member Touzinsky, seconded by Board Member Rader, that this application be continued to the Planning Commission, due back on 2/10/2022. The motion carried unanimously.

- B. [2022-4688](#) Continued Appl. #PL2021-456 - COMPREHENSIVE PLAN AMENDMENT - change from Residential 1 land use designation to Residential 2 land use designation, 5601 NE Anderson Rd; Engineering Solutions, LLC, applicant (to be continued to a date certain of March 10, 2022)

A motion was made by Board Member Touzinsky, seconded by Board Member Rader, that this application be continued to the Planning Commission, due back on 2/10/2022. The motion carried unanimously.

- C. **2022-4665** Public Hearing: Application #PL2021-464 - Preliminary Development Plan - F.I.T. Muscle and Joint Clinic, 413 NW Murray Road; Herron + Partners, applicant.

Vice Chairperson Arth opened the hearing at 5:06 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Mr. David Herron, architect of record, gave his address as 3117 79th Street, Prairie Village, KS 66208. He described the subject property's location at 413 NW Murray Rd. Adjoining or neighboring businesses are all in close proximity of each other but are privately owned. The new owner of the subject building has given permission for this applicant to make some exterior changes. Of the 10,000 square feet, 7,000 will be renovated by FIT Muscle and Joint Clinic and the remaining 3,000 square feet is occupied by Brain Balance. There will be some exterior landscaping upgrades. Possibly resurface the parking lot. The store front on the east side will be replaced by operable garage doors. The west façade fronts the parking lot and will have a signage band. The existing masonry and stucco will be painted black and modern light fixtures will replace the current light fixtures on the columns. The signs will be applied for through a separate application at a later date.

Following Mr. Herron's presentation, Vice Chairperson Arth asked for staff presentation.

Ms. Thompson entered Exhibit (A), list of exhibits 1-13 into the record. Ms. Thompson gave an over view of the project. The existing conditions include a platted lot, 9,800-10,000 square foot building and 58 parking spaces. The exterior is made up of store front windows and red/orange brick. The renovation will include painting the building black and replacing the store front windows with overhead garage doors. The UDO does not authorize staff to approve substantial changes. These changes exceed the threshold thus it has been brought forward with the Preliminary Development Plan. There is one site specific recommendation of approval which is that the development shall be in accordance with the PDP dated January 12, 2022.

Following Ms. Thompson's comments, Chairperson Arth asked if there was anyone present wishing to give testimony, either in support for or opposition to the application.

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Hearing none Vice Chairperson Arth then asked if the Commission had questions for the applicant or staff.

Mr. Trafton asked if the signage would be within normal UDO regulations. Ms. Thompson replied that it was nothing out of the ordinary. A medallion is proposed and will come through with a sign application at a later time. If the medallion does not meet regulations in place the applicant will stick with a signage bands on the east and west elevations. The signs have not been presented and have not been evaluated at this time. The property is zoned CP-2 and will need to meet those regulations.

Mr. Trafton asked about the painting of the building and the new light fixtures. Mr. Herron indicated that the light fixtures will be replaced on the west side of the building. These will be multi-directional cylinder lights. The window fixtures and framing will remain as is. The black paint will not stick. The colors will fit with the design aesthetic. Brain Balance has been contacted via the owner of the exterior changes.

Mr. Touzinsky spoke about the proposed lighting and asked about the time frame for maintenance of the building, specifically painting. Ms. Thompson replied that the city does not have anything in the ordinance regarding the timing that a structure must be painted. There are property maintenance codes that must be met and can be enforced through the Neighborhood Services Division. Mr. Herron replied that the life of the paint is approximately ten years.

Ms. Rader commented that she had driven by the location and that it appears that some of the seals in the windows seem to be in disrepair or broken. Mr. Herron commented that it would be in the tens of thousands of dollars to replace all of the windows. He said that they recognize the windows are clouding up due to the seals being compromised. They are looking for an economical solution to the problem. Mr. Ryan Elam commented that if the situation were to include broken glass or exposure to the elements that this would fall under the property maintenance code and addressed accordingly. Broken seals do not constitute a property maintenance violation.

Mr. Benbrook noted that going from the natural red brick to an all-black and glass building would turn this into a "solar oven" and asked the applicant if they had consulted with an HVAC or energy specialist engineer in regards to the system being able to maintain this change. Mr. Herron could not speak on behalf of the engineer but commented that she is very competent and that rooftop units were being added to supplement the space. He did not have specific numbers but could provide those if necessary. Mr. Benbrook asked about the wall insulation and if there was any insulation between the brick and the wall that would help. Mr. Herron did not know the answer regarding insulation.

Vice Chairperson Arth asked Ms. Thompson what constitutes a substantial change. Ms. Thompson answered that there are 12-15 provisions that constitute a substantial change. This project is substantially different than the architectural style that was approved in the original Preliminary Development Plan of 2004. Black is a completely different spectrum of color and the overhead garage doors do not match the original PDP. Josh Johnson commented on the UDO provision of the code revision and stated that going from natural to black made sense for this to come forward through the public hearing process.

Vice Chairperson Arth asked if there were further questions for the applicant or staff. Hearing none, she closed the public hearing and asked for discussion among the Commission members.

Mr. Benbrook remarked that he was concerned about it being all black. He said that the texture will be lost and that it will look like a black rectangle. He also commented on the lighting. The lighting will be voided by the black exterior of the building. He would like to see a secondary material to break it up. Mr. Herron asked if it should be toned down to possibly a

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charcoal color. Mr. Benbrook replied that he would like to see a difference of material. Mr. Herron discussed some options that might be appropriate.

Hearing no further discussion, Vice Chairperson Arth called for a motion.

Mr. Trafton made a motion to recommend approval of Application PL2021-464, Preliminary Development Plan: F.I.T. Muscle and Joint Clinic, 413 NW Murray Rd; Herron & Partners, applicant. Ms. Rader seconded.

Vice Chairperson Arth asked if there was any discussion on the motion. Hearing none, she called for a vote.

A motion was made by Board Member Trafton, seconded by Board Member Rader, that this application be recommended for approval to the City Council - Regular Session, due back on 2/22/2022. The motion carried by the following vote:

**Aye:** 6 - Vice Chair Arth  
Board Member Jana-Ford  
Board Member Loveless  
Board Member Rader  
Board Member Touzinsky  
Board Member Trafton

**Nay:** 1 - Board Member Benbrook

**Absent:** 2 - Chairperson Funk  
Board Member Kitchens

**1) TMP-2155** An Ordinance approving a Preliminary Development Plan for F.I.T. Muscle and Joint Clinic on land located at 413 NW Murray Road, all in accordance with the provisions of Chapter 33, the Unified Development Ordinance, of the Code of Ordinances for the City of Lee's Summit, Missouri.

**D. 2022-4660** Public Hearing: Application #PL2021-436 - Preliminary Development Plan - Pergola Park, 6th Plat and Lumberman's Row at New Longview, 3221 SW Pergola Park Drive; Russell Pearson, applicant.

Vice Chairperson Arth opened the hearing at 5:38 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Mr. Russell Pearson gave his address as 3152 SW Grandstand Cir, Lee's Summit, MO 64081. Mr. Pearson presented the PDP for the next phases of New Longview on the west side of Lee's Summit. The Development Team has two entities involved. NLV Pergola Park being the first and NLV Development Company the second. Box Real Estate Development is the firm involved. Schlagel and Associates is the Civil Engineer and Plat Collaborative is the Landscape Architect. The fourth plat is the current phase that is being finished up. The fifth plat is with city staff right now for approval. The reason for the meeting today is the sixth plat and Lumberman's Row. The 2003 PDP had design standards that were used as a basis along with other areas around the country for design standards. There are cottage, village, and neighborhood lots in this plat. Most of these are rear loaded with alley's behind and garages in the back. Allowing the front of the home to face the street. This makes the lots skinnier and longer. This is a revival project. This is a very diverse neighborhood with streetscape diversity standards. This limits the color and provides diversity of architectural styles. Pergola Lake is nearing final completion. The 5th plat is the next section from a timing perspective that occurs. Guidelines have been updated and will apply to the fifth plat as well as the 6th plat and Lumberman's Row and the remaining 4th plat lots. The 6th plat consists of 27 lots and will have a combination of cottage, village, and neighborhood lots. Lumberman's Row is part of the

new PDP. The name comes from the nickname for Janssen Place in Hyde park where the street gets its inspiration. The design is taken from Brookside and specifically Janssen Place and Hyde Park. The concept was applied to this area. The dimensions and massing of the street were looked at very closely. If compared, it is about 2/3 the size of the actual Janssen Place. There are walking trails planned between the lake front lots and the lake. There are a variety of styles. These are a side drive lot with garages either behind the home or to the side. The face of the home is still fronting shielding the garages from view. To do this, a design book addendum was created. This was amplified and scaled appropriately for the homes. The minimum square foot home is 3,200 SF. These will include 4-sided architecture and historic-inspired homes. These are two-story estate homes. Prototype layouts were shown as an example. Eight styles have been selected from Hyde Park, specifically Janssen Place. The design book goes into details on each of these styles.

Following Mr. Pearson's presentation, Vice Chairperson Arth asked for staff presentation.

Ms. Thompson entered Exhibit (A), list of exhibits 1-13 into the record. She stated that this area is currently zoned PMIX and showed a presentation of the area with the existing conditions. There are two residential subdivisions proposed, Pergola Park, 6th plat and Lumberman's Row. There are design guidelines proposed that highlight new urbanism. When the design guidelines are approved, the building permits will be reviewed to those guidelines. Mr. Pearson's presentation gave all of the design guidelines. There are setbacks that will be defined with the approval of this PDP. Pergola Park matches the remaining pergola Park phases. There are three site specific conditions of approval.

Following Ms. Thompson's comments, Chairperson Arth asked if there was anyone present wishing to give testimony, either in support for or opposition to the application.

Hearing none Vice Chairperson Arth then asked if the Commission had questions for the applicant or staff.

Mr. Trafton stated that he lives in the neighborhood. He is excited about what Mr. Pearson and his development team have been able to do to bring to fruition this neighborhood. He asked about the model of the home being based on 3,500 SF and if there was a maximum house size. Mr. Pearson noted that there has not been a maximum size established. This will be set by city code and set-back requirements for the lot sizes. The lots are approximately 1/3 and 1/2 acre lots.

Mr. Trafton asked what happened to Plat 5 and the delay in the application moving forward. Ms. Thompson stated that it is her understanding that they are waiting for the public infrastructure to be complete before they go to PC and onto CC. Scott Ready confirmed that once the reviews and infrastructure were in place it would go to PC. It would likely be about a month or six weeks.

Mr. Touzinsky commented on the quality of the project. He mentioned that it was a beautiful community. He asked if the developments were a part of the overall New Longview Development and if these homes would share the amenities with this area. He specifically wanted to know if the pool was big enough to accommodate for these new homes and what additional amenities might be provided. Mr. Pearson replied that these two areas are a part of the new Longview subdivision and will share the amenities. There will likely be a sub association just to maintain the Boulevard and the extra expenses. There is a lot of green space planned in and around those lots. The pool was designed for twice as many homes as there are. The pool gets busy but nowhere near capacity.

Mr. Touzinsky asked if there are ordinances in place regarding the size of homes or the number of stories. Some of the proposed homes are three stories. He also addressed staff in regards to the size of subdivision pools and how they are sized to be adequate for the number of

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homes in a subdivision. Hector Soto, Planning manager, stated that there are no ordinances currently in place regarding the size of a subdivision pool. There are parking requirements that must be met based on the number of lots. Mr. Touzinsky asked if that was something that should be addressed. Ms. Thompson stated that three stories is the maximum height for an R-1 development. In the PMIX district the height is established by the zoning approval for each development.

Vice Chairperson Arth asked if there were further questions for the applicant or staff.

Mr. Lovell asked the applicant about the neighborhood meetings that were held and specifically some questions about access to the lake. Mr. Pearson stated that the lake is currently private and when the developer is ready they will deed it to the Property Association. For insurance reasons there is no access to the lake. The rules are still being written about access to the lake and how that will be established.

Ms. Rader noted that this is a beautiful community and she is excited for the project.

Mr. Trafton echoed Commissioner Rader's comments and his appreciation to the developers for their work on the project.

Mr. Loveless also appreciates the various types of lots and the way they are merged together and the efforts of the developer on this project.

Hearing no further discussion, Vice Chairperson Arth called for a motion.

Mr. Trafton made a motion to recommend approval of Application #PL2021-436 - PRELIMINARY DEVELOPMENT PLAN - Pergola Park, 6th Plat and Lumberman's Row at New Longview, 3221 SW Pergola Park Dr; Russell Pearson, applicant

Vice Chairperson Arth asked if there was any discussion on the motion. Hearing none, she called for a vote.

A motion was made by Board Member Trafton, seconded by Board Member Rader, that this application be recommended for approval to the City Council - Regular Session, due back on 2/22/2022. The motion carried unanimously.

- 1) **TMP-2157** An Ordinance approving a Preliminary Development Plan for Pergola Park 6th Plat and Lumberman's Row at New Longview, land located at 3221 SW Pergola Park Drive, all in accordance with the provisions of Chapter 33, the Unified Development Ordinance, of the Code of Ordinances for the City of Lee's Summit, Missouri.
- E. **2022-4684** Public Hearing: Application #PL2021-447 - Residential Preliminary Development Plan - Main Forest - 4 NW Forest Avenue & 400 NW Main Street; Engineering Solutions, LLC, applicant.

Vice Chairperson Arth opened the hearing at 6:08 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Mr. Matt Schlicht of Engineering Solutions gave his business address as 50 SE 30th St. in Lee's Summit. He was appearing tonight on behalf of a couple of residents that are hoping to move downtown. He is bringing forth a project at Main St and Forest Ave. There were two homes that were on those lots that have been demolished. The plan is to develop it into three residential lots to build three brand new, single family homes. The area is zoned RP-2. Each property will have about 1/3 of an acre. This is within the allowed density. Most of the characteristics are standard within the code. There are additional elements to try to keep the

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architectural style downtown in nature. This area has been identified for residential growth. A zoom meeting was held, no one joined that meeting. The house colors and materials are more standard in nature. Keeping out the high contrasting color pallets and fluorescent colors. The idea is to create unique character. Front porch and bungalow styles. Lot 2 currently has a permit. This will be a front facing home. The remainder will be rear facing or side entry garages. They are excluding horizontal, vertical, metal or vinyl siding. Shake shingles or lap siding are examples of approved materials. The project will include infiltration systems for each home that the downspouts will connect to.

Mr. Soto entered Exhibit (A), list of exhibits 1-14 into the record. Mr. Soto confirmed the zoning is RP-2 and stated that this is the dominant zoning for the area. He pointed out some limited areas of industrial zoning in the area as well. RP-2 allows for single family duplex development.

Mr. Soto presented project information that included the lot widths, set-backs, density, and number of stories. The elevations include characteristics that are reflective of the downtown area and post WW II construction. Single family homes are allowed by right in the RP-2 zoning area. There is one condition of approval. Staff will ensure that permits that are submitted meet that condition of approval.

Following Mr. Soto's comments, Chairperson Arth asked if there was anyone present wishing to give testimony, either in support for or opposition to the application.

Hearing none Vice Chairperson Arth then asked if the Commission had questions for the applicant or staff.

Mr. Touzinsky asked if the rain gardens would daylight into natural drainage swales and if they would drain off into other properties and their natural drainage swales. Mr. Schlicht stated that the site drains from Forest & main northwesterly and will maintain existing drainage patterns.

Mr. Trafton questioned whether or not a previous project that came forward with the same infiltration system had been built. Mr. Schlicht confirmed that some of those had been built one block to the north and were working as anticipated. Mr. Trafton commented that this was a good project and that he was happy to see the newer homes in the downtown area.

Mr. Benbrook asked about the lot that was currently under permit. Mr. Schlicht explained how the process worked for that. Mr. Benbrook asked about the architecture on that property and since it fronted two streets would it have four-sided architecture. Mr. Schlicht replied that in the design guidelines the side and rear elevations must maintain the front design of the home.

Ms. Jana-Ford asked about the plans that were being shown in regards to window wells. Mr. Schlicht commented that those were just place holders.

Vice Chairperson Arth asked if there were further questions for the applicant or staff. Hearing no further discussion, Vice Chairperson Arth called for a motion.

Mr. Touzinsky made a motion to recommend approval of Application # PL2021-447 - RESIDENTIAL PRELIMINARY DEVELOPMENT PLAN - Main Forest - 4 NW Forest Ave. & 400 NW Main St.; Engineering Solutions, LLC, applicant

Vice Chairperson Arth asked if there was any discussion on the motion. Hearing none, she called for a vote.

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**A motion was made by Board Member Touzinsky, seconded by Board Member Jana-Ford, that this application be recommended for approval to the City Council - Regular Session, due back on 2/22/2022. The motion carried by the following vote:**

**Aye:** 6 - Vice Chair Arth  
Board Member Benbrook  
Board Member Jana-Ford  
Board Member Loveless  
Board Member Touzinsky  
Board Member Trafton

**Absent:** 2 - Chairperson Funk  
Board Member Kitchens

**Abstain:** 1 - Board Member Rader

- 1) TMP-2163** An Ordinance approving a Preliminary Development Plan for Main Forest on land located at 4 NW Forest Avenue and 400 NW Main Street, all in accordance with the provisions of Chapter 33, the Unified Development Ordinance, of the Code of Ordinances for the City of Lee's Summit, Missouri.

## **7. Roundtable**

**Commissioner Trafton asked about the length of street names. Mr. Soto responded that twelve characters are allowed and that includes spaces. That is exclusive of the proper name. No one could think of any street names that exceed that allowance.**

## **8. Adjournment**

**There being no further business Vice Chair Arth adjourned the meeting at 6:25 p.m.**

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