

LEE'S SUMMIT PLANNING COMMISSION

Minutes of Tuesday, December 12, 2017

The Tuesday, December 12, 2017, Lee's Summit Planning Commission meeting was called to order by Chairperson Norbury at 5:00 p.m., at City Council Chambers, 220 SE Green Street, Lee's Summit, Missouri.

OPENING ROLL CALL:

Chairperson Jason Norbury	Present	Mr. Herman Watson	Absent
Mr. Donnie Funk, Vice Chair	Present	Mr. Beto Lopez	Present
Ms. Colene Roberts	Present	Ms. Carla Dial	Present
Mr. Don Gustafson	Present	Mr. Jeffrey Sims	Present
Ms. Dana Arth	Present		

Also present were Hector Soto, Planning Division Manager; Jennifer Thompson, Staff Planner; Nancy Yendes, Chief Counsel Infrastructure and Zoning; Kent Monter, Development Engineering Manager; Jim Eden, Assistant Fire Chief I, Fire Department; and Kim Brennan, Permit Technician.

1. APPROVAL OF CONSENT AGENDA

- A. Application #PL2017-238 -- FINAL PLAT** -- Siena at Longview, 4th Plat, lots 216A-218A, 224A and 320-328; Engineering Solutions, LLC, applicant
- B. Minutes** of the November 28, 2017 Planning Commission meeting

On the motion of Mr. Funk, seconded by Ms. Roberts, the Planning Commission voted unanimously by voice vote to **APPROVE** the Consent Agenda, Item 1A-B as published.

APPROVAL OF AGENDA:

Chairperson Norbury announced that Application #PL2017-223 had been added as agenda Item 2. He asked for a motion to approve the agenda as amended. On the motion of Mr. Funk, seconded by Mr. Lopez, the Planning Commission voted unanimously by voice vote to **APPROVE** the agenda as amended

PUBLIC COMMENTS

There were no public comments at the meeting.

- 2. Application #PL2017-223 – SPECIAL USE PERMIT** to allow the keeping of therapy animals in the R-1 district; approximately 11 total acres inclusive of the properties addressed as 6 NW O'Brien Road, 100 NW O'Brien Road, 413 NW Donovan Road and 415 NW Donovan Road; Mark Farner, applicant

Chairperson Norbury opened the hearing at 5:06 p.m. and stated that this item had been added to the agenda, as notices had already gone out. Staff had requested that the hearing be continued to a date uncertain.

Ms. Roberts made a motion to continue Application PL2017-223 to a date uncertain, and Mr. Lopez seconded.

Chairperson Norbury asked if there was any discussion of the motion. Hearing none, he called for a vote.

On the motion of Ms. Roberts, seconded by Mr. Lopez, the Planning Commission members voted unanimously by voice vote to **CONTINUE** Application PL2017-223 to a date uncertain.

(The foregoing is a digest of the secretary's notes of the public hearing. The transcript may be obtained.)

<p>3. Application #PL2017-144 -- PRELIMINARY DEVELOPMENT PLAN -- Kessler Ridge at New Longview, 2nd Plat, Lots 56-87, Tracts E-G; Inspired Homes, applicant</p>
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Chairperson Norbury opened the hearing at 5:08 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Ms. Shannon Buester of Olsson, gave her business address as 1301 Burlington in North Kansas City. The application was an amended development plan, and had been before the Commission a few months ago. In the originally approved development plan, the applicants had not had a definite plan for the area around the historic homes on the east side of Longview Boulevard. The plan amendment showed an actual layout and a plan for that part. The Longview neighbors wanted to designate the corner at the Longview Boulevard roundabout as a TND type neighborhood, to match the neighborhood on the south side. In that one area, the houses on the cul-de-sac were designed to face away from the cul-de-sac and toward the open space to the north and the road to the south. That would give it a more traditional look. The Planning Commission had raised questions about the unusual orientation of garages facing the cul-de-sac, as well as City staff after the first hearing. As a result, the applicants had made further adjustments to the layout, orienting the houses to the cul-de-sac. This was the only change made to the plan.

Following Ms. Buester's presentation, Chairperson Norbury asked for staff comments.

Ms. Thompson entered Exhibit (A), list of exhibits 1-15 into the record. She related that the project was the second phase of a single-family residential subdivision, Kessler Ridge at New Longview. It was located at the northeast corner of Longview Boulevard and Longview Road, and had PMIX zoning. It was bordered by single-family subdivisions to the north, east and south. The project information was basically the same as the previous plan the Commission had seen last September: a single-family residential subdivision on 11.55 acres with 32 lots and three common areas. The revised plan showed building footprints that oriented the homes toward SW Merriam Court, replacing the previous orientation the other way. Ms. Thompson then displayed a table showing comparisons between the previous and current plan, with the right-of-way width increased and 5-foot sidewalks on both sides of the street in addition to the

changes in orientation. The homes now included detached garages and some of the design standard setbacks had been revised. Other slides displayed renderings of typical elevations.

Staff recommended approval subject to 7 Recommendation Items. The first three were the standard requirements for consistency with the November 1, 2017 preliminary development plan. Items 4, 5 and 6 established setbacks for the lots and Item 7 defined responsibility for construction of a white rail fence along SW Longview Road.

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

Mr. Scott Brio gave his address as 3168 SW Rock Ridge Drive, and added that he was present representing the Longview Alliance. They had kept in contact with the developer throughout the process. He commended the applicants for working with the neighbors and for keeping the green spaces behind some of the homes and the historical properties. The current concern was about the houses that would now be facing toward the cul-de-sac. They did not want a stockade of fences along the boulevard and had been assured that the white rail fence would be installed, as well as limiting other fences on the lots and providing heavy landscaping. Mr. Brio stated that the Alliance supported the plan.

Chairperson Norbury then asked if the Commission had questions for the applicant or staff.

Mr. Gustafson noted that staff's report mentioned sidewalks on both sides of Merriam Court; however, the drawing showed a sidewalk only on the south side. Ms. Thompson answered that the revised drawing showed them on both sides but staff had not received it yet. Staff's report also included a note that this change be made. Mr. Gustafson then observed that Longview Road was an arterial, and asked what the required sidewalk width was for that classification. Ms. Thompson replied that the overall standard was five feet. Mr. Monter added that it was six feet if it was adjacent to the curb, unless designated as a path; and in that case it would be ten feet. Mr. Gustafson asked if the Longview Road frontage was designated as a path. Ms. Thompson confirmed that it was shown as ten feet; but only on Longview Boulevard, not on Longview Road.

Ms. Roberts asked what was the plan for the historic properties, and what separation would be in place between them and the homes. Ms. Thompson cited the steps being taken. The development plan proposed to move and salvage the saddle horse manager's office, as part of the TIF plan. The other two historic structures would remain in place. Ms. Buester added that conversations were ongoing and the buildings would be used for something. No decisions had been made yet. Ms. Roberts asked about buffering for the adjacent homes, and Ms. Buester stated that initially they had showed a layout with the lot lines coming straight up to the edge of the property owned by Inspired. The neighbors had told the developers they wanted to see a buffer tract, which was Tract F.

Ms. Dial noted that it looked like a ten-foot sidewalk came down Longview Road from east to west, stopped at Red Buck, while a sidewalk came down Longview Boulevard from north to south. There appeared to be an area behind about five houses with no sidewalk. Mr. Monter provided a larger map, which showed a five-foot sidewalk on Longview Road.

Chairperson Norbury asked Ms. Buester if the applicants agreed with all seven of the Recommendation Items, and Ms. Buester replied that they did.

Chairperson Norbury asked if there were further questions for the applicant or staff. Hearing none, he closed the public hearing at 5:22 p.m. and asked for discussion among the Commission members, or for a motion. He thanked the applicant and staff, remarking that this was a good example of input from the community, the Commission and the Council to find a workable plan.

Mr. Funk made a motion to recommend approval of Application PL2017-144, Preliminary Development Plan: Kessler Ridge at New Longview, 2nd Plat, Lots 56-87, Tracts E-G; Inspired Homes, applicant; subject to staff's letter of December 8, 2017, specifically Recommendation Items 1 through 7. Ms. Roberts seconded.

Chairperson Norbury asked if there was any discussion of the motion. Hearing none, he called for a vote.

On the motion of Mr. Funk, seconded by Ms. Roberts, the Planning Commission members voted unanimously by voice vote to recommend **APPROVAL** of Application PL2017-144, Preliminary Development Plan: Kessler Ridge at New Longview, 2nd Plat, Lots 56-87, Tracts E-G; Inspired Homes, applicant; subject to staff's letter of December 8, 2017, specifically Recommendation Items 1 through 7.

(The foregoing is a digest of the secretary's notes of the public hearing. The transcript may be obtained.)

<p>4. Continued Application #PL2017-203 -- REZONING from AG to CP-2 and PRELIMINARY DEVELOPMENT PLAN -- approximately 4.3 acres abutting the property at 1850 NE US 40 Highway; IAC Life, applicant</p>

Chairperson Norbury opened the hearing at 5:24 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Mr. Jim Harlan identified himself, owner and president of Individual Assurance Company [IAC]. He stated that the subject property had an inconsistency with zoning. About 82 percent of the total 18 acres was zoned CP-2 and the rest, along 40 Highway, was zoned AG. The application was to correct this error and rezone the whole property as CP-2. Much of the surrounding property was CP-2, and he wanted to work with an investor to develop the property. He had submitted concept plans for the property previously, including one that was denied due to infrastructure issues. He had also been asked to submit specific plans for the acreage to be rezoned.

Mr. Harlan emphasized that any plans would consist of offices, sufficient parking, adequate stormwater detention and utilities. A detailed plan would require a significant amount of funds, and the investor group did not want to act until the rezoning. The City had the authority to approve, disapprove or modify any plan submitted at a later date; and the correction to this past zoning error would not affect that. This was not a speculative land venture on the part of IAC, as they had owned the property for 13 years. The lack of consistent zoning had been unexpected, but IAC wanted to work with the investor to develop the land. They intended to

adopt a plan that would benefit the neighborhood, the city and the economy of the general area.. Timing, and the first quarter of 2018 in particular, was critical for the plan. He wanted to get additional investors; and a definite plan would be essential.

Following Mr. Harlan's presentation, Chairperson Norbury asked for staff comments.

Mr. Soto entered Exhibit (A), list of exhibits 1-13 into the record. He gave some background about the subject property and its zoning. On an aerial map, he pointed out a single-family subdivision immediately to the west. It was within the city of Independence, and had a stub street at the east end that extended into the subject property. A right-of-way had been established that separated the portion highlighted on the map from the portion with the existing building. In 1992, the property with the office building was rezoned to the current CP-2, in order to accommodate the building's development. The property being rezoned tonight was not included in that rezoning. The right-of-way was vacated in 2006.

Mr. Soto displayed the new concept plan, noting that it was not a scale drawing. The office building was 70 by 80 feet, for 5600 square feet; with 24 parking spaces. It would have a shared driveway with the existing office building to the east. While the plan was consistent with the comprehensive plan, it did not have enough detail for staff to determine whether it was feasible. This particular piece of land had significant changes in topography that might make the displayed configuration difficult to impossible. Mr. Soto qualified the statement, noting that a 70x80-foot building would not take up as much space as the drawing showed. He continued that the proposed sewer plan would be provided via a septic or aerobic system, and the development would access the existing water supply. Services to the site would be provided by the city of Independence, not Lee's Summit. Mr. Soto summarized that staff still recommended denial, on the basis of insufficient information to recommend otherwise.

Following Mr. Soto's comments, Chairperson Norbury asked if there was anyone present wishing to give testimony, either in support for or opposition to the application. Seeing none, he then asked if the Commission had questions for the applicant or staff.

Mr. Funk noted Mr. Harlan's remark about investors who were hesitant to go forward without the zoning change, as well as a reference to working with investors. He asked Mr. Harlan if he had investors at present or not. Mr. Harlan stated that he did have some investors, and some had previously invested in real estate. Mr. Funk pointed out that in that case, they would know that part of the cost of development would be the surveys and detailed plans a government entity would require. Mr. Harlan stated that they were more than willing to do that. This property had been owned by a single entity and the investors did understand what would be needed. He emphasized that the aim of this application tonight was to get the zoning consistent.

Mr. Lopez asked if the office building would be built on spec, or if it already had a future tenant. Mr. Harlan answered that it would be on spec, but they would do research before starting construction. Mr. Lopez then asked if Mr. Harlan had worked with any real estate brokerage services, which could provide some valuable information on the market. Mr. Harlan answered that they intended to do that, and the results would influence the approach when development started.

Ms. Arth that for her, the main issue was that it all seemed so ambiguous. So far the City had no real answers as to what the plans were for the property. She asked if there was any option

he had ruled out. Mr. Harlan answered that the zoning issue was the main reason for hesitation at present. Ms. Arth then asked if he had any certain type of office use; and Mr. Harlan answered that he was in the insurance business and had a business partner, and an investor, who was essentially the marketing operation. This partner's business was expanding, so that could be the first tenant.

Chairperson entered the applicant's December 12th letter into the record as exhibit 14. He asked if, on the basis of an overall conceptual plan, Mr. Harlan intended to develop the entire 18-acre lot. Mr. Harlan answered that he did, and wanted to have a consistent plan for it.

Mr. Sims asked if it was correct that the concept plan showed a 40-foot right-of-way that no longer existed. He also wanted to know if the property did have access to a water supply. Mr. Soto answered that the right-of-way did no longer exist, as of 2006. The concept plan included an old drawing of the location. Staff did not have any information as to where the water connection would be. Mr. Harlan clarified that the connection was at the east side of the property, and the existing building used water from that source including the emergency sprinkler system.

Mr. Gustafson asked what were the City's requirements for a conceptual development plan. Mr. Soto replied that it should include elevations of various proposed buildings showing general style and materials; basic engineering information regarding stormwater, sewers and water access; and a basic landscaping plan. It should communicate the "big picture" of the project.

Chairperson Norbury asked if staff knew of any earlier applications that granted a rezoning without a full plan in place. Mr. Soto did not recall any; and remarked that rezoning applications typically included the information he had just cited. New Longview had been rezoned in 1999-2000; and the conceptual plan had included street layout and basic information about utilities and architecture. However, more recently the Bayberry shopping center had CP2 zoning on the north half of the property and CP-1 on the south half. This had been corrected without a conceptual plan, as the center was already built out.

Mr. Harlan remarked that whatever he might plan for this piece of land, with the details Mr. Soto had mentioned, might not fit the entire property in terms of planning. The request had been to develop just the three acres but the long-range plan was to develop the rest of the lot.

Chairperson Norbury asked if there were further questions for the applicant or staff. Hearing none, he closed the public hearing at 5:47 p.m. and asked for discussion among the Commission members.

Ms. Arth emphasized that it was difficult to evaluate a conceptual plan that did not make it clear what the applicant wanted to do. She understood that it was difficult to put that together for just part of the property; however, part of the Commission's function was to evaluate how the concepts lined up with what the City wanted to do. Their job was to vet proposals before they went to the Council; and just the outline of an office building and parking lot did not provide much to go on.

Chairperson Norbury suggested to the applicant that he develop a plan for the entire plot, and make that part of a future application along with the proposed rezoning. Both would be portions

of the same process; and that could considerably simplify the rezoning. This was something the Commission regularly did.

Ms. Roberts remarked that if the Council and City denied the application again, it was because they did not have enough information. If Mr. Harlan had plans to develop it and provided the information it was likely that the rezoning would happen.

Hearing no further discussion, Chairperson Norbury called for a motion.

Mr. Funk made a motion to recommend denial of continued Application PL2017-203, Rezoning from AG to CP-2 and Preliminary Development Plan: approximately 4.3 acres abutting the property at 1850 NE US 40 Highway; IAC Life, applicant; subject to staff's letter of December 8, 2017. Mr. Sims seconded.

Chairperson Norbury asked if there was any discussion of the motion. Hearing none, he called for a vote.

On the motion of Mr. Funk, seconded by Mr. Sims, the Planning Commission members voted unanimously by voice vote to recommend **DENIAL** of continued Application PL2017-203, Rezoning from AG to CP-2 and Preliminary Development Plan: approximately 4.3 acres abutting the property at 1850 NE US 40 Highway; IAC Life, applicant; subject to staff's letter of December 8, 2017.

(The foregoing is a digest of the secretary's notes of the public hearing. The transcript may be obtained.)

5. Continued Application #PL2017-217 -- VACATION OF RIGHT-OF-WAY -- a portion of NE Todd George Road located approximately 90 feet north of the intersection of NE Wall Street and NE County Park Road; Darla Anderson, applicant

Chairperson Norbury opened the hearing at 5:52 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Mr. Roger Bachus, of Boundary and Construction Survey, stated that he was the surveyor and was present representing Ms. Darla Anderson. This had begun as a minor plat, as she wanted to rebuild her house. She had been told that she needed a minor plat; since the original plat was done during the 1920s and the property had been unplatted for a long time. During this process they had discovered that this older plat had included a right-of-way that went to the east end. That included the front part of the property. After consulting with City staff, he was unable to find any evidence that the right-of-way had been vacated. There were no utilities in it.

Following Mr. Bachus' presentation, Chairperson Norbury asked for staff comments.

Mr. Soto entered Exhibit (A), list of exhibits 1-12 into the record. He confirmed that this application was essentially a housekeeping problem. He displayed an aerial map with the property highlighted in yellow. The right-of-way was about 25 feet wide and 200 feet long. When George's Addition was platted in 1937, it was in an unincorporated part of Jackson County; and was annexed in 1964. In the interim the existing home had been built, in 1953.

The initial plat showed it extending to the present-day lake, though it was not clear what the intent was. He pointed out the boundaries of the property itself, which abutted the shore of the lake. It would have to be vacated before the City could approve the minor plat and Ms. Anderson could proceed with the project.

Chairperson Norbury asked if there was anyone present wishing to give testimony, either in support for or opposition to the application. As there were none, he then asked if the Commission had questions for the applicant or staff.

Mr. Gustafson noted another section of the right-of-way that went through other nearby properties, and asked if the entire stretch would be vacated. Mr. Bachus stated that while the map showed the rest of the right-of-way, there was no road. The rest of the right-of-way was not on the applicant's property, so it was not part of the application.

Chairperson Norbury asked if there were further questions for the applicant or staff. Hearing none, he closed the public hearing at 5:02 p.m. and asked for discussion among the Commission members, or for a motion.

Mr. Funk made a motion to recommend approval of continued Application PL2017-217, Vacation Of Right-Of-Way: a portion of NE Todd George Road located approximately 90 feet north of the intersection of NE Wall Street and NE County Park Road; Darla Anderson, applicant; subject to staff's letter of December 8, 2017. Ms. Roberts seconded.

Chairperson Norbury asked if there was any discussion of the motion. Hearing none, he called for a vote.

On the motion of Mr. Funk, seconded by Ms. Roberts, the Planning Commission members voted unanimously by voice vote to recommend **APPROVAL** of continued Application PL2017-217, Vacation Of Right-Of-Way: a portion of NE Todd George Road located approximately 90 feet north of the intersection of NE Wall Street and NE County Park Road; Darla Anderson, applicant; subject to staff's letter of December 8, 2017.

(The foregoing is a digest of the secretary's notes of the public hearing. The transcript may be obtained.)

ROUNDTABLE

Mr. Funk announced that Ms. Brennan, who was present, had been awarded the Development Services Employee of the Year this week.

Mr. Soto reminded the Commission that the next Planning Commission meeting would be January 9, 2018.

ADJOURNMENT

There being no further business, Chairperson Norbury adjourned the meeting at 6:03 p.m.

PC 121217