

LEE'S SUMMIT PLANNING COMMISSION

Minutes of Tuesday, May 10, 2016

The Tuesday, May 10, 2016, 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. Nate Larson	Present
Mr. Fred Delibero	Present	Mr. Beto Lopez	Present
Mr. Donnie Funk	Present	Ms. Colene Roberts	Present
Mr. Fred DeMoro	Present	Mr. Brandon Rader	Present
Mr. Frank White III	Absent		

Also present were Robert McKay, Director, Planning and Planning and Codes Administration; Chris Hughey, Project Manager, Development Center; Jennifer Thompson, Staff Planner; Hector Soto, Planning Division Manager; Christina Stanton, Senior Staff Planner; Jackie McCormick Heanue, Chief Counsel of Mgmt & Ops; Kent Monter, Development Engineering Manager; and Kim Brennan, Administrative Assistant.

1. APPROVAL OF CONSENT AGENDA

A. Minutes of the April 26, 2016, Planning Commission meeting

On the motion of Mr. DeMoro, seconded by Mr. Delibero, the Planning Commission voted unanimously by voice vote to **APPROVE** the Consent Agenda, Item 1A as published.

APPROVAL OF AGENDA:

Chairperson Norbury announced that there were no changes to the agenda, and asked for a motion to approve. On the motion of Mr. DeMoro, seconded by Mr. Delibero, the Planning Commission voted unanimously by voice vote to **APPROVE** the agenda as published.

2. CONTINUED Application #PL2016-045 – VACATION OF RIGHT-OF-WAY – a section of SW Flintrock Dr south of SW Napa Valley Dr, located within the Napa Valley subdivision; Toscano Investments, LLC, applicant (*continued to a date certain of May 24, 2016, to allow for proper notification*)

Chairperson Norbury opened the hearing at 5:04 p.m. and stated that Application PL2016-045 was being continued to a date certain of May 24, 2016, to allow for proper notification. He asked for a motion to continue.

Ms. Roberts made a motion to continue Application PL2016-045, Vacation Of Right-Of-Way: a section of SW Flintrock Dr south of SW Napa Valley Dr, located within the Napa Valley

subdivision; Toscano Investments, LLC, applicant, to a date certain of May 24, 2016. Mr. DeMoro 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. DeMoro, the Planning Commission members voted unanimously by voice vote to **CONTINUE** Application PL2016-045, Vacation Of Right-Of-Way: a section of SW Flintrock Dr south of SW Napa Valley Dr, located within the Napa Valley subdivision; Toscano Investments, LLC, applicant, to a date certain of May 24, 2016.

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

<p>3. Application #PL2016-053 – PRELIMINARY DEVELOPMENT PLAN – telecommunication tower, 244 NW Executive Way; Selective Site Consultants, Inc, applicant</p>

Chairperson Norbury opened the hearing at 5:05 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Mr. Justin Anderson, of Selective Site Consultants stated that he was appearing on behalf of T-Mobile. He gave his address as 9900 W. 109th Street in Overland Park. His testimony for this application would also apply to tonight's Special Use Permit application. They were proposing a 90-foot monopole cell tower, on a site that would increase T-Mobile's capacity and coverage in Lee's Summit. They had looked at other possible sites within a two mile radius; but had not found any that met the setback requirements, with some properties having space restrictions and one being in a flood zone. The 90-foot tower would have a total 95 feet with a lightning rod, and the pad for the transformer would be 10x14 feet. The 50x50-foot space would be surrounded by an 8-foot brown vinyl fence. It would have a 214-foot access drive, heading north off NW Executive Way; and this drive would become part of any future development.

The tower would accommodate no less than two additional carriers. It would not make any noise or generate any new traffic; nor would it be lit. Last week he had arranged a neighborhood meeting at the Lutheran Church on Blue Parkway; but no one had attended. He had received a call today from Ms. Donna Cross, who had said she had no problems with the tower. The nearest T-Mobile towers in the area were off US 50, I-470, and M-291 at 3rd Street. Those were the other sites in Lee's Summit suitable for a tower, and the proposed tower would open up additional lanes of traffic for the tower's other carriers as well as T-Mobile. Mr. Anderson added that this traffic was steadily increasing along with increased use of social media and videos; and increased capacity would be an asset to emergency services as well.

Mr. Anderson concluded that he could answer any questions the Commissioners might have, although this application did not have many interesting or important design details.

Chairperson Norbury noted that staff's report included four Recommendation Items, and asked Mr. Anderson if the applicants agreed with these. Mr. Anderson replied that they did.

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

Ms. Thompson entered Exhibit (A), list of exhibits 1-24 into the record. She stated that this application was for the same project as tonight's Special Use Permit application. The general concept plan submitted as part of this application was intended to show how the remainder of the lot could develop for office use. However, tonight's application was for the tower only. A separate PDP would be required at whatever time a building was proposed on the property. Ms. Thompson stated that staff recommended approval of the application subject four recommendations. Recommendation Item 1 confirmed that approval of this application would be for the tower only, and a second PDP application would have to be submitted for any further development of the property. Item 2 required an access easement, which had to be recorded with Jackson County before issuing a building permit. Item 3 tied approval of the PDP to approval of the Special Use Permit. Item 4 was a standard reference to development being in accordance with the preliminary development plan.

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. Lowell Heiman gave his address as 408 NW Village Drive. He pointed out the location on the map, noting that his back yard faced some buildings, with the subject property in between. There was a direct view of his bedroom window from one of the buildings. One of the City Council members lived down the street, and Mr. Heiman had gotten some information from him. He had talked with neighbors and they had questions. They would have come to the meeting at the church but none of the neighbors had known about it. Mr. Lowell offered to give the applicant and Commission the names of some of the neighbors. They had questions about the proposed lighting and wanted to know if any cameras would be added to the antenna.

Mr. Heiman had other concerns. He did not think that 50x50 was a small building, and the lot had been zoned Planned Office. The buildings on the site were supposed to be one-story brick, with tile roofs; and the building next door that the plan referred to was two stories. It would also have a full view of his home. Mr. Heiman felt that the tower would dominate the skyline, and not only the neighbors but everyone who drove down O'Brien would see it every day. He would see it every time he looked out his window. He also pointed out that the property did not have office buildings on all four sides; a single family residence was adjacent to the north and the tower would be visible to anyone living in Village Drive and O'Brien. In general, he and other neighbors felt a ten-story tower did not fit the neighborhood.

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

Chairperson Norbury asked Mr. Anderson if it was correct that the tower would not be lit; and asked him to address Mr. Heiman's question about cameras. Mr. Anderson stated that the only lighting on the site, other than a small work light for nighttime emergencies. The fence would block this light from public view. The 50x50 area did not include any building; it was just a lease area and the T-Mobile equipment covered an area of 10x14. This included some equipment cabinets but no building. No cameras were planned for either the site or the tower itself. The zoning district was PO, Planned Office; and in this zoning district towers were allowed via a Special Use Permit. He repeated that T-Mobile was already on existing towers within two miles. At this point, networks needed to be intensified, as it was no longer just coverage for people driving nearby. If this site did not work efficiently, the surrounding sites he had mentioned would not either.

Mr. Anderson displayed some photos of the area, looking west from O'Brien, showing the tower, the two-story building just north of the site and the line of mature trees between them. There was a lot of natural screening in the general area. The next photo showed a full view seen while driving towards O'Brien on NW Executive Way. No other views showed the ground equipment and a full view. Even the top of the tower was not visible from Blue Parkway. He added that the common pattern was for people to spend most of their at-home time in the house or in the back yard. While this was not a justification for people being able to see the tower, locations for towers did have to be chosen on the basis of providing enough coverage while being as unintrusive as possible. This was the location they had found to be the least intrusive.

Referring to Mr. Heiman's concern about the scale of office development, Chairperson Norbury acknowledged that any development would have to have a separate development plan and asked the applicant or staff could address this. Mr. Anderson replied that the building and parking supplied in the PDP was a function of the application. It was made clear in the pre-application meetings with staff that the developer had no current plans for a building on the property. However, they wanted to show on the plan that the tower would not impede any further development.

Ms. Roberts asked Mr. Hughey if this parcel was part of the LCRA urban renewal area, and Mr. Hughey believed that it was. Ms. Roberts remarked that this area had been established in an effort to encourage development of some underused parcels; and tax abatements were offered for such development. She did not think this project would be eligible. Mr. Hughey replied that it would not, as it was a greenfield parcel. Mr. Anderson confirmed that the applicants were not seeking any tax abatement. Ms. Roberts then noted that this would change the remainder of the property. Mr. Hughey answered that the PDP was intended to show development potential; however, LCRA incentives were more intended to mitigate costs of redevelopment. This was not a redevelopment project.

Ms. Roberts remarked that sites with poor access, oddly shaped parcels or poor infrastructure were exceptions in greenfield parcels. The City was trying to encourage infill. Mr. Hughey stated that one of the purposes of the site plan was to show that this site still had that potential, beyond the tower. It would limit the size of a building to a degree, but much would also depend on what the developer wanted to put on the property.

Mr. Delibero asked Mr. Anderson if it was correct that he represented T-Mobile and that the company was leasing part of the property. Mr. Anderson replied that this was correct. They were leasing a 50x50 foot area. The use of that area was exclusive but the access was not. If or when the property was developed, the access road would become a part of the development. He confirmed that the transformer he had mentioned would be within that 50x50 foot enclosure.

Mr. Delibero then noted that the drawings showed several more locations within that enclosure, and asked if T-Mobile or the property owner would be leasing these. He added that the photos showed T-Mobile's antenna at the top but the drawings showed rows of antennas down the pool. He asked for a summary of what was the future of this site. Mr. Anderson answered that as a city Lee's Summit required multiple carriers on existing sites. As a wireless carrier, T-Mobile did not want to spend money and time building sites. T-Mobile would be the "host" at this particular site, anticipating that in the near future entities like Verizon or Sprint would want to co-locate on that tower. When that happened, all the other carriers' equipment would also be

within the 50x50 foot enclosure. Co-Location was the best approach to avoiding having more and more cell towers, so that was part of T-Mobile's intent.

Mr. Delibero asked what made this site better than other possible sites, naming the industrial neighborhood south of US 50 as an example. Mr. Anderson explained that they did already have a site off I-470 and another off 3rd Street. These sites had to be close enough together to "talk" with each other but far enough away to avoid overlap. The search ring had been small, about a half mile. Of the two other sites they had looked at, one was in a flood plain and the other had problems with size and communication with the owner. The subject property met all the requirements they had.

Chairperson Norbury asked if there were further questions for the applicant or staff. Hearing none, he closed the public hearing at 5:35 p.m. and asked for discussion among the Commission members.

Ms. Roberts had concerns with how compatible this was with surrounding uses. The City had identified this area as one needing new Anderson's infill development; and this would make the area less attractive to developers, not more; and there was in fact a greenfield space across the street.

Mr. Delibero said he understood the need for telecommunication services but agreed with Ms. Roberts' concerns. He had not heard any information about how this kind of development might be done in a flood plain, and felt uncomfortable with this choice of location.

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

Mr. DeMoro made a motion to recommend approval of Application PL2016-053, Preliminary Development Plan: telecommunication tower, 244 NW Executive Way; Selective Site Consultants, Inc, applicant; subject to staff's letter of May 6, 2016, specifically Recommendation Items 1 through 4. 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 Mr. DeMoro, seconded by Mr. Lopez, the Planning Commission members voted by roll call vote of five "yes" (Chairperson Norbury, Mr. DeMoro, Mr. Lopez, Mr. Larson and Mr. Rader) and three "no" (Ms. Roberts, Mr. Funk and Mr. Delibero) to recommend **APPROVAL** of Application PL2016-053, Preliminary Development Plan: telecommunication tower, 244 NW Executive Way; Selective Site Consultants, Inc, applicant; subject to staff's letter of May 6, 2016, specifically Recommendation Items 1 through 4.

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

4. Application #PL2016-054 – SPECIAL USE PERMIT for a telecommunication tower – 244 NW Executive Way; Selective Site Consultants, Inc, applicant

Chairperson Norbury opened the hearing at 5:40 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Mr. Justin Anderson related that this was the same 90-foot monopole site, intended to bolster T-Mobile's capacity to meet the area's existing needs. These were based on the trouble tickets their RF engineers received online, as well as complaints at retail stores or via phone call. Regarding this being a desired urban development area, he believed most businesses and homeowners as well as travelers and telecommuters were looking for more dynamic mobile service and wanted both reliability and speed. Providers had to add more antennas and these had remote radio units. They were tower mounted and ran off fiber. Every site was state of the art for a 4G connection, about as fast as a home network. A new "Internet of things" technology would off fiber and would notify users about things like their car needing an oil change or a washing machine had finished its cycle. In short, a tower in an area earmarked for infill development was not a detriment, but rather something a lot of younger people were looking for, especially if they were buying homes or renting office space. He added this was a highly regulated industry and they intended to provide safe, stable and reliable service.

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

Ms. Thompson entered Exhibit (A), list of exhibits 1-24 into the record. She handed out copies of a revised letter that revised Recommendation Item 1. Staff wanted to clarify that the tower was located approximately 95 feet to the nearest residential use, not 260 feet as stated in staff's May 6th report. Ms. Thompson explained that there had been some confusion over whether this dwelling, at 703 NW O'Brien, had a residential or commercial use; and staff had since determined that it was residential. It had appeared to be a commercial use and the residents had a business license; but it was zoned residential.

The applicants had two modification requests. One was for the 95-foot tower separation distance (Recommendation Item 1). The UDO required 260 feet between this use and residential uses and the proposed separation was 95 feet. The other requested modification (Recommendation Item 2) was to allow an unpainted galvanized pole rather than a painted one, as the latter often developed maintenance issues. Staff recommended approval of both requests. They had consistently done this with other pole towers. Staff had not recommended a time period for the SUP. In 2014, the Missouri legislature had passed a state law, revised statute 67.5094.1, pertaining to cell towers called the "Prohibited Acts By Authority", stating that municipalities could not limit the term for cell towers. Staff recommended approval subject to their revised report dated May 10, 2016.

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. Lowell Heiman gave his address as 408 NW Village Drive. He stated that the views Mr. Anderson had displayed were Photo shopped and did not show the true picture of what the tower would look like on a high point in the neighborhood. It would be much more visible over a much bigger area, especially in winter when the trees were bare. He did not think it fit in with the beautification plans for US 50, and still was not sure why this particular site was so desirable. He noted that some of the Commissioners had brought up similar concerns.

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

Mr. DeMoro asked Ms. Thompson if the residence she had mentioned had people living there or if it was just zoned R-1. Ms. Thompson answered that staff were not altogether sure if anyone was living there full time; however, they did know that the occupants had an in-home occupation business license. They were apparently involved in landscaping or site design and had some equipment on site.

Referring to the state statute prohibiting the City from specifying a term for the SUP Chairperson Norbury asked Ms. Thompson if it was likely the Commission would have approved the SUP absent this legal prohibition. Ms. Thompson answered that they would have, and probably for 10 to 15 years. It met the UDO requirements for on site setback, and that setback to the property line was the height of the tower. Chairperson Norbury then mentioned the UDO's mandated one-mile separation between towers, and Mr. Soto confirmed that the 3rd Street tower was two-thirds of a mile away. Chairperson Norbury then asked for some clarification about what the State statute would allow the City to do.

Ms. Jackie Heanue stated that municipalities could no longer evaluate applications based on the availability of other potential locations, including co-location ability where other towers were or the historical value of a property. The City was very limited in its ability to put restrictions on its approval.

Mr. Delibero asked Ms. Heanue if it was correct that the UDO was now not consistent with the State statute passed in 2014. Ms. Heanue confirmed that the UDO was not up to date with this law; however, staff was in the process of updating. Mr. Delibero asked if the City would be permitted to limit the distance between the tower and a residence, and Ms. Heanue believed it would not be. Mr. Delibero remarked that it appeared that in view of what the State had decided there was no need to be having this hearing at all and a company could put a tower wherever they wanted. Ms. Heanue answered that she would not go that far. She did not believe it was permissible any more to restrict distances between cell towers. Mr. Delibero said he had not asked about the distance between towers but rather that between a tower and a residence. In this case, the mandate was to give the applicant 95 feet from the 90-foot tower to a residence in lieu of 380 feet.

Ms. Thompson explained that there were two different places in the UDO with a restriction. One was for actual tower height as the separation from the tower to the property line, and this tower met that standard. The other part read that

the telecommunications tower shall be located at a distance of four times the tower height from any existing single-family or two-family dwelling that is not on the same lot with the tower, any property zoned for single-family residential use and any property where the future use indicated by the Comprehensive Plan as low-density residential use; and this requirement may be waived if it is found to effectively prevent the provision of wireless telecommunication services within the City.

Ms. Thompson was not sure where this part had come from, but staff believed it was left over from the earlier zoning ordinance. Four times the tower height was a considerable distance, and they had planned to remove it from the UDO.

Mr. Delibero remarked that he thought 380 feet was reasonable, and some homeowners might agree. However, the wording of this part indicated that it could be waived.

Reading from the information provided, Chairperson Norbury read other restrictions. The City could not specify presentation or appearance, type of materials or how landscaping was arranged if the requirements were "unreasonable." He summarized that if a cell phone company could find a willing landowner the City was stuck allowing a tower where ever in town that was. Ms. Heanue said that this was a roughly fair assessment. The intent was to facilitate wireless facility deployment and streamline the process for those communications to enter the marketplace and in doing so they had broadened the ability of the telecommunications towers to come in and limited the ability of the municipalities to restrict and regulate a lot of different things.

Chairperson Norbury asked how the City was expected to make sure a cell tower was still active and complying with the few remaining standards the City could impose. Ms. Thompson related that staff tracked all SUPs, and the UDO allowed for requesting an inspection report every three years; and the City might pass an ordinance requiring such a report at that interval, at least covering safety aspects.

Chairperson Norbury asked if there was any other kind of business using SUPs for which the City was required to grant an unlimited term. Mr. Soto said he could not think of any. Chairperson Norbury remarked that the City gave car dealerships 30 years and these businesses provided jobs; but cell phone towers, which did not, could have Special Use Permits with infinite terms. He asked what was the consequence if the City did impose a ten-year limit. This application would go to the City Council and they had the option to make an amendment. Ms. Thompson responded that this was unknown at present, as there had not yet been an actual challenge to the law.

Concerning the modification in Recommendation Item 2 to allow for an unpainted galvanized pole, Mr. DeMoro asked if the City had guidelines. Ms. Thompson answered the UDO required the tower to be painted a neutral color; however this was essentially a maintenance issue. Paint would chip or peel and a galvanized pole did not look bad. This was what staff had done with other similar applications. Mr. DeMoro then explained that steel would rust, and there were different stages of galvanization, so the City needed to have a standard. Mr. Anderson said that the site at 3rd Street had been there since 2010 and had no rust. The galvanized steel they used did not rust. He added that they had a 25-year lease with the property owner and the lease had its own abandonment language. When the lease expired or if it was broken, they would have to restore the property to its previous state; and this had been their practice since 1996. Moreover, any additional carrier would have to get a building permit and submit a structural analysis. Structural modifications to towers were as costly as putting up a new one; and that would typically happen with someone who took the easy way out at the beginning.

Mr. DeMoro clarified that his concern in this particular case was that many towers were in locations where if they fell they would just hit the ground; however, this one would be in a residential area. Mr. Anderson explained that at this point they did not have a structural analysis or zoning approval. They would submit the shop drawings for the tower when they applied for the building permit. These towers were designed to collapse at about two-thirds of their height rather than topple over, should they fall. In this case, that would be about 60 feet which would be just outside the lease area.

Mr. Anderson displayed an aerial photograph with a red circle indicating the 2-mile area for a new tower. All the property owners with parcels that could have the required 4-1 separation had

turned them down. One was in a flood plain, and that could not be used because the equipment would have to be elevated as much as 20 feet. Another owner had not responded. Parks and parking lots were also included.

Mr. Funk asked who in the City had made the determination that a tower was needed. Ms. Thompson was unsure what this referred to, unless it was the portion of the UDO she had read from that said "this requirement may be waived if it is found to effectively prevent the provision of wireless telecommunication services within the City". Mr. Funk remarked that it was not necessary to the city that the tower be there.

Mr. Heiman clarified that the house next to the tower site was occupied. It had been left out of the zoning because at the time the occupant had been a long-time resident.

Chairperson Norbury asked if there were further questions for the applicant or staff. Hearing none, he closed the public hearing at 6:10 p.m. and asked for discussion among the Commission members.

Ms. Roberts said she had no issue with a need for technology. Gas stations were also necessary, however, and she did not think that would be an appropriate use for the property either. She just did not think it was compatible with surrounding uses.

Chairperson Norbury pointed out that nevertheless, cell phone technology was not a public utility. As such, it was not regulated to the same extent, nor did it get the property tax incentives and breaks. They had been subject to much more conformity to local practice. It was unfortunate that this service that was in such high demand was delivered in such an unsightly way. It was likely that the City would see many such locations in the future, although it was not clear whether the City would be allowed to express any opinion. As the Chair he could not make a motion but anyone who did could decide for themselves whether to add a recommendation for a ten-year term.

Hearing no further discussion, Chairperson Norbury called for a motion. There was no motion, and Chairperson Norbury asked if the Commission was required to give a recommendation. Ms. Heanue answered that the Commission could refer the application to the Council with no recommendation.

Mr. DeMoro made a motion to refer Application PL2016-054, Special Use Permit for a telecommunication tower: 244 NW Executive Way; Selective Site Consultants, Inc, applicant, to the City Council with no recommendation. 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. DeMoro, seconded by Mr. Rader, the Planning Commission members voted by roll call vote of six "yes" (Mr. Lopez, Mr. Rader, Ms. Roberts, Mr. Delibero, Mr. Funk, Mr. DeMoro and Mr. Larson) and two "no" (Chairperson Norbury, Mr. Delibero) to refer Application PL2016-054, Special Use Permit for a telecommunication tower: 244 NW Executive Way; Selective Site Consultants, Inc, applicant, to the City Council with no recommendation.

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

5. Application #PL2016-066 – REZONING from CP-2 and PI to CS – 700-708 SE Oldham Ct; City of Lee's Summit, applicant

Chairperson Norbury opened the hearing at 6:15 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

M. Stanton entered Exhibit (A), list of exhibits 1-13 into the record. She stated that this was about 7.5 acres, and much of the surrounding property was CP-2, with other pieces nearby that were PI. This rezoning would make the subject property a buffer and better for redevelopment. Staff recommended approval, with no conditions.

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

Mr. Delibero asked if the property had a tenant or buyer, or if the rezoning was just for future use. Ms. Heanue answered that it was part of a parcel that the City had formerly owned. It had sold a portion to an investor.

Mr. McKay added that the investor had bought everything except for the Skateland area. Staff wanted to place a zoning designation on this property that fit best, and that was CS (Planned Commercial Services). It was not industrial property as it was not very close to US 50. Chairperson Norbury asked what kinds of uses this would have, and Mr. McKay answered that it was similar to CP-2, though the uses were not strictly retail. They might rather be an interior retail supplier or retail/wholesale combination.

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

Mr. Delibero asked if this would change anything for the owner in terms of tax status. Mr. McKay said that it would not, as the current use conformed to the new zoning district.

Chairperson Norbury asked if there were further questions for the applicant or staff. Hearing none, he closed the public hearing at 6:22 p.m. and asked for discussion among the Commission members, or for a motion.

Mr. Delibero made a motion to recommend approval of Application PL2016-066, Rezoning from CP-2 and PI to CS: 700-708 SE Oldham Ct; City of Lee's Summit, applicant; subject to staff's letter of May 6, 2016. Mr. DeMoro seconded.

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

On the motion of Mr. Delibero, seconded by Mr. DeMoro, the Planning Commission members voted unanimously by voice vote to recommend **APPROVAL** of Application PL2016-066, Rezoning from CP-2 and PI to CS: 700-708 SE Oldham Ct; City of Lee's Summit, applicant; subject to staff's letter of May 6, 2016.

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PUBLIC COMMENTS

There were no public comments at the meeting.

ROUNDTABLE

Mr. Delibero asked staff to look at the 2014 changes and recommend adjustments to the UDO. Chairperson Norbury commented that was already in process.

ADJOURNMENT

There being no further business, Chairperson Norbury adjourned the meeting at 6:24 p.m.

PC 051016