

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

Thursday, January 24, 2019

5:00 PM

City Council Chambers

City Hall

220 SE Green Street

Lee's Summit, MO 64063

Call to Order

Roll Call

Present: 8 - Board Member Carla Dial
Board Member Jason Norbury
Board Member Dana Arth
Board Member Don Gustafson
Board Member Donnie Funk
Board Member Jeff Sims
Board Member Jake Loveless
Board Member John Lovell

Absent: 1 - Board Member Herman Watson

Approval of Agenda

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

Public Comments

There were no public comments presented at the meeting.

1 Approval of Consent Agenda

A [2019-2538](#) Minutes of the January 10, 2019, Planning Commission meeting

A motion was made by Board Member Funk, seconded by Board Member Dial, that the minutes be approved. The motion carried unanimously.

Public Hearings

2 [2018-2324](#) Public Hearing - Appl. #PL2018-079 - REZONING from AG to RP-4 and PRELIMINARY DEVELOPMENT PLAN - Artisan Point Apartments, approximately 17.28 acres generally located at the northeast corner of SE Blackwell Rd and SE Blue Pkwy; Case Development, LLC, applicant.

Mr. Scott Case of Case and Associates Properties, gave his address as 4200

E. Skelly Drive in Tulsa, Oklahoma. It had been founded in 1983 by Mike Case, and they had built over 50 developments in 11 different cities. They tried to work with and collaborate with neighbors and communities. He noted that in the original presentation to the Planning Commission the applicants had planned over 600 apartment units. After meeting with staff, they had revised this to 282 units. The proposed Artisan Point Apartments would be two or three story frame buildings with half one-bedroom and half two-bedroom apartments. It was a 'market rent' development, with rents starting at \$1,000 up to \$1,400 for a loft apartment with attached garage. There would be no Section 8 or government assistance involved. Prospective residents were subject to a credit check, criminal background check, employment and income verification and rental history.

Mr. Case listed the amenities: stainless steel appliances, ceramic tile entryways, kitchens and bathrooms, large walk-in closets and ceiling fans. Upstairs units would have vaulted 9-foot ceilings. Kitchens would now include subway tile. Outside amenities to create a sense of community would include a business center, fitness center, clubhouse and outdoor park type amenities such as a dog park, picnic areas, barbecue grills and fireplaces in social areas and a swimming pool with cabana. Mr. Case also displayed photographs of a similar development they had done in Broken Arrow, Oklahoma, showing a pool with nearby three-story apartments, fitness center, an outdoor social area with picnic table, and one of the one- and two-bedroom loft style apartment buildings with six ground level garages. Interiors included LED fireplaces, which had proved popular in other markets. A photo of a kitchen showed the planned mixture of white and dark stained cabinets.

Mr. Case noted that possible school overcrowding was a common concern. HUD had conducted a American Housing Survey, which had revealed that every 100 units of new multi-family housing had an average of only 21 school age children living there. For the Broken Arrow development the average had been 16; and if Artisan Point was consistent with that, it would have about 45 school age children.

Regarding traffic, staff had recommended widening Blue Parkway from the existing roundabout to the property line. Another roundabout would be added as well as a collector street, sidewalks and sewer upgrades that would cost about \$1 million. The development was expected to create about 10 jobs on-site but would also create business for local vendors who provided services and repairs. The improved infrastructure would also benefit the city and nearby properties.

Mr. Case noted that the applicants' interest in Lee's Summit was in response to report released in June of 2017 about the city's need for multi-family housing. The city could support an additional 2,500 luxury apartments. Of renters living in apartments, 30 percent were new to Lee's Summit with the other 70 percent being older adults who were either downsizing or moving up from other apartment housing.

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

Mr. McGuire entered Exhibit (A), list of exhibits 1-21 into the record. He gave a correction to a typo in staff's memo. In the Project Information table the number of original dwelling units should be "584", not "548." He then gave an overview of the project and application so far. On October 25, 2018, the Planning Commission held a public hearing for their preliminary development plan and rezoning application. It was placed on "hold", pending a Comprehensive Plan update. Two open houses were held during that process in November and December, as well as a charrette, with a total of 56 citizens and neighbors participating. The Planning Commission held a public hearing for the Comprehensive Plan amendment earlier this month on January 10; and the Commission assigned land use designations for areas that did not yet have that. Mr. McGuire pointed out the land for this particular project on the displayed map, noting that the assigned land use was medium density residential to the north and medium-high density residential to the south.

Mr. McGuire then displayed both the previous and current site plans, noting that the current plan included complete removal of the second phase. This reduced the number of units from 584 to 282. The change also eliminated the need for a modification to the landscaping requirements. In other changes land use dropped from 35 to 16.7 acres; total square footage from 624,000 to 308,000 square feet; the total number of buildings from 51 to 26 and density had shown a slight decrease from 17 units per acre to an average 16.72. Staff recommended approval subject to two Recommendation Items. A modification would be granted for the density of 16.72 per acre, with the maximum in RP-4 being 12. The development would be "*subject to the recommended road improvements outlined in the Transportation Impact Analysis prepared by Michael Park, dated January 17, 2019*".

Chairperson Norbury then related that he had engaged in a heated exchange with some audience members following a public hearing at the October 25, 2018 meeting. He apologized for the setting of a public hearing and for not listening closely enough to what was said.

Chairperson Norbury asked if there was anyone present wishing to give testimony, either in support for or opposition to the application.

Ms. Marlene Haley gave her address as 2912 SE Bingham Court in Lee's Summit. She had planned to share testimony with three other people who lived in Overland Park and had not arrived yet. Based on Case and Associates track record in other communities, she did not think this was the type of developer Lee's Summit would want. What they were claiming were luxury apartments were not; and in fact some negative online reviews from tenants in other communities referred to the developments as slums. She had copies of reviews available. Their spokespeople had made the same promises and presentations in other communities. Ms. Haley read that "*since the citizens' meeting last fall, it appears there has been a rather concerted effort and attempt on Case's part to superficially improve their online presence . . . the stigma of their poor performance remains at the heart of the matter.*" She emphasized that this was an out-of-state developer that would be bringing in only ten jobs,

although they had promised at the citizens' meeting to not use out-of-state contractors.

Ms. Haley then related that before the citizens' meeting last fall, Case did not have many Google reviews, but they now had 174; 128 of which were posted after the meeting, most of them positive. Of these, 73 were posted by people who seemed to have left no reviews elsewhere. Of the other positive reviews, 15 posters had only two reviews and 10 posters had only three. This all raised serious concerns about how authentic these positive reviews were and whether Case expanding into Lee's Summit would be good for the community. Ms. Haley added that there was no shortage of negative reviews, which had been consistent over the past few years and whose sources were more verifiable. She offered to provide copies to the Commission.

Regarding the Better Business Bureau rating, Ms. Haley stated that before the first citizens' meeting the company had only a C+ rating, and the BBB had 16 complaints. Then the company became A+ accredited, on December 27, 2018. Ms. Haley stated that her office paid \$350 per year for accreditation and claimed that this was how Case had obtained it. She cited several examples of negative reviews including OSHA and other safety violations. Chairperson Norbury accepted the copies of the reviews as part of the record.

Mr. Jonathan Smith 6307 SE Trell Avenue in Lee's Summit. He asserted that there would be a significant cost for a sewage pump and other infrastructure for utilities, which would be brought across US 50 Highway. He knew a long-term plan existed for extending more services and retail development on the other side of the highway, and that could be an attraction for the apartment tenants. However, a major infrastructure expense up front could delay that; so Mr. Smith wanted to get a general idea of the investment and the timeline.

Mr. Paul Grahovac gave his address as 13624 S. Sycamore Street in Olathe, Kansas. He stated that he was a construction attorney and was writing an article on "NIMBY" ("not in my back yard") and was attending planning commission meetings across the Kansas City area. He read an excerpt from an article about Case published in Oklahoma:

" 'He's like the god of apartments in Tulsa,' said First Commercial real estate service executive vice president Nonie Richardson. Gravon Ellis' senior associate Gary Christman pinned that success on Case's honesty, framed by hands-on experience in all facets of commercial property operations. 'He's probably one of the best there is as, as far as the entire spectrum of management, from the training of on-site people to just services for the tenant', [said] Mike Buel, founder of Multifamily Brokerage commercial realtors. 'When you manage properties effectively, it really enables you to grow your business.' "

Mr. Jeff Branchurst gave his address as 257 SE Quail in Lee's Summit. He noted that the Comprehensive Plan essentially split this property between medium and high densities, and he hoped that the rezoning was for only the 16.7 acres Mr. McGuire had mentioned. Chairperson Norbury confirmed with

Mr. McGuire that the rezoning did apply only to the reduced acreage.

Mr. Bill Haley gave his address as 2912 SE Bingham Court in Lee's Summit. He stated that he had attended a number of meetings with other Lee's Summit citizens including the citizens meeting and the first Planning Commission hearing last October. No one he had spoken with in Lee's Summit had recommended high density housing, and he noted that while Case and Associates had not been there, they might have some influence in the process since high-density housing was put where they wanted their development. Mr. Haley had contacted the Tulsa police department and asked them if they were familiar with Case and Associates and about their developments. An officer he spoke to said he had been called to Case and Associates apartments where a wide variety of crimes had occurred. The officer he had talked with had remarked that they might intend to create luxury apartments but ended having to take whatever tenants they could get. He lived about 175 from the subject property and this was a concern.

Ms. Karen Miller gave her address as 313 SE Alexandria Drive in Lee's Summit. Her children attended Highland Park Elementary. At the first meeting with the developers, she had heard claims that these would be luxury apartments. The question she had asked, which had not been answered, was how these would be kept up as luxury apartments once they were built. She planned to be living in her house for a number of years and she and her neighbors were basically invested in the community; and she was concerned over the apparent lack of a long-term plan to maintain this project's initial character. The only answer she had received was a promise to re-stripe the parking lots and repaint the outside of the buildings every two years. As any homeowner knew, much wear and tear actually took place inside the dwelling, with fixtures, paint, and appliances and this was not addressed. She wanted to know what was the applicants' long-term commitment and what assurance neighbors could have that the development would not deteriorate after 10 or 15 years of use. Ms. Miller asked the Commission to give some attention to long-term concerns and not just immediate incentives such as sales tax revenue.

Ms. Jean Ornsby gave her address as 3120 SE Third Court in the Mill Creek development. She had over 30 years of experience in real estate sales and stated that people did not want to live next to a large three-story apartment complex. As a neighbor to the subject property, Highland Park Elementary School was a major attraction for buyers and most people who bought homes in the area wanted to stay there long term. She asked the Commission to listen to the neighbors' concerns, noting that though a large number of people were present tonight, there were even more who could not attend for various reasons, and almost all objected to the application. Much of the objection was the density, with no buffer or screening, and the neighbors wanted this step-down type of transition. While the developers might want tenants paying luxury apartment rents, they would be likely to put Section 8 tenants in if that did not happen.

In her years in real estate sales, Ms. Ornsby had not seen large apartment complexes close to \$250,000 to \$600,000 houses. She asked why the

development could not have a fence around it to keep people in a high-density development from coming out into the neighborhood. The negative reviews she had read were about pests, water problems and a lack of maintenance in general. In conclusion she asked the Commissioners to listen to the neighbors' objections and concerns.

Ms. Jennifer Miller gave her address as 205 SE Chelsea Drive in Lee's Summit. Her children attended the Highland Park school and the Haley family lived down the street. She noted that when driving through Lee's Summit she had never seen an apartment complex built next to an elementary school, and asked why that was being proposed with this application.

Mr. Jhatan Lad gave his address as 3204 SE 2nd Street in Lee's Summit. He noted that it looked like the plan had essentially been cut in half since the last hearing. He wanted to know what would be done with the acreage that was taken out, and who owned it. Chairperson Norbury stated that no application had been made to develop this portion, so for now nothing was being done with it. He did not have information about ownership.

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

Ms. Arth asked if the buildings would have elevators, and Mr. Case answered that they would not. Ms. Arth then asked for details about the kitchen counter tops, and Mr. Case replied that they would be Formica FX 180, which was Formica's highest-end product. Ms. Arth asked for some details about a long-term commitment to managing the property. Mr. Case asserted that Case was a 'build and hold' developer. As this was a \$30 million project, so Case would have a significant investment in Lee's Summit and it would be to their benefit to maintain the project as a class A development. The company's normal procedure was to put a 10-year loan, usually with on the property after construction. Regardless of who the lender was, inspectors would go over the site annually.

Ms. Arth then noted that proposed rents had increased since the initial presentation, from \$700-\$800 to \$1,000 to \$1,400. Mr. Case explained that they had just finished a market study, which took a sampling of the comparative market by evaluating rental rates, floor plans and amenities. After more thorough review they had determined that the one-bedroom units were below the comparative survey, even at \$1,000 a month.

Ms. Arth remarked that the packet included pictures or elevations of garages. She remembered seeing a floor plan with the garage attached and on the same level, and asked Mr. Case to show some of these units. He displayed a color elevation of a building with six garages at ground level with one-bedroom and two-bedroom apartments above. The two end garages had stairwells directly leading to the second floor apartments. Three of the larger three-story buildings had four to six garages on the first floor, connecting to a common hallway and breezeway. Mr. Case displayed a color rendering with examples.

Concerning the reference to ten jobs being created, Ms. Arth asked if this would be during the building process. Mr. Case replied four or five of them would be for office staff. The maintenance jobs would include a lead maintenance person, an assistant, groundskeeper, painter and housekeeper.

Mr. Loveless noted the reference to having a class A development and asked how the applicant would define a "class A" luxury apartment. Mr. Case remarked that they had taken the word "luxury" out of the reference; however, the class A designation would include 9-foot ceilings, large floor plans, stainless steel appliances for many communities. Concerning Formica vs. granite counter tops, Mr. Case related that they had recently bought a four-year-old property in Arkansas whose units had a number of granite counter tops that had to be replaced. When corners were chipped, a replacement could be difficult. The maintenance for Formica was much easier to maintain and replace. Mr. Case added that they maintained a 90 percent occupancy rate over a total of about 30,000 units in five states. He added that the LED fireplace was a unique addition.

Mr. Loveless asked what price per square foot they would expect for leasing. Mr. Case answered that the one-bedroom units, starting at \$1,000 a month, would be 789 square feet, for about \$1.22 per square foot. Two-bedroom units with attached garages would rent at \$1,300 for the apartment itself and \$100 for the garage. Mr. Loveless confirmed with Mr. Case that they presently planned 88 garages. Mr. Case remarked that when they originally had the hearing before the Planning Commission they did not account for any garages in phase 2. They had intended to see how well the garages would lease in phase 1. The average was two garages for every 7 residents. Mr. Loveless asked how many of them were tuck-under vs. freestanding, and Mr. Case estimated that it was about half each. One elevation showed a building with two attached garages with four detached garages in the middle.

Mr. Loveless asked about the security advantage of having a closed corridor rather than a breezeway option, commenting that knowing who was going in and out and having access to doors was essential to security. Mr. Case responded that this was just not the company's approach. They had done about 50 developments and the open breezeway concept had worked well for them. Mr. Loveless then asked if the applicants were aware of recent apartment developments in Lee's Summit and how they were constructed. Mr. Case acknowledged that most of these had enclosed breezeways.

Mr. Loveless remarked that Mr. Case had previously made a reference to being a build and hold developer. He considered this relevant as far as their track record for updating units was concerned; because sometimes with this approach there was a tendency to not make updates. He asked what was a typical turnaround time for updating units. Mr. Case answered that it was necessary to upgrade in order to remain competitive. But typically in the first few years they would paint, replace carpet and make any needed repairs to items such as cabinets and counter tops. He observed that some items had a longer life expectancy than others. As they made vacant apartments ready for a move-in, they would also bring a package for installing new faucets and

appliances. The market essentially dictated that carpets be replaced before a new tenant moved in.

Mr. Loveless then brought up some sewer problems to the east and with crossing the highway. He asked Mr. Monter if staff had concerns about infrastructure and how the development would affect sewer capacity. Mr. Monter replied that the applicant had provided a preliminary analysis; however, staff was not currently looking at anything south of US 50. There was adequate capacity where preliminary designs were connecting to the north, although some segments would need upgrading to address concerns about the preliminary designs meeting minimum requirements for slopes. Staff would look for confirmation before approving any final plans. Mr. Loveless asked about any questions that might be raised over this putting any kind of deficit for other and future development in that area. Mr. Monter did not consider this very likely.

Mr. Loveless then asked Mr. Soto what were the buffering requirements for this development. He had seen a landscape plan that the applicants had. Mr. Soto responded that much of the landscape requirement had applied to the north side of the property, because it was adjacent to the school and the residential neighborhood. This part of the property had now been removed from the application, and the development would now be bordered on the north side by a future arterial street. For this reason, no buffer was required for the revised plan. The rezoning request was for RP-4, and the south portion that would be developed would have medium-high density according to the Comprehensive Plan.

Mr. Funk asked Mr. Case if the applicants had a plan or a team in place and if they would use some local services. He noted that many major developments in Lee's Summit including shopping centers like Summit Fair were built by out of town contractors. Mr. Case responded that they did intend to use local services for some items including fill dirt and utilities. They usually hired the same subcontractor, who had experience working with the company and they considered reliable. They would typically bring in their own framer, who might hire some local help. The following steps, such as drywall, electrical and plumbing, were done by professionals hired from neighboring states including Oklahoma and Arkansas. Some of this work would be pieced out to local trades.

Mr. Funk then recalled some concerns about crime, and asked if anyone had any statistics comparing crime in Tulsa to crime in Lee's Summit. Mr. McGuire was doubtful that he could answer with any authority since no one from the Police department was present.

Mr. Lovell asked for some background on Case and Associates, including how long they had been in business and how many units they owned or had developed. Mr. Case replied that his father had started the business in 1983. They currently owned or managed about 30,000 apartment units in 11 cities over 5 states. Over the past 20 years they had sold only two out of 50 developments, and they were privately owned. Their lender required the company to pay them reserves every month, and they got the money back only

after submitting receipts.

Mr. Lovell asked if Mr. Case if he wanted to respond to some of the anecdotal testimony about crime problems. Mr. Case related that they did a search for the "Scissortail Crossing" development they had done in Broken Arrow and it had not turned up any violent crime. He added that with 30,000 units, it was likely that at least some people were engaging in illegal activity. Regarding reviews on social media, people were far more likely to post reviews airing complaints than positive opinions. Regarding the testimony about the Better Business Bureau rating, three specific properties had been mentioned at the last meeting in connection with the BBB; however, these were not properties that Case had managed or had ever owned. They had worked with the BBB to get the error corrected.

Mr. Lovell noted the comments about this being an out of town developer, and asked staff if out of town developers often worked in Lee's Summit. Mr. McGuire said he did not have numbers, as it was not something he typically reviewed for an application. It was essentially a mixture of local and out of town investment. Mr. Lovell asked where any taxes went that out of town workers or people who worked for out of state employers would be paid. Mr. McGuire answered that Lee's Summit would typically collect the revenue. Mr. Lovell also noted comments about the apartments being close to the school, and asked if there were any in Lee's Summit. Mr. Soto gave some examples. Echelon Apartments off M-150 was next to Trowbridge Elementary and Summit Lakes Middle School. The Summit Ridge apartments were near Lee's Summit High School; and an application was recently submitted for a Downtown apartment project across the street from Lee's Summit Elementary. There were some in New Longview that were close to schools but not directly next door.

Mr. Lovell then asked how long the AMLI apartments had been in New Longview, and Mr. Soto recalled them opening in 2000, about 18 or 19 years ago. He remarked that this project had been completed well before much discussion had taken place about the city needing more apartment housing, and asked how rents had changed in the past decade. Mr. Elam answered that staff had some data from the 2017 market demand analysis, correcting that the AMLI apartments had opened in 2005. He only had information about the average, which was \$1,200-\$1,500. The AMLI complex had been among the first tenants.

Chairperson Norbury asked what was the distance between the northern edge of the property to be developed and the elementary school. Mr. Elam answered that the school was about 1,000-1,500 feet from the property line. Chairperson Norbury asked about the existing single-family residential, and Mr. McGuire replied that it was about the same distance to the property lines.

Chairperson Norbury asked if the UDO had a definition for 'luxury' multi-family housing. Mr. McGuire answered that it did not.

Ms. Arth recalled a resident asking what use the Comprehensive Plan showed for the property to the north. Chairperson Norbury recalled that it was medium-high density. Ms. Arth asked about the lack of a buffer, and Mr. Soto answered that determination of a buffer was necessary at the time an

application was received. In this case, if development to the north was single-family residential, a buffer would be required between that and the multi-family development. If both developments were either single-family or multi-family a buffer might not be required. Ms. Arth asked Mr. Park to address the traffic aspect, especially traffic flow in and out of the complex. Some questions were raised at the last meeting about whether traffic through nearby subdivisions would increase.

Mr. Park replied that the interchange and the outer roads, which were commercial collectors, were designed and planned for the eventual development of nearby undeveloped property. This development did not have a direct connection to the neighborhood.

Ms. Dial remarked that there not being a buffer between this project and the land just to the north of it did not cancel out the need for general landscaping. Mr. McGuire confirmed that the same standards landscaping with open yard and street frontage trees still applied.

Chairperson Norbury asked if there were further questions for the applicant or staff. There were none, and he asked if anyone else in the audience wished to give testimony.

Ms. Robin Wells gave her address as 125 SE Chelsea Drive in Lee's Summit. She asked how large the reserve account was, how it was funded, whether it would be required as part of the loan and the owners would actually be held responsible for the debt or if it would be just part of the corporation.

Ms. Terrie Pige gave her address as 413 SE Sprion Bay in Lee's Summit. She asked for clarification of Mr. Park's statement that the roadway would not connect directly to the neighborhood. If children from the apartments were going to Highland Park Elementary, traffic out of the apartments would go through the roundabout, down Blackwell and east on 4th Street. That would go directly through the subdivision. Mr. Park answered that the kind of route she had described could occur from development anywhere within the School District boundary for Highland Park. While the tenants in the apartment project would live nearby, the project did not have a direct connection to the neighborhood.

Ms. Pige remarked that in the 24 years she'd worked within the legal field with low-income housing properties, she had worked for the bank that extended the loan and oversaw the properties. So she understood replacement reserves and debt service reserves. Until the developer got the construction and permanent loan he had no way of knowing what the bank would require.

Referring to the north portion of the property, Mr. Case explained that since it would not be used for phase 2, it was no longer under contract. The applicants had revised the contract to apply only to the 16.8 acres that would have been phase 1 of two phases. The property had gone back to the present owner. Regarding the reserves, typically Fannie Mae would determine what amount to require monthly by determining a set price per unit per year, divided by 12. The

only way to draw that back was to show documentation including invoices and checks. Typically Case and Associates would have a 20 percent investment; so they would put about \$6 million into the development and borrow another \$24 million. That would essentially be a partnership with Fannie Mae.

Mr. Case then displayed elevations of one of the "townhouse" buildings, with four units about the five garages on the ground floor, making four units with attached garages. An elevation of a larger 22-unit building. It showed six garages on the ground floor, with direct access into each breezeway. Elevations of the two-story buildings showed two attached and four detached garages.

Ms. Donna Penland gave her address as 2808 SE Bingham Place in Summit Mill. She noted that about 2,000 people had signed a petition saying they did not want apartment buildings, and asked if they still intended to run the sewer line from the complex down Millstone to Langsford. It would be disruptive and she also wanted to know how long it would take.

Mr. Dan Tanner stated that he was the civil engineer of record, and gave his business address as 5323 S. Lewis in Tulsa, Oklahoma. For about the past year he had been studying various options of providing sanitary sewer. The first idea was to connect to an existing 8-inch sanitary line. However, stormwater requirements and theoretical loads to the lines indicated some limitations in the line that ran along the west side of the water feature in Summit Mill. Staff had recommended that he extend the line to a higher capacity 24-inch line that ran along the other, east side of the water feature. A hydraulic analysis now showed limitations that might exist in the lines from the subject property to the treatment plant about a mile to the north. They had one alignment that called for extending the sewer through Summit Mill's Tract "F1" on the fifth plat. Case's developers met with the subdivision's developer and offered an option that they later followed up with a presentation to a group that included the Homeowners Association. The alignment was then altered somewhat, at the request of Summit Mill's developer. The negotiations did not get much beyond that point, and his firm prepared another alignment that extended along the south side of Summit Mill and connected to the same 24-inch line. That was a total of four options.

Chairperson Norbury asked Mr. Monter to clarify where this aspect, including getting approvals, connections and upgrades, would fit in the construction process. Mr. Monter related that the center sewer was typically the first to go in. Before starting construction the City would require that all the sanitary sewer analyses were complete and designs were done to ensure adequate capacity. If there was not and upsizing was required, it could occur at the same time as development. They could not connect to it, however, if any downstream segments required any upsizing. They would have to obtain easements for anything done off-site. Any work done on the sewer line would have to be "substantially complete" before it was available for its intended use.

Ms. Miller said she had two safety concerns. One was that a pool and a playground were between the development and elementary school. The other was that the school had only two entrances and it would be difficult for

something like a fire truck to get in and out of one exit. In the event of a fire or any other kind of disaster in the area, traffic coming down Millstone could block these exits. Chairperson Norbury stated that nothing in tonight's plan would have a connection from Millstone to the apartment complex. Ms. Miller also asked the Comm

A motion was made by Board Member Funk, seconded by Board Member Lovell, that this application be recommended for approval subject to staff's letter of January 18, 2019, specifically recommendation items 1 and 2, to the City Council - Regular Session, due back on 2/19/2019. The motion carried by the following vote:

Aye: 5 - Board Member Norbury
Board Member Gustafson
Board Member Funk
Board Member Sims
Board Member Lovell

Nay: 3 - Board Member Dial
Board Member Arth
Board Member Loveless

Absent: 1 - Board Member Watson

- 3 [2019-2539](#) Appl. #PL2018-222 - REZONING from CP-2 to PI and PRELIMINARY DEVELOPMENT PLAN - Storage Mart 156, 3924 and 3930 SW Raintree Dr; New TGK-KC, LLC, applicant (continued to a date uncertain at staff's request)

Chairperson Norbury opened the hearing at 7:12 p.m. and announced that staff had requested to continue Application PL2018-222 to a date uncertain. He asked for a motion to continue.

Mr. Funk made a motion to continue Application PL2018-222, Rezoning from CP-2 to PI and Preliminary Development Plan to a date uncertain. 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 CONTINUE Application PL2018-222 to a date uncertain.

- 4 [2019-2540](#) Appl. #PL2018-220 - SPECIAL USE PERMIT for an indoor/outdoor mini-warehouse storage facility - Storage Mart, 3924 and 3930 SW Raintree Dr; New TGK-KC, LLC, applicant (continued to a date uncertain at staff's request)

Chairperson Norbury opened the hearing at 7:13 p.m. and announced that staff had requested to continue Application PL2018-220 to a date uncertain. He asked for a motion to continue.

Mr. Funk made a motion to continue Application PL2018-220, Special Use Permit, to a date uncertain. 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 CONTINUE Application PL2018-220 to a date uncertain.

Other Agenda Items

Planning Commission

Action Letter - Final

January 24, 2019

Roundtable **There were no other agenda items presented at the meeting.**

Adjournment **Chairperson Norbury gave Mr. Soto the additional exhibits provided during the hearing.**

There being no further business, Chairperson Norbury adjourned the meeting at 7:14 p.m.
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on the City's Legislative Information Center website at "lsmo.legistar.com"