



The City of Lee's Summit
Action Letter
Planning Commission

Tuesday, October 25, 2016

5:00 PM

City Council Chambers

City Hall

220 SE Green Street

Lee's Summit, MO 64063

CALL TO ORDER

ROLL CALL

Present: 9 - Board Member Fred Delibero
Board Member Jason Norbury
Board Member Colene Roberts
Board Member Fred DeMoro
Board Member Don Gustafson
Board Member Donnie Funk
Board Member J.Beto Lopez
Board Member Herman Watson
Board Member Brandon Rader

APPROVAL OF AGENDA

A motion was made by Board Member Delibero, seconded by Board Member DeMoro, that this was approved. The motion carried unanimously.

APPROVAL OF CONSENT AGENDA

[2016-0575](#) Appl. #PL2016-187 - SIGN APPLICATION - Walmart, 3410 SW Market St.; BRR Architecture, applicant

A motion was made by Board Member Delibero, seconded by Board Member DeMoro, that this application be approved - Application was approved. The motion carried unanimously.

PUBLIC HEARINGS

[2016-0415](#) Continued PUBLIC HEARING - Appl. #PL2016-114 - PRELIMINARY DEVELOPMENT PLAN - approximately 7.11 acres located at the southeast corner NW Blue Pkwy and NW Colbern Rd for the proposed Summit Village; Newmark Grubb Zimmer, applicant (continued to a date certain of January 10, 2017, at the applicant's request)

A motion was made by Board Member DeMoro, seconded by Board Member Roberts, that this Public Hearing - Sworn was continued. to the Planning Commission, due back on

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11/8/2016 The motion carried unanimously.

[2016-0662](#)

PUBLIC HEARING - Appl. #PL2016-165 - PRELIMINARY DEVELOPMENT PLAN ON PROPERTY ZONED PMIX - The Grove, approximately 73 acres located at the northeast and southeast corners of SE M-291 Hwy. and SE Bailey Rd.; Westcott Investment Group, LLC, applicant.

Chairperson Norbury opened the hearing at 5:03 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Mr. Aaron March of the White Goss law firm, stated that he was testifying on behalf of the Westcott Investment Group. He introduced some of the team members present at tonight's meeting: Mr. Darren Fristoe, local representative of Westcott and The Grove LLC, the property owner; project architect Mr. Danny Potts; Mr. Patrick Joyce, the project's civil engineer, with BHC Rhodes; and his own associate at White Goss, Mr. Ferdinand Niemann. Mr. March added that he had copies of tonight's Power Point presentation available. The team had been working with City staff on this project for over a year and had held design charettes to get information out to the community.

Mr. March displayed an aerial view of the development site, outlined in red; and pointed out the new interchange at 350 Highway and the site of the new project to the south. It was bordered on the south by 16th Street, although the applicants did not own all the frontage along that street. Bailey Road bisected the site. Mr. March pointed out the adjacent pharmaceutical site, and the Calmar and Adesa properties. The subject property was a total 73 acres, with three distinct areas marked on the land use map as "Industrial-Commercial", "Transitional Commercial" and "Urban Mixed Use." The development started from the southeast with a more intensive, light industrial and office/warehouse distribution facility, changing to more office and warehouse use and less industrial use in the transitional-commercial part. The residential and commercial elements were at the north end of the property. They proposed 384 residential units: possibly condominiums but more likely apartments. The total development area was a little over 1,100,000 square feet. Total parking would be about 2,500 spaces, a little over half in parking structures.

Mr. Danny Potts emphasized that in transitioning from the industrial/warehouse south end to the north, the middle area was intended to be flexible, with some elements of both the south and north ends. The applicants did not want the industrial-commercial element, which would include light manufacturing, too look like a typical warehouse district with straight lines of buildings. They had worked with staff to include natural areas around the three stormwater ponds to make them attractive. The smallest of them would be a decorative pond at the entrance. The second, slightly larger, would be behind the proposed fire station and the larger retention was at the south end, with the buildings arranged around the two ponds to the north and east. Displaying elevations of the buildings, Mr. Potts pointed out the use of brick, stone, architectural metal panels and glass. Another rendering showed the entrance with a monument sign and the smaller retention basin and a sample office/warehouse building in the background.

In the middle transitional-commercial part, a rendering showed flex warehouse use at the south end and an office/warehouse building to the north. The latter would look more similar to an office building and could serve as a headquarters for a future user. The urban mixed use area was at the far north end of the 73 acres. The slide showed two parking garages, the largest, on the west side next to 384 residential units. Mr. Potts showed where offices, with retail on the ground level, would be at the corner of the larger garage. The east side had the same, on a smaller scale. Mr. Potts showed an elevation of the northernmost facade, pointing out a five-story office building and the four-story buildings with residential over retail units. Residents would have access to a garage on the Oldham side. He added that the corner would be suitable as a gathering place, and displayed a

color rendering of a southbound view on Decker as an example. Mr. Potts pointed out the traditional materials used for the buildings. He emphasized that the development would have a logical transition from south to north.

After Mr. Potts' presentation, Mr. March continued that the property was subject to a development agreement with the City. One of the development agreement's requirements was that the applicants donate the location for a fire station at no cost to the City. The site plan showed that location, which the applicants and the City had agreed on. Another requirement was to generate and develop a set of design guidelines. In working together the applicants and the City had gone by the M-291 corridor master plan, and had developed site-specific guidelines for the retail elements in particular. The goal, as stated on a displayed slide, was to "establish an overall development vision, goals and design standards" for the entire development. The applicants had a booklet with the guidelines, which was part of the PMIX application that would need to be approved by the Commission and City Council. Any variations or modifications would require submitting a request for an amendment, which would have to be approved by ordinance.

Mr. Potts provided information about the level of details in the guidelines. He stated that they were not giving an exact architectural design as yet; but were rather setting a standard for building materials. The standards were divided into sub groups: general site planning and circulation, lighting, landscaping and architectural standards as well as signage guidelines, land use standards and zoning uses. These were parallel, and in addition, to the current zoning ordinances and the UDO. The applicants had about the same goal as the staff in terms of what they wanted to see. This included keeping buildings close to the street in keeping with urban practice, including the planned warehouses. Architectural standards were more specific in terms of allowed materials, major architectural elements, and in general the image and character the designs would communicate.

Other things in the mix were entries and experiences of spaces within the buildings, developing streetscapes whenever possible and developing landscapes and "view corridors", providing glimpses of items like landscape areas. They wanted to give attention to details or ornamentation, and they wanted some level of architectural detail. Standards were set for building mass and roof forms and streetscape views. These could be important in terms of the overall impression made on people driving through. Lighting standards included standards for parking, streets, landscaping, and pedestrian walkways. They were also broken down into sub-groups like decorative or canopy lighting. All of it was essential to the look and atmosphere.

Landscape standards went beyond planting trees in a line along the street; though the applicants were meeting and even exceeding the requirements. They wanted a more natural look and ambiance. Landscaping was also essential for screening drive-through and equipment and for dressing up monument signs. The standards would apply to all 73 acres.

Mr. March then stated that the applicants did plan phases for the project. Phase 1A, the first would be directly southeast from Bailey Road. The applicants were asking for a modification to the traffic letter regarding the improvements to SE 16th Street. They did not yet know who their first tenant would be, and that user might need 20,000 or 45,000 square feet. That size would not require the improvement; however, a 200,000 square foot user would. They requested that the City take square footage and intensity of use into consideration and allow the improvements to take effect at the point of about 160,000 square feet of development. Mr. March noted that the required second access was intended to provide better access for emergency vehicles, especially in the event of a fire and assured that the buildings would be equipped with sprinkler systems. They agreed with the requirement in concept, but wanted some flexibility with timing.

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The applicants did not have specific plans regarding what tenants they would be looking for. Mr. March pointed out that if an opportunity arose for a large distribution facility for a tenant like Amazon, Lee's Summit did not currently have a space to offer; however, this development could accommodate it. They hoped to interest businesses that had not previously considered Lee's Summit. Although they did not yet have tenants, the applicants had determined where the residential, retail, warehouse and light industrial uses would go. After the rezoning went into effect, they would start looking for specific users. Mr. March stated that the applicants were in agreement with staff's letter, including all four Recommendation Items; other than the flexibility with the timing of a street improvement that he had mentioned.

Following the applicants' presentation, Chairperson Norbury asked for staff comments.

Ms. Stanton entered Exhibit (A), list of exhibits 1-16 into the record. She confirmed that the applicants had given a good summary and explanation of the project. Staff recommended approval of the application, subject to staff's letter of October 21, 2016 including Recommendation Items 1 through 4.

Chairperson Norbury asked if the applicants' request regarding the timing of the 16th Street improvement would require any changes to staff's letter. Ms. Stanton replied that this could be addressed between the Commission and Council hearings, via a revision to the Traffic Impact Analysis.

Chairperson Norbury then 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.

Regarding Phase 3, Mr. Delibero asked if the ownership group controlled the property. Mr. March replied that they did; however, they did not control the Calmar property. They had contacted the owner regarding collaborative efforts with the alignment of Oldham Parkway; and he had spoken with the owner's representative a week ago. Mr. Delibero noted that Phase 3 did appear to be the Calmar property on the drawing. On the aerial view of the development site, Mr. March pointed out the Calmar property's location and its southern boundary, which was the subject property's north boundary. He confirmed that the northernmost section, including what was adjacent to Oldham, was not the Calmar property.

Chairperson Norbury recalled an earlier discussion about the master plan concept for the entire interchange area. He asked for some details of a pedestrian connectivity plan for the residents in the urban mixed use area. Mr. Potts related that this was an integral part of what they wanted to do, especially in view of a residential area being directly to the west and southwest. He pointed out the location of Decker Street, which ran down the middle of the property, and related that in addition to sidewalks in the development, Decker and Bailey would include a bike and pedestrian path similar to what was now on Lee's Summit Road. It would start on Bailey at the west end and go north on Decker to the urban mixed use area; then turning west to go out to Oldham Parkway. Details that they would need to work out would include integrating crossovers with the interchange.

Mr. Gustafson asked if any bike pad facilities were proposed on the east side of M-291 and if the Highway Department had asked for anything. Mr. March replied that so far they had only asked for some right-of-way, which the applicants had agreed to donate. They had not requested anything specific concerning bike access.

Ms. Roberts asked for some details about the landscape plan, as the scale of the drawing made it difficult to read. Mr. March displayed a slide of the landscape plan and noted that

they wanted to keep a natural environment along the railway in particular, keeping the existing trees, with a free form kind of landscaping at the edges to provide a transition. In the natural areas they would be removing some plants that would not work well with other landscape elements. Ms. Roberts asked what kind of landscaping would surround the pond. Mr. March answered that this would be a mix of native grasses and other vegetation. The overall concept was to create natural areas within this district. They would not be using turf grasses. Landscaping near and along streets would need more maintenance.

Chairperson Norbury noted that as a very large project, this had a lot of different pieces. If Google was to move in and wanted a half-million square feet, that would be somewhat different than putting up 300,000 square foot buildings. He asked at what point the City was getting outside of the scope of the preliminary development plan and how that would work back through. Mr. March replied that the site plan was a preliminary development plan and they would have to bring in final development plans for each phase. Chairperson Norbury noted that final development plans were usually approved administratively. He wanted to know at what point it would have to come back to the Commission for an amended development plan. Mr. March stated that they had specific square footages called out on the face of the site plan, broken up by buildings as best they could predict. Phase 1A had a 100,000 square foot building and another that was 120,000 square feet; for a total of 220,000 square feet. If a user like Google wanted one building of 200,000 square feet, staff would evaluate it on the site and say that the building was very close in terms of 200,000 versus 220,000, it would be a matter of one building versus two. However, they would conclude it was a deviation if a potential user wanted 500,000 square feet in one building. The buildings could be tweaked but they did have to fit a potential user's maximum needs.

Mr. McKay related that staff had approved an overall square footage and could adjust that up to a 25 percent increase. Regarding specific building locations, the traffic as it entered and exited would be more of a priority. Any changes that would be likely to impair or impede the traffic flow would qualify as something calling for a new preliminary development plan. If needed by the users, the three buildings shown on the east side on the south road could be connected as one building. That would not change the roadways or traffic patterns. On the other hand, if major elements, such as road connections, were being changed, the application would need to go back to the Commission and Council.

Chairperson Norbury remarked that aside from building locations and sizes, other design elements such as materials were a factor as well. He had been looking at the design standards section; and it had some flexibility built into it, which was a good thing but did have its limits. He asked if this was something staff would review as each part of the final plan went through and any issues brought to the Commission's attention to make sure the project was still on track with the character of the whole plan. Mr. McKay confirmed that each part of the development would be based on the design standards the application presented. Some changes, such as color would be minor and others, such as using metal panels and these were not part of the plan before, were not. The latter would have to be brought back for a hearing.

Mr. DeMoro noted that no tenants had been identified and the site was so close to the railroad tracks, and asked about a possibility that a future prospective user wanted to use a commercial building in Phase 1 and have a rail spur. Mr. March responded that they were very open to that, as a rail spur would be an asset. If a first user did not want to take advantage of that option, they would most likely be on the western end of Phase 1 in order to keep the option open. Not every user would want a rail connection but the developers were very open to that.

Mr. Delibero asked Mr. Potts what was the density for the residential part. Mr. Potts

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answered that they were planning 384 units on 9.5 acres, for about 40 units per acre. Mr. Delibero asked for some details about the residential structures. Mr. Potts answered that it would be mostly metal, and similar to another building they were doing in Lenexa. It would be a steel structure for the office and retail portion and a structural steel stud and slab system used above that for the residential. That would enable them to build 4 or 5 stories and the fire department would like that design better. Mr. Delibero asked if it was correct that they planned to put 40 units per acre in 4 or 5 stories, and Mr. Potts answered that this was correct. He acknowledged that this would be the tallest building in sight.

Chairperson Norbury asked if there were further questions for the applicant or staff. Hearing none, he closed the public hearing at 5:43 p.m. and asked for discussion among the Commission members, or for a motion.

Mr. DeMoro made a motion to recommend approval of Application PL2016-165, Rezoning from PI to PMIX and Preliminary Development Plan: The Grove, approximately 73 acres located at the northeast and southeast corners of SE M-291 Hwy. and SE Bailey Rd.; Westcott Investment Group, LLC, applicant; subject to staff's letter of October 21, 2016, specifically Recommendation Items 1 through 4. Mr. Rader 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 unanimously by voice vote to recommend APPROVAL of Application PL2016-165, Rezoning from PI to PMIX and Preliminary Development Plan: The Grove, approximately 73 acres located at the northeast and southeast corners of SE M-291 Hwy. and SE Bailey Rd.; Westcott Investment Group, LLC, applicant; subject to staff's letter of October 21, 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.)

A motion was made by Board Member DeMoro, seconded by Board Member Rader, that this Public Hearing - Sworn was recommended for approval to the City Council - Regular Session, due back on 11/17/2016 The motion carried unanimously.

[2016-0664](#)

PUBLIC HEARING - Appl. #PL2016-167 - PRELIMINARY DEVELOPMENT PLAN - New Longview Commercial Phase II, approximately 13 acres located at the southeast corner of SW Fascination Dr and SW Longview Blvd; Box Real Estate Development, applicant (continued to a date certain of November 8, 2016, at staff's request)

A motion was made by Board Member Roberts, seconded by Board Member Delibero, that this Public Hearing - Sworn was continued to the Planning Commission, due back on 11/8/2016 The motion carried unanimously.

[2016-0666](#)

PUBLIC HEARING - Appl. #PL2016-168 - SPECIAL USE PERMIT renewal for automotive sales - Pinnacle Auto Sales, 516 SW 3rd St; Pinnacle Investments, LLC, applicant.

Chairperson Norbury opened the hearing at 5:45 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Mr. John Finnegan, of Pinnacle Investments, gave his address as 516 SW 3rd Street in Lee's

Summit. He was the building's owner. He had been before the Commission and the City Council three years ago, with a plan for car sales. This was restrictive due to the special nature of 3rd Street Downtown; so the business was Internet-based. The business had been there for three years and had served the public well. He was aware of a stigma but the business was Internet based and it had made improvements to the safety of 3rd Street and Noel by eliminating a lot of traffic cutting across to avoid stop signs. He wanted to make this a more long-term relationship with the City and proposed keeping the business at this location for 10 years with the same approach of using no banners or stickers on vehicles. He did not keep any cars in front of the building and provided late-model cars for wholesale prices to the public. The business had done well at that location and in fact had compliments from customers on the improvements to the building.

Mr. Finnegan added that he wanted to put five more spaces on a strip on the east side of the building, as the vacant strip still enabled people to cut across and across the median that had been installed. He had noted that if drivers saw cars there they just took the left turn on Noel at the stop sign. That was the only change he was requesting, and it was basically a safety issue.

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

Mr. Soto entered Exhibit (A), list of exhibits 1-17 into the record. He related that this application was to renew a Special Use Permit originally granted a little under three years ago. At that time the applicant had requested a longer term and staff had supported this request; however, three years was what the Council had approved. Staff's current recommendation for three years was based on the Council's previous decision based on long-term redevelopment they wanted to do in the 3rd Street corridor. They did not want this area encumbered for long periods of time by Special Use Permits granted to small businesses like this one. This was the only auto sales SUP between US 50 and the west side of Downtown. He understood Mr. Finnegan's reasons for wanting the long time period but staff was recommending three years. Staff recommended approval based on Recommendation Items 1 and 2.

Chairperson Norbury asked if the applicant's request for an extra five spaces was in line with staff's recommendations. Mr. Soto answered that the site plan provided did show those spaces and they did not extend further south than the front of the building. Staff had no problem with that. Chairperson Norbury asked what term the Commission had recommended previously, and Mr. Soto answered that they had recommended five years.

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. As there were none, he opened the hearing for questions for the applicant or staff.

Ms. Roberts asked if the conditions set forth when the Commission had approved the SUP three years ago had been met. Mr. Soto replied that the two conditions had been removal of the existing pole, which had been done; and the two driveways close to the intersection had been recurbed and resodded.

Chairperson Norbury asked if there were further questions for the applicant or staff. Hearing none, he closed the public hearing at 5:50 p.m. and asked for discussion among the Commission members.

Chairperson Norbury noted that staff had provided a list of the SUPs for car, boat and trailer sales; and seven or ten years seemed to be the standard, with some of these sales being the primary use and others the secondary use. He was in favor of the Commission approving a five or ten-year term and letting the new Council decide whether to truncate

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an SUP for car sales along 3rd Street. He added that coming back every three years was an expensive process for a small business.

Ms. Roberts noted a number of five-year, seven-year and ten-year SUPs on the list; and one of these was on 3rd Street. Mr. DeMoro agreed with Chairperson Norbury's statements, remarking that three years would go very fast and five years or ten years would provide a greater sense of security for an established business. Mr. Delibero added that the SUP length would not preclude the applicant from being part of the redevelopment, including selling the property.

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

Mr. Delibero made a motion to recommend approval of Application PL2016-168, Special Use Permit renewal for automotive sales: Pinnacle Auto Sales, 516 SW 3rd St; Pinnacle Investments, LLC, applicant; subject to staff's letter of October 21, 2016, specifically Recommendation Items 1 and 2, modifying Recommendation Item 1 to grant the SUP for a period of five years. Mr. Gustafson 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. Gustafson, the Planning Commission members voted unanimously by voice vote to recommend APPROVAL of Application PL2016-168 - Special Use Permit renewal for automotive sales: Pinnacle Auto Sales, 516 SW 3rd St; Pinnacle Investments, LLC, applicant; subject to staff's letter of October 21, 2016, specifically Recommendation Items 1 and 2, with Recommendation Item 1 amended as stated.

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

A motion was made by Board Member Delibero, seconded by Board Member Rader, that this Public Hearing - Sworn was recommended for approval to the City Council - Regular Session, due back on 11/17/2016 The motion carried unanimously.

OTHER AGENDA ITEMS

PUBLIC COMMENTS

ROUNDTABLE

ADJOURNMENT

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