



The City of Lee's Summit
Action Letter
Planning Commission

Tuesday, October 11, 2016

5:00 PM

City Council Chambers

City Hall

220 SE Green Street

Lee's Summit, MO 64063

CALL TO ORDER

ROLL CALL

Present: 7 - Board Member Fred Delibero
Board Member Jason Norbury
Board Member Colene Roberts
Board Member Fred DeMoro
Board Member Don Gustafson
Board Member J.Beto Lopez
Board Member Brandon Rader

Absent: 2 - Board Member Donnie Funk
Board Member Herman Watson

APPROVAL OF AGENDA

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

APPROVAL OF CONSENT AGENDA

[TMP-0261](#) Appl. #PL2016-104 - FINAL PLAT - The Manor at Stoney Creek, 2nd Plat, Lots 42-81 & Tract N-P; Engineering Solutions, LLC, applicant

ACTION: A motion was made by Board Member Roberts, seconded by Board Member DeMoro, that this Ordinance be approved. The motion carried by the following vote:

Aye: 6 - Board Member Norbury
Board Member Roberts
Board Member DeMoro
Board Member Gustafson
Board Member Lopez
Board Member Rader

Absent: 2 - Board Member Funk
Board Member Watson

Abstain: 1 - Board Member Delibero

[2016-0615](#) Approval of the September 27, 2016 Planning Commission Action Letter

A motion was made by Board Member Roberts, seconded by Board Member DeMoro, that the Minutes be approved. The motion carried unanimously.

PUBLIC HEARINGS

[2016-0620](#)

PUBLIC HEARING - Appl. #PL2016-157 - SPECIAL USE PERMIT for a bed & breakfast homestay - 200 SW Madison St.; Patricia Stiefferman, 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.

Ms. Patricia Stiefferman, the applicant, stated that she had bought the house at 200 SW Madison Street six years ago, and had been working on it since then. She had grown up in Raytown and later moved to Denver, but had moved back to the Kansas City region and had looked for a house for a long time. This house had possibilities; but she had underestimated how much of a 'money pit' it was. However, the most important repairs were completed. In addition to her interest in a B&B business, she liked meeting people. She had some experience as a chef, which would be useful for this business; and other course work and interests all made a contribution. She hoped to host small events such as teas in order to help guests get to know the neighborhood, and had a history of being a good neighbor. She had received a lot of positive feedback from neighbors for the improvements to the house.

Chairperson Norbury noted that staff's one Recommendation Item specified a ten-year term for the Special Use Permit, and asked if she agreed to this condition. Ms. Stiefferman responded that she knew the B&B on 3rd Street had a 10-year SUP; however, she was not sure the owner knew to request a 15-year term. She understood that consistency in law and policy was important; however, the precedents were this application and the previous one and she believed that 15 years was about as long as she would expect to be running the business.

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

Ms. Stanton entered Exhibit (A), list of exhibits 1-19 into the record. She explained that this application was for a bed and breakfast homestay, where the owner lived on site; and the previous application had been for a bed and breakfast inn, where the resident would be a manager. Staff had recommended a ten-year SUP term for the inn and wanted to be consistent in granting the homestay ten years. However, staff could agree to allow a 15-year term if the Commission and Council thought that was appropriate.

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. As there were none, he then asked if the Commission had questions for the applicant or staff. There were no questions. Chairperson Norbury closed the public hearing at 5:10 p.m. and asked for discussion among the Commission members, or for a motion.

Mr. Delibero made a motion to recommend approval of Application PL2016-157, Special Use Permit for a bed & breakfast homestay: 200 SW Madison Street; Patricia Stiefferman, applicant; subject to staff's letter of October 7, 2016, specifically Recommendation Item 1. 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. Delibero, seconded by Mr. Rader, the Planning Commission members voted unanimously by voice vote to recommend APPROVAL of Application

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PL2016-157, Special Use Permit for a bed & breakfast homestay: 200 SW Madison Street; Patricia Stiefferman, applicant; subject to staff's letter of October 7, 2016, specifically Recommendation Item 1.

(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 10/20/2016 The motion carried unanimously.

[2016-0597](#)

Appl. #PL2016-166 - REZONING from TNZ to PO - First Baptist Church, 2 NE Douglas St; First Baptist Church, applicant

Chairperson Norbury opened the hearing at 5:11 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Ms. Beth Garner stated that she was an employee of the First Baptist Church, and give the address as 2 NE Douglas Street in Lee's Summit. Her own address was 3808 S. Coachmen Court in Independence, MO. The reason for the request was that they wanted to replace their monument sign with an electronic message board.

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

Mr. Soto entered Exhibit (A), list of exhibits 1-14 into the record. He described the church site as 3.13 acres, bounded by Maple Street (north), 1st Street (south), Douglas Street (east) and Main Street (west). He confirmed that the rezoning application was for the purpose of using an electronic message board as a replacement for the existing monument sign. The UDO limited free standing signs in TNZ zoning to 8 square feet or less, and emphasized more traditional approaches including hanging signs. The PO zoning designation allowed for a sign face up to 32 square feet, with a sign structure area up to 72 square feet. The current monument sign had a 32 square foot base on a 2-foot base, so it was a legal non-conforming sign. If a legal non-conforming sign were to be replaced, the replacement would have to conform to the ordinance.

Mr. Soto displayed a map of the existing site and pointed out the sign's location. The map showed a number of nearby properties further north along Douglas that already had PO zoning. Staff considered the zoning request to be consistent and in character with other existing properties in the neighborhood. Most of these PO zoned properties were office use; although a barber shop was directly to the east. Staff recommended approval of the rezoning.

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.

Mr. Michael Matthews gave his address as 1 NE Douglas, across the street from the church. He remarked that he was glad to see the map, and hoped that the rezoning would not have an impact on the properties on his side of the street. He then observed that the existing sign was lit by a rather bright light on both sides, and he hoped that the new sign would produce less glare.

Chairperson Norbury then asked if the Commission had questions for the applicant or staff. He asked for some clarification for Mr. Matthews.

Mr. Soto related that the UDO had set standards for message boards that were intended to minimize light pollution issues. The board could not have a white background, for

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example. It also had to have automatic dimming capability, which would adjust the level of light to be consistent with the ambient light level. Compliance with the standards had to be acknowledged by the sign manufacturer as well as the property owner and applicant. He confirmed that the rezoning request was for this property only.

Chairperson Norbury asked for some information about the differences between TNZ and PO zoning in terms of uses. He remarked that this might be relevant in the future if the church decided to sell the property. Mr. Soto replied that the TNZ (Traditional Neighborhood Zone) zoning was intended to allow for a mix of residential and limited specialty retail and office uses. The PO did not allow for any residential or retail use, as it was specifically for office use with business hours.

Chairperson Norbury asked if there were further questions for the applicant or staff. Hearing none, he closed the public hearing at 5:20 p.m. and asked for discussion among the Commission members or for a motion.

Mr. DeMoro made a motion to recommend approval of Application PL2016-166, Rezoning from TNZ to PO: First Baptist Church, 2 NE Douglas Street; First Baptist Church, applicant; subject to staff's letter of October 7, 2016. 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. Delibero, the Planning Commission members voted unanimously by voice vote to recommend APPROVAL of Application PL2016-166, Rezoning from TNZ to PO: First Baptist Church, 2 NE Douglas Street; First Baptist Church, applicant; subject to staff's letter of October 7, 2016.

(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 Delibero, that this Public Hearing - Sworn was recommended for approval to the City Council - Regular Session, due back on 10/13/2016 The motion carried unanimously.

[2016-0427](#)

PUBLIC HEARING - Appl. #PL2016-158 - REZONING from CP-2, PI and PMIX to PMIX and CONCEPTUAL DEVELOPMENT PLAN - approximately 237 acres generally bounded by Pine Tree Plaza, US 50 Hwy, Adesa property, Jefferson St, Persels (west of M-291 Hwy), 16th St (east of M-291 Hwy), Union Pacific Railroad right-of-way and South M-291 Hwy; City of Lee's Summit, applicant.

Chairperson Norbury opened the hearing at 5:22 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Mr. McKay related that the City Council had previously charged the Planning staff with putting together a master development plan for the area around what would eventually be the new diverging diamond interchange at US 50 and southbound M-291. Mr. McKay displayed an aerial view and pointed out the proposed interchange as well as the two highways and the streets surrounding the subject properties. The Council had placed an administrative delay on the area shaded in light blue on the map while staff was working on the plan. This was the property to be rezoned to Planned Mixed Use (PMIX). The rezoning would have no immediate effect on any of the properties; and currently existing use would still be allowed. The zoning designation would eventually provide a framework for new development opportunities the interchange would bring.

A displayed map of current land use showed much of the area as being vacant. Some unused buildings had been removed, including the former Adesa building. Places still occupied and in use included the Pine Tree Plaza shopping center, the Pfizer building and several small businesses along Jefferson Street down to Persels and other small businesses to the south at 16th Street. These were mostly commercial service or industrial type uses. At some point, however, the new interchange would create opportunities for redevelopment where these businesses were currently located. The Adesa property was included in this application although it was already zoned PMIX. Staff had decided that since it was part of this overall development opportunity it should not be left out. The current zoning was a mixture of PI, planned industrial, CP-2, general commercial, and PMIX.

The following slide showed the subject area according to the current Comprehensive Plan. It showed the whole area other than Pine Tree Plaza going to planned mixed use; so the City would be following the Comprehensive Plan to the letter, adding in Pine Tree Plaza. It was also an opportunity for future development. The next slide showed the larger properties including Calmar, Westcott and Adesa.

The interchange would make this area a gateway to Downtown and so encouraging. This destination point would ideally be not only attractive and friendly but would entice people to stay for shopping, dining and recreation and even consider living there. The idea was to build a community, with 'increased, concentrated and long-lasting human activities.' This called for fairly large public spaces where activities and special events could happen. It was important that these be on a human scale and that Downtown be pedestrian- and bicycle-friendly. Subsequent slides showed large plazas identified as settings for mixed uses like working shopping and recreation. That called for a mixture of residential, commercial and office development. The vertical mixed uses would include "residential tied in and integrated retail/office" as opposed to just residential uses devoid of context.

The Commission would eventually see design standards and generally the City wanted to see prominent architecture. Mr. McKay commented that when he had presented this plan to the CEDC, he had been asked if the proposed architecture was better than what Lee's Summit had now. He considered this a very special area, being close to Downtown and it included enough land for a major event space with easy access to and from the highway. In keeping with urban character, buildings would be brought close to the street and have four-sided architecture, which was already part of the design standards. The retail and industrial areas had to somehow tie together but the Adesa and Westcott properties, for example, did not need to look alike. Each did need to have a consistent theme, which could be expressed in elements such as landscaping, color and materials. The neighborhood as a whole should be pedestrian- and bicycle-friendly and minimize surface and on-street parking. While parking structures were expensive, the population density that was possible would make them practical. Allowed speeds for motorized vehicles would be low.

The commercial activity would need to avoid competing with Downtown businesses. Businesses in both parts of town would complement each other. Sustainable elements would include solar energy, street trees and stormwater management that would utilize features for recreation and outdoor activities, such as a trail system, rather than just holding rainwater. Mr. McKay remarked that intense development and growth in density made the benefits of street trees especially important. In every aspect, the redevelopment would have to be financially workable and fiscally responsible. A displayed rendering the master development concept.

Mr. McKay stated that what was needed from the Commission tonight was a

recommendation of approval for the rezoning to Planned Mixed Use for the entire area, as well as adoption of the conceptual development plan. When New Longview was in the planning stages, the City had done a rezoning and conceptual land use plan, which had subsequently gone through a number of changes. This could be a similar approach, and nothing brought forward at this stage would be final. Each specific development would need a preliminary development plan, to be brought to the Commission and City Council for public hearing.

Mr. McKay then displayed a map with the major thoroughfares and traffic network concept highlighted, including the new interchange. The 85-acre Westcott property was shown in detail with, including structured parking, stormwater detention, a fire station, retail office and residential use, office/industrial use and the existing industrial uses. This part already had a preliminary development plan, which would have a Commission hearing soon. Mr. McKay pointed out the proposed outdoor event and entertainment space in particular. This would have at least some retail kiosks and certainly some restaurants.

On the Adesa property, possible development included senior living, a hotel and some mixed-use retail and residential further down Jefferson. A sidewalk for pedestrians would come through the interchange from the north, and a possible hotel would have a pedestrian connection to make it easy to get to the event and entertainment venues. Mr. McKay added that a trolley that would offer connections to Downtown would be a major asset.

The next plan showed Pine Tree Plaza property. An existing gas station would have some impact, as well as the adjacent traffic circle and interchange. This was an opportunity to redo this property for multi-family housing and some retail.

Mr. McKay emphasized that part of planning was looking at the big picture, which was essentially the conceptual approach. He showed photographs and renderings illustrating what might fit well into the event spaces in particular. The Westcott group would be bringing in a preliminary development plan for 85 acres in a few weeks. Staff had held two separate open houses, one for the property owners who would be affected and the other for neighbors within 185 feet of the boundaries. They had asked about the effect on them and their property, and they had been told that they would be affected only if they sold or redeveloped their properties. If they currently had businesses, they could continue as before. However, the traffic changes that would take place would eventually make these properties to expensive for the owners to hold onto them. That would provide more redevelopment opportunities.

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

Mr. Ferdinand Niemann of the White Goss law firm gave his address as 4510 Bellevue in Kansas City MO and stated that they were legal counsel for Westcott. They had been working with Mr. McKay and City staff for several months. They supported this request.

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

Ms. Roberts asked if there would be any way for bicycles and pedestrians to cross US 50. Mr. Park answered that the interchange included a bike pad facility. It came out on the Harris Park side and Parks and Recreation was working extending a boardwalk from Harris Park to Downtown. He showed on a displayed drawing where it began at the park, going through a roundabout and crossing with a traffic signal. It then went down along the inside of the east bridge to the intersection of Oldham. Ms. Roberts asked if there was space for a crossing between the current Pine Tree Plaza and Harris Park. Mr. Park

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answered that a sidewalk would extend along both sides of Jefferson north of Blue Parkway and cross at the roundabout. The sidewalk on the west side of Jefferson had many gaps at present, and these would be connected.

Chairperson Norbury remarked to Mr. McKay that he was aware of a conceptual plan not being specific. His concern about that was that typically a rezoning would take place at the same time as a preliminary development plan, but in this case, it would be a matter of granting a rezoning on the basis of a plan the Commission had not seen. Part of the role of the Commission and the Council was basically to hold developers to standards. He was concerned about the timing of the pieces of this plan. Mr. McKay replied that the original idea for planned mixed use was to create a zoning district that would provide a vision; and that vision had to be worked out between developers and the governing body. A conceptual land use plan would at least show where the buildings and road network needed to be; and each of those pieces would have to be evaluated in terms of details and what changes needed to be made. Westcott had a set of design standards that staff liked; and they intended to add the City's own design standards and bring this plan back for approval. There would be a checklist that every development would have to follow, although the plan could be changed. The standards would be brought in specifically for this area and if there was agreement on the standards, the governing body could hold developers to them. Mr. McKay acknowledged that this would depend on a willingness to stick to the goals implied by a conceptual plan.

Ms. Roberts asked if the Commission would see these standards beforehand, and Mr. McKay answered that they would. They would cover aspects such as architecture and landscaping and permitted or prohibited uses. Where and if "big box" stores would be allowed was one example; and this was probably an area where the City would not want to see them. Ms. Roberts remarked that one of her concerns was the City using PMIX on the basis of mixed use, which then did not happen. She asked Mr. McKay to consider including native vegetation for landscaping in the standards, remarking that she wanted this development to look like Lee's Summit including both architecture and trees in particular.

Mr. Gustafson asked if this conceptual plan was required for a PMIX design. Mr. McKay answered that it was not; however, staff preferred these plans for proposed developments that were very large. It was not required for rezoning. Mr. Soto explained that the other option would be to initially bring in a preliminary development plan. A conceptual plan was used in a situation where the plan was not yet at that level of detail or certainty.

Mr. Lopez cautioned staff to continue to keep creation of jobs in mind, as developers continued coming into the community. Lee's Summit needed companies offering this kind of employment, and he wanted to see more office development in the plan. Mr. McKay replied that the plan had that element.

Chairperson Norbury asked if there were further questions for the applicant or staff. Hearing none, he closed the public hearing at 6:00 p.m. and asked for discussion among the Commission members, or . for a motion.

Mr. DeMoro made a motion to recommend approval of Application PL2016-158, Rezoning from CP-2, PI and PMIX to PMIX and Conceptual Development Plan: approximately 237 acres generally bounded by Pine Tree Plaza, US 50 Hwy., Adesa property, Jefferson Street, Persels (west of M-291 Hwy.), 16th Street (east of M-291 Hwy.), Union Pacific Railroad right-of-way and South M-291 Hwy., City of Lee's Summit, applicant. Mr. Delibero seconded.

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

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called for a vote.

On the motion of Mr. DeMoro, seconded by Mr. Delibero, the Planning Commission members voted unanimously by voice vote to recommend APPROVAL of Application PL2016-158, Rezoning from CP-2, PI and PMIX to PMIX and Conceptual Development Plan: approximately 237 acres generally bounded by Pine Tree Plaza, US 50 Hwy., Adesa property, Jefferson Street, Persels (west of M-291 Hwy.), 16th Street (east of M-291 Hwy.), Union Pacific Railroad right-of-way and South M-291 Hwy., City of Lee's Summit, applicant.

(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 Delibero, that this Public Hearing - Sworn was recommended for approval to the City Council - Regular Session, due back on 11/3/2016 The motion carried unanimously.

[2016-0534](#)

PUBLIC HEARING - Appl. #PL2016-171 - UNIFIED DEVELOPMENT ORDINANCE (UDO) AMENDMENT #58 - Article 5 Zoning Districts & Article 9 Uses Permitted with Conditions, pet motel or training facility with outdoor exercise area as a permitted use in the CS and PI Districts and as a conditional use in the CP-2 District; Article 13 Signs, allowing neon signs in the CBD District; Article 8 Accessory Uses and Structures, prohibition of outdoor vending machines and a revision to the encroachment policy language; City of Lee's Summit, applicant.

Chairperson Norbury opened the hearing at 6:02 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Mr. McKay entered Exhibit (A), list of exhibits 1-8 into the record. He summarized the proposed changes in Articles 5, 9, 8 and 13 of the UDO. Staff had received a request for the referenced "pet motel or training facility with outdoor exercise area" in a district zoned CP-2. Currently this was not an allowed use in CP-2. The amendment would allow it as a conditional use. The condition was that the use be a minimum "100 feet from the property line of a residential use or residential district; and from outdoor seating areas of commercial uses". The idea was that if the use happened to be located in the CP-2 district and was close to a restaurant with an outdoor seating area, it would have to keep a minimum distance from uses that it could affect. This amendment would be in Article 9, and it would be added to Table 5-1 in Article 5 as a conditional use in CP-2.

One of the changes to Article 8, addressing accessory uses and structures, involved some language regarding encroachment placed in the UDO not long ago. Staff had discovered that what they had relied on via the website was not the current version of the encroachment policy. This change would put back in place the statement "see Encroachment Policy". The other change had language to clarify the prohibition of outdoor vending machines as accessory uses "except for the outdoor vending machines that are accessory to financial institutions" such as an ATM. Another exception would be for "self-service car wash businesses dispensers offering items such cleaners, waxes and towels." Other accessory uses could be allowed if approved by the Director. Mr. McKay related that situations had come up with various businesses such as C-stores wanting to put ice dispensing machines outside the store. These tended to become unsightly and to rust easily. Most C-stores now sold ice in bags inside the store. However, many did want to put such items outside to attract potential customers to come into the store. A large store that sold home or lawn equipment might want to display it outside; but this was a matter of the item itself being for sale. These were allowed, within a set distance of the

front of the building.

Regarding allowing neon signs in the CBD district in Article 13, staff had received a request from Downtown Main Street to consider allowing neon signs Downtown. Staff liked this idea and believed it was consistent with Downtown's historic character. The ordinance would not allow neon signs as the internal light source, such as putting plastic lettering over neon lighting.

Chairperson Norbury asked there was any public comment or questions. There were none, and the hearing was then open for Commissioners' questions for the applicant or staff.

Regarding conditional use for the pet facility, Mr. DeMoro noted that residential zoning including R-1 and R-2 was very often located adjacent to CP-2 uses. He considered 100 feet a sufficient distance from a business or outdoor seating area, but was not sure it would be sufficient for these residential uses. On the map he had looked at, the pet facility could be almost in the backyards of some houses. Mr. McKay responded that the required 100-foot distance would apply to a residential district and use. In some more recent subdivisions, 100 feet was slightly under a full lot away. The Commission did have the option to increase the mandated distance.

Mr. DeMoro remarked that he had looked at a map of the area surrounding the facility that had made the request. It was all commercial use including the Summit Bar and Grill, a motel and some medical offices. The owners had talked with nearby business owners, who did not have a problem with it. He was still doubtful as to whether residents would want something like an outdoor pet exercise areas close to their yards; and proposed making the distance 150 or 200 feet from residential uses and 100 feet from commercial uses.

Chairperson Norbury asked from what part of the properties the 100 feet would be measured. Mr. McKay answered that it would be 100 feet from the outside pet area to a residential district or property line. That would include situations such as a non-conforming single-family use in a CP-2 district. Chairperson Norbury summarized that this was a matter of abating a potential nuisance problem such as noise or odor. He asked if Lee's Summit had other ordinances that were similar in structure in that they limited activities in commercial zones near residential uses and if so, what kind of distances were used. Mr. Soto explained that the 100-foot separation was consistent with the separation requirement for veterinary offices with outdoor runs. A veterinary office whose use was all internal to the building would only have to conform to the same setback requirements as other businesses.

Chairperson Norbury asked if Lee's Summit had any such situations, and Mr. Delibero remarked that a number of vet offices had outdoor runs for animals being boarded. Mr. Soto confirmed that he did not know of any complaints arising from this distance requirement. Mr. McKay added that there had been complaints from residents about noise from nearby bars and taverns. He estimated that this was a distance up to 300 feet, and similar issues could come up involving auto body shops as well. Conditional use facilities usually did have some kind of setback requirement. Chairperson Norbury said he would not object to a longer requirement; however, 100 feet for a very similar use had not resulted in complaints. The requirement would not apply to all such facilities in any event; but only those with outdoor runs or exercise areas. Mr. Soto gave a few examples of this type of business whose facilities were all internal.

Regarding the use of neon signs Downtown, Chairperson Norbury stated for the record that he was a Board member for Downtown Main Street. This had not been a board-generated proposal but he was in favor of it.

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Chairperson Norbury asked if there were further questions for the applicant or staff. Hearing none, he closed the public hearing at 6:12 p.m. and asked for discussion among the Commission members.

Regarding the mandated distance for a pet care facility with outdoor use, Chairperson Norbury remarked that the ordinance already had the same requirement for a very similar use. Mr. Delibero suggested that nevertheless this might be an opportunity to establish a larger required setback. Chairperson Norbury remarked that the forthcoming application involved a location set further away than 100 feet from any residential area or use. Mr. DeMoro noted that while the change would not affect the pending application, it might be useful in a future case when this kind of business was close to a residential use. Mr. McKay was not sure the application would get to the Commission; since as a conditional use it would need only a final development plan and be an administrative approval. Chairperson Norbury clarified that the part of the motion referring to pet facilities would be specifically Section 9.310.

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

Mr. DeMoro made a motion to recommend approval of Application PL2016-171, Unified Development Ordinance (UDO) Amendment #58: Article 5 Zoning Districts and amending Article 9 Uses Permitted With Conditions, pet motel or training facility with outdoor exercise area as a permitted use in the CS and PI Districts and as a conditional use in the CP-2 District, requiring a minimum of 200 feet from the property line of a residential use or residential district and 100 feet from outdoor seating areas of commercial uses; Article 13, Signs, allowing neon signs in the CBD District; Article 8, Accessory Uses and Structures, prohibition of outdoor vending machines and a revision to the encroachment policy language; City of Lee's Summit, applicant. Mr. Rader seconded.

Chairperson Norbury asked if there was any discussion of the motion. Ms. Roberts noted that a vote from a Commission member opposed to extending the required distance to 200 feet, would have to be against the entire application. Chairperson Norbury answered that the motion would have to be amended to separate the amendments to the various articles. Hearing no motions to amend Mr. DeMoro's motion, he called for a vote.

On the motion of Mr. DeMoro, seconded by Mr. Delibero, the Planning Commission members voted by voice vote of six "yes" and one "no" (Ms. Roberts) to recommend APPROVAL of Application PL2016-171, Unified Development Ordinance (UDO) Amendment #58: Article 5 Zoning Districts and Article 9 Uses Permitted With Conditions, pet motel or training facility with outdoor exercise area as a permitted use in the CS and PI Districts and as a conditional use in the CP-2 District, requiring a minimum of 200 feet from the property line of a residential use or residential district and 100 feet from outdoor seating areas of commercial uses; Article 13, Signs, allowing neon signs in the CBD District; Article 8, Accessory Uses and Structures, prohibition of outdoor vending machines and a revision to the encroachment policy language; City of Lee's Summit, applicant; subject to staff's letter of October 7, 2016; subject to staff's letter of October 7, 2016.

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A motion was made by Board Member DeMoro, seconded by Board Member Delibero, that this Public Hearing - Sworn was recommended for approval to the City Council - Regular Session, due back on 11/3/2016 The motion carried by the following vote:

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Aye: 6 - Board Member Delibero
Board Member Norbury
Board Member DeMoro
Board Member Gustafson
Board Member Lopez
Board Member Rader

Nay: 1 - Board Member Roberts

Absent: 2 - Board Member Funk
Board Member Watson

OTHER AGENDA ITEMS:

PUBLIC COMMENTS:

ROUNDTABLE:

ADJOURNMENT

For your convenience, Planning Commission agendas, as well as videos of Planning Commission meetings, may be viewed on the City's Internet site at "www.cityofls.net".