



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

Tuesday, February 14, 2017

5:00 PM

City Council Chambers

City Hall

220 SE Green Street

Lee's Summit, MO 64063

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CALL TO ORDER

ROLL CALL

**Present:** 8 - 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 Brandon Rader

**Absent:** 1 - Board Member Herman Watson

APPROVAL OF AGENDA

**A motion was made by Board Member Delibero, seconded by Board Member Roberts, that the agenda be approved. The motion carried unanimously.**

APPROVAL OF CONSENT AGENDA

[2017-0961](#) Appl. #PL2017-020 - SIGN APPLICATION - The Aspen Room at the Stanley, 308 SE Douglas St; Bryan King, applicant

**A motion was made by Board Member Delibero, seconded by Board Member Roberts, that the Sign Application be approved. The motion carried unanimously.**

[2017-0965](#) Minutes of the January 24, 2017, Planning Commission meeting

**A motion was made by Board Member Delibero, seconded by Board Member Roberts, that the minutes be approved. The motion carried unanimously.**

PUBLIC HEARINGS

[2017-0966](#) Continued PUBLIC HEARING - Appl. #PL2016-185 - SPECIAL USE PERMIT renewal for a telecommunication tower - 2750 NW Clifford Rd; American

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Tower Asset Sub, LLC, applicant (continued to a date certain of February 28, 2017, to provide for proper notification)

**A motion was made by Board Member Funk, seconded by Board Member Roberts, that this item be continued to the Planning Commission, due back on 2/28/2017 The motion carried unanimously.**

[2017-0968](#)

Continued PUBLIC HEARING - Appl. #PL2016-190 - SPECIAL USE PERMIT renewal for telecommunication towers - 2140 NW Lowenstein Dr; American Tower Asset Sub II, LLC, applicant (continued to a date certain of February 28, 2017, to provide for proper notification)

**A motion was made by Board Member Funk, seconded by Board Member Roberts, that this item be continued to the Planning Commission, due back on 2/28/2017 The motion carried unanimously.**

[2017-0872](#)

Continued PUBLIC HEARING - Appl. #PL2016-209 - REZONING from R-1 & CP-2 to PMIX and PRELIMINARY DEVELOPMENT PLAN - Pryor Lakes, approximately 32 acres located at the northwest corner of NW Chipman Rd and NW Pryor Rd; Christie Development Association, LLC, applicant (continued to a date certain of February 28, 2017, at the applicant's request)

**A motion was made by Board Member Funk, seconded by Board Member Roberts, that this item be continued to the Planning Commission, due back on 2/28/2017 The motion carried unanimously.**

[2017-0972](#)

CONTINUED PUBLIC HEARING - Appl. #PL2016-219 - REZONING from AG to R-1 and PRELIMINARY DEVELOPMENT PLAN - Whispering Woods, approximately 76 acres generally located at the northeast corner of SW Pryor Rd and SW Hook Rd; Whispering Woods Land, LLC, applicant

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

**Mr. Brian Glenn of Phoenix Engineering gave his address as 3855 S. Northern Boulevard in Independence. He described the project as a 76-acre subdivision located on Pryor Road north of Hook Road. The 164 lots would be developed in six phases. Displaying a copy of the preliminary development plan, Mr. Glenn pointed out the proposed connection to Lee's Summit West to the east, with a walking trail continuing west to the proposed street, at the southeast corner of the property. The walking route would continue down to the Hawthorne Hill Elementary School via a sidewalk; while the walking trail would continue to Mouse Creek and Pryor Road. The project included about 19 acres of open space, which would reduce the average density. They were requesting a modification to allow a 20-foot setback for the lower tier of lots, instead of the required 30-foot setback. These were adjacent to the park trail, so the proposed setback plus the 20-foot dedication for the park would effectively create a 40-foot separation.**

**The first phase would be at the southwest part of the development. Due to the separation between the school entrance, they proposed to close the northern entrance;**

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incorporating it into the development's entrance and parking lot. Phase 1 would continue up the east bank of Mouse Creek; and Phase 2 could go east from there. During these stages, the applicant would be applying for a Conditional Letter of Map Revisions for approval from FEMA. Following approval for Phase 2 construction, they would be working on the box culvert and connection off Pryor Road. Within that phase they would go back to FEMA for another map revision letter before starting Phase 3.

Chairperson Norbury noted that staff's letter included four Recommendation Items, and asked Mr. Glenn if the applicant agreed and was prepared to comply with them. Mr. Glenn answered that they did. None of the items was a surprise, and they'd had discussions with staff.

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

Ms. Thompson entered Exhibit (A), list of exhibits 1-19 into the record. She confirmed that the rezoning from AG to R-1 was for about 76 acres for the proposed Whispering Woods subdivision. It was located west of Lee's Summit West high school and north of Hawthorne Hill Elementary School. The 164 lots would be developed in six phases. This proposed use was consistent with the Comprehensive Plan and compatible with the other neighboring subdivisions to the north and northwest. Staff recommended approval of the rezoning and preliminary development plan, subject to four Recommendation Items. The first addressed the modification request that Mr. Glenn had described, and would apply to Lots 129 through 144. Ms. Thompson confirmed Mr. Glenn's explanation. The walking trail was located in a 20-track along the rear property line, and provided a 40-foot visual separation between the backs of these lots' homes and the plat boundary. Recommendation Item 2 allowed for Phases 1 and 2 to have a total of 68 platted lots, with only one point of access to and from the subdivision. Staff had added a condition that no more than 50 building permits be issued "until such time as SW 26th Terrace is constructed between SW Pryor Road and SW River Run Drive." This would provide a second access. Recommendation Item 3 confirmed that the development would be done in accordance with the preliminary development plan; and Item 4 addressed a development agreement regarding sanitary sewer and water line improvements and off-site transportation improvements listed in the Traffic Impact Analysis.

Following Ms. Thompson's comments, Chairperson Norbury asked if there was anyone present wishing to give testimony, either in support for or opposition to the application. As there were none, Chairperson Norbury then opened the hearing for questions from the Commission for the applicant or staff.

Ms. Roberts noted that the Comprehensive Plan showed a portion of this area as being commercial use, including the property across the street. Ms. Thompson confirmed that part of this area was designated commercial-dominant mixed use. It basically formed a circle around the intersection, with a small part extending up into the southern portion of the property. Ms. Roberts asked about the parcel across the street zoned CP-1 and Ms. Thompson believed that this was previously rezoned during another development application. The applicants had needed to provide some commercial uses in that area, and the compromise was to switch some zoning. There were no pending commercial applications for that property. Ms. Roberts then asked what was the maximum density for R-1 zoning, and Ms. Thompson replied that it was four units per acre.

Mr. Delibero asked what the ordinance specified about lot depths that were transitional, such as lots 131-143, that backed up to acreage properties. He noted that those lots were only 110 feet deep. Ms. Thompson replied that they met the City's requirements for lot dimension; and these lots in particular were the ones with the extra space in the back from of the land used for the trail. The lots had been shortened but had extra space for separation in the back.

Mr. Delibero asked Mr. Glenn if the applicant had held a neighborhood meeting. Mr. Glenn replied that they had not, although they had complied with the notification requirements. There had been no discussion with the owners of the adjacent property that he knew of. Mr. Delibero then asked for some information about the sizes of the homes, and Mr. Glenn answered that he did not have any specific dimensions. However, they would be consistent with those at Eagle Creek, a range of about 1,800 to 2,000 square feet. Mr. Delibero asked if he had done any declarations or notice about the minimum square footage for each type of housing; and Mr. Glenn answered that he had not. Home prices would start at \$350,000.

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.

Ms. Roberts was concerned about Lee's Summit having too much of this type of housing. Reports from MARC analyzing demographic changes, preferences and market trends in this region showed demand decreasing enough to raise a question as to whether existing housing stock could all be sold. Buyers for this kind of 'peak' housing would be in the 35-64 age range, having graduated from 'starter' homes and but still years from downsizing; and the Lee's Summit market was overrun with that kind of housing. It did not have the demographics to support more of that type of housing, while at the same time more people were wanting walkability in their environment and there was an increasing need for homes more suitable for one or two people. The number of single-person households was expected to triple by 2040, while the number of households with children would decrease; so Lee's Summit had an inventory of housing that would become more obsolete as demand for this type of housing decreased.

At present, the demand for rental housing was going up and so it was likely that a high percentage of Lee's Summit's single-family homes would become rental properties. In short, if nothing changed in what was being marketed the market would correct itself and meet whatever demand was there. At the same time, the number of multi-generational households was increasing; and the existing style of single-family homes with a master bedroom and smaller bedrooms did not suit a scenario for more than one adult generation sharing a home. Moreover, as much as one-third of people looking for homes considered walkability a major factor but a much smaller percentage of Lee's Summit's housing stock could be considered walkable. Even if everything built in Lee's Summit over the next few decades was walkable, the demand would still be higher than the supply. Ms. Roberts commented that she had mentioned housing demands before and had felt some pressure to continue to endorse doing things as they had always been done in the past. This particular project was not a new plat in an existing subdivision. It was not only a new project but was also located between two schools and part had been designated as commercial. This was a site that could meet that walkability demand and the plan did include the walking trail; however, it was the same type of housing that had been in demand by past generations but had a questionable future. She was basically looking for more compact development and housing that would meet Lee's Summit's future needs; and the Commission needed to figure out how to get developers to bring in plans consistent with those needs.

Mr. Delibero agreed with Ms. Roberts' concerns, adding that the City might need to take another look at the UDO and what the City required of developers. At present, the maximum density for the traditional type single-family residential was four units per acre; and developers often had to resort to the more complicated PMIX designation for any higher density. He was rather surprised that the nearby acreage owners had not given any feedback.

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Chairperson Norbury asked if the issues Ms. Roberts had brought up were something the Commission would want staff to look at. Mr. Delibero said he was in favor of having further discussions, and Chairperson Norbury commented that Lee's Summit still had some open land and this would be a very difficult push. However, the Commission was the group that should be bringing such issues forward.

Ms. Roberts pointed out that the Commission was making a decision tonight whether to rezone from AG to R-1. Regardless of what changes could be made to the UDO, if the zoning on this property was changed to R-1 the maximum density would be four units per acre and while the plan showed a somewhat higher density, the lack of any commercial development meant that this development would be as un-walkable as any. She added that just putting in sidewalks did not create walkability, as there would be no destination. Ms. Roberts did approve of the trails which allowed children to walk to school; but again, there were now fewer households with children as that scenario was now at about 25%.

Hearing no further discussion, Chairperson Norbury called for a motion. No one made a motion, and Ms. Heanue noted that there had to be one, even if it was a tied vote.

Mr. Delibero made a motion to recommend approval of Application PL2016-219, Rezoning from AG to R-1 and Preliminary Development Plan: Whispering Woods, approximately 76 acres generally located at the northeast corner of SW Pryor Rd and SW Hook Rd; Whispering Woods Land, LLC, applicant; subject to staff's letter of February 10, 2017, specifically Recommendation Items 1 through 4. Mr. Funk 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 by roll call vote of four "yes" (Chairperson Norbury, Mr. Rader, Mr. Gustafson and Mr. Funk), three "no" (Ms. Roberts, Mr. Lopez and Mr. DeMoro) and one "abstain" (Mr. Delibero) to recommend APPROVAL of Application PL2016-219, Rezoning from AG to R-1 and Preliminary Development Plan: Whispering Woods, approximately 76 acres generally located at the northeast corner of SW Pryor Rd and SW Hook Rd; Whispering Woods Land, LLC, applicant; subject to staff's letter of February 10, 2017, 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 Delibero, seconded by Board Member Rader, that this Rezoning and Preliminary Development Plan was recommended for approval to the City Council - Regular Session, due back on 3/2/2017 The motion carried by the following vote:

**Aye:** 4 - Board Member Norbury  
Board Member Gustafson  
Board Member Funk  
Board Member Rader

**Nay:** 3 - Board Member Roberts  
Board Member DeMoro  
Board Member Lopez

**Absent:** 1 - Board Member Watson

**Abstain:** 1 - Board Member Delibero

PRELIMINARY DEVELOPMENT PLAN - Polytainers Lot 2, 1410 NE Douglas St; Star Development Corporation, applicant (the application has been withdrawn by the applicant)

This matter was withdrawn

[2017-0925](#)

PUBLIC HEARING - Appl. #PL2017-002 - UNIFIED DEVELOPMENT ORDINANCE (UDO) AMENDMENT #60 - Article 8 Accessory Uses and Structures, to allow tattoo and body piercing as an accessory use in the PO District; City of Lee's Summit, applicant

Chairperson Norbury opened the hearing at 5:36 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 1-9 into the record. The amendment would basically add language to allow tattoo and permanent cosmetic services such as body piercing as a restricted accessory use in a Planned Office (PO) zoning district. Currently tattoo services were allowed only in commercial districts (CP-2) and Planned Industrial (PI). Mr. Brian Holt had brought in the request to the CEDC, which had recommended sending the amendment to the Planning Commission for public hearing. In the new districts it could be only an accessory use and the services be provided "by the licensed professional as business owner of the primary business" (Section 8.160(1) ). The amendment also required that the primary business "shall be associated with an artist studio engaged in the application, teaching or production of fine arts such as drawing, painting, and sculpture or in film editing and screenwriting and similar uses associated with the fine arts" (Section 8.160(2) ). Services would be by appointment only, and the only signage allowed would be one including only "logo, telephone number and email address" (Section 8.160(4)). The amendment would become part of Article 8 under "Specialty Accessory Uses" in Division 3.

Chairperson Norbury asked if there was anyone present wishing to give testimony, either in support for or opposition to the application. Seeing none, he then opened the hearing for questions from the Commissioners.

Chairperson Norbury said he had no general objection to allowing this kind of business in that zoning. However, this was not the first time the Commission had seen an unusual, single-use thing come forward. Now they were talking about tattoos and body piercings as an accessory use, and this was an extraordinarily narrow request for amending the UDO to accommodate one business owners. It was not likely that Lee's Summit would ever have any large grouping of art or film studios. It was an odd situation for the Commission to be talking about something that was not necessarily a problem but nevertheless carving out a provision in the UDO for a one-shot thing. He asked for a summary of the CEDC's comments. Mr. McKay summarized that this was a local business owner who spent part of his time in film editing. This was a secondary business he had, and wanted to conduct it in his office rather than a remote location. They had agreed that this accessory use was not likely to be widespread; however, the City did want to accommodate new types of businesses. Any requests would have to follow the usual procedure, including making their case to the CEDC.

Chairperson Norbury asked why this would not be allowed as a primary use. If the consensus was that this was an acceptable use, it could fit into a planned office environment. It would have to conform to the usual kind of requirements in terms of signage and how the outside of the premises would look. Mr. McKay answered that this was possible; however, the use was already permitted in two primary retail and industrial

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districts. There was ample available space and parking in those districts, as well as more opportunities for advertising the business and more potential customers. The PO zoning was geared more to an office environment, and the amendment attempted to fit this kind of business into that environment. Chairperson Norbury remarked that he did not have a problem with allowing tattoo and body piercing businesses but the form the amendment took seemed rather narrow for the city's unified development ordinance in that it addressed such a specific situation. He observed that the State legislature often passed bills tailored to either include or exclude municipalities of a specific size or within certain districts.

Ms. Roberts also did not like the idea with minutiae in the UDO. However, this might be necessary and not the only time the Commission would see this kind of amendment, due to changes in work patterns. More people were working part time, freelance or telecommuting jobs and so interest in this kind of multi-use would increase. It might lead to redefining what was office use and what was not.

Mr. Delibero noted that this was essentially clearing up some details in that particular UDO article.

Mr. DeMoro stated that he had seen the applicant's business plan, and he had given this a great deal of thought. It had been well vetted twice by the CDC.

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, or for a motion.

Mr. Delibero made a motion to recommend approval of Application PL2017-002, Unified Development Ordinance (UDO) Amendment #60: Article 8 Accessory Uses and Structures, to allow tattoo, permanent cosmetic services and body piercing as an accessory use in the PO District; City of Lee's Summit, applicant. Ms. Roberts seconded.

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

On the motion of Mr. Delibero, seconded by Ms. Roberts, the Planning Commission members voted unanimously by voice vote to recommend APPROVAL of Application PL2017-002, Unified Development Ordinance (UDO) Amendment #60: Article 8 Accessory Uses and Structures, to allow tattoo, permanent cosmetic services and body piercing as an accessory use in the PO District; 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 Delibero, seconded by Board Member Roberts, that this Unified Development Ordinance was recommended for approval to the City Council - Regular Session, due back on 3/2/2017 The motion carried unanimously.

[2017-0930](#)

PUBLIC HEARING - Appl. #PL2017-010 - EnVision LS Area Development Plan (ADP) Design Standards for an area generally bounded by Pine Tree Plaza, U.S. 50 Highway, ADESA Property, Jefferson Street, Persels (West of M-291), 16th Street (East of M-291), The Union Pacific Railroad Right-Of-Way and South M-291 Highway known as the Envision LS Master Development Plan excepting the 85 acres owned by Westcott Investment Group, LLC; City of Lee's Summit, applicant.

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

Mr. McKay entered Exhibit (A), list of exhibits 1-8 into the record. He stated that the Commission had seen this long-range project before, but with the 85 Westcott acres included. He displayed an aerial view of the area, with the administrative delay area highlighted. The delay had been extended to March 17. The next slide highlighted the property owners: Westcott Development Group's 85 acres to the east, Calmar's 25 acres directly to the north, and ADESA's 27 acres at the northwest. Across US 50 was Pine Tree Plaza which was 15 acres. Several renderings showed gateway area scenes. The emphasis was on building community rather than standalone uses, and activities that encouraged people to spend time there. That included sizable public spaces and mixed uses. Mr. McKay remarked that this project would take the "vertical" approach to mixed uses. In a vertical mix, retail or office uses on a first floor and residential or restaurant uses on upper floors were common. It took up less ground and encourage a lot of activity and interaction in an urban setting. It would also create more housing choices.

In specific locations, prominent architecture would not only provide a vertical focus but make the area noticeable from the highway. Buildings would be brought close to the street, in keeping with the urban approach. The four-sided architecture would have a themed look using landscaping, color and materials. Themes would vary among the retail and industrial areas. It would be walking and bicycling-friendly. Off-street and surface parking, and speed of motorized vehicles would all be reduced. They had discussed a shuttle from the highway to Downtown and back, although they wanted to avoid competing with Downtown businesses. Sustainability elements would be emphasized, including solar energy and combining stormwater management with water features.

Another map showed the master development concept. Mr. McKay pointed out the new interchange, as well as the street systems and key locations in the Westcott, Calmar, Pine Tree Plaza and ADESA properties. Mr. McKay emphasized that this was a guide that could be changed; however, it was a summary of what the City would like to see at this location.

The design standards discussed tonight would be distinct from those used for The Grove (Westcott). The Grove had been approved and they had their development plan and design standards done. The next slide showed that this was a minimal flood hazard area. Staff had divided it into three parts: Pine Tree Plaza as the gateway, the ADESA property and land adjacent to M-291 would be mixed use and the Calmar property would be the arts and entertainment center.

The Area Development Plan (ADP) specified the design standards, which were basically patterned on those used for M-150. Table 5-1 showed CP2 office and retail uses as permitted by right. Conditional and special uses were addressed separately for each case. The ADP specified permitted uses that were allowed throughout, and specific area uses for the Gateway, Mixed Use and Arts and Entertainment Center areas. It also listed prohibited uses.

The goal of the design standards was "establishing and achieving a desired aesthetic and a high quality gateway community at a prime commercial location." Development standards were set out for sensitive land and natural resources, connectivity and mobility for bicyclists and pedestrians including sidewalks and trail linkages, and screening requirements. Multi-family residential development and mixed use and commercial designs all had their own design standards. The latter covered building orientation, outparcel development, streetscape design and character, the mixtures of uses and parking standards. The mixed uses had some restrictions on use for a ground floor. The parking standards included screening and accommodation for bicycles. The Master Plan had one or two parking structures in the Calmar (Arts and Entertainment) portion, and



another on the Mixed Use (ADESA) portion, as well as a hotel. "Four-sided design" included equally architectural finished in respect to materials and detail, and minimal use of corporate or franchise architecture. Buildings in a single development had to have at least four from a list of 12 features. "Building massing and form" included required variety in vertical and horizontal elements including variation in roof forms and parapet heights and protected and recessed entries. The "Green design" portion reviewed the different types of environment-friendly design the City wanted to see.

The design standards did not include a point system, as projects would be individually approved with preliminary development plans.

Mr. McKay then reviewed the list of 12 uses permitted in all three of the areas. Financial services, bars and taverns, massage therapy, restaurants and civic or fraternal organizations were required to comply with the conditions established in UDO Article 9. This was then broken down into specific uses for the gateway, mixed uses, and arts and entertainment portions of the project. The mixed use area was the one that would provide drive-through facilities, as these would be limited by the size of the other two. The CEDC had removed "Convalescent, nursing, retirement and assisted living facilities" and "Funeral home" from the mixed use portion, adding convenience stores, business or vocational schools and churches. Hospitals and clinics were prohibited due to the traffic they tended to generate; as were drive-through or drive-up restaurants.

All three areas included restaurants, but in the arts and entertainment portion these had to be rooftop restaurants or located within a larger building.

The list of prohibited uses included industrial, automotive, storage, "adult" and pet-related businesses, big-box retail stores, used merchandise and construction, rental and repair related businesses. Office/warehouse uses were on the list because they would be included in the Grove portion. Some uses were allowed only as accessory uses or within a larger building with a related use such as a martial arts studio located in a fitness center.

Mr. McKay concluded that if this plan was adopted in its entirety, it would essentially become a standalone ordinance for that area. It identified allowed and prohibited uses and gave detailed information about required design features.

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. Seeing none, he then opened the hearing for questions from the Commissioners.

Mr. Delibero asked what was the definition for "retirement facility" as used in the plan. Mr. McKay answered that it would be any kind of maintenance-provided community. Mr. Delibero's remarked that 55 and over apartment communities with amenities centers had become very popular. That sounded like a good use for this mixed use project considering its stated goals, including walkability and tie ins with retail. Mr. McKay responded that when the City did the Master Development Plan it actually had a senior apartment complex shown on that side. The City still supported those as beneficial to a mixed use community. John Knox Village was what could be called a commercial retirement center but it was really a variety of styles. In this project it would be somewhat smaller, and "retirement" was a somewhat broad term. The project could still allow for senior or age-restricted apartments.

Mr. Delibero then noted that big-box stores, referred to as having an area bigger than 80,000 square feet. However, a store like Nordstrom might fit in well in this project, and that might be that size or larger. On the other hand, Big Buy would be considered a bit-box store and some of them had less area than that. The City would not want to

create a 'box' with the standards and stifle innovation. Mr. McKay explained that 80,000 had been a difficult number to arrive at; but most of the big-box stores were about that square footage. If some proposed a building of that size with retail on the first floor but other uses like office or residential on upper floors, that would be consistent with the plan. What the City wanted to discourage a single use in one building that size rather than the space being used for mixed uses; and the language might need to reflect that.

Mr. Delibero remarked that everyone in the room was basically in agreement about what was best for the city. He cautioned them about unintended consequences, including stifled creativity, when the City put certain restrictions on things.

Ms. Roberts noted that in specifying "two to five stories", the design standards and the City were essentially ruling out single-story buildings. This was one of the differences between Walmart's and Nordstrom's stores. Mr. McKay answered that this was correct. However, a developer could still request that and be granted a modification above and beyond what the City was asking for tonight. But generally the City did want to see buildings of two stories or more in this project. Ms. Roberts asked if the wording should clarify the difference between that square footage in a single-story and a multi-story building; including the square footage of parking for a single-story big box store.

Concerning the mention of transit, Ms. Roberts asked why a bus terminal was a prohibited use if that was a priority for the City. Mr. McKay answered that unlike a bus stop, a bus terminal could take up most of the acreage. They also tended to create a lot of traffic. Ms. Roberts asked if what Independence had built just north of City Hall would be called a bus terminal, and Mr. McKay answered that it would be more like a transit stop. Mr. Gustafson said that this was actually a transfer point, not a terminal or really a bus stop. Mr. McKay emphasized that a bus "terminal" would have a variety of buses coming in and passengers would either embark or change buses there. Chairperson Norbury remarked that this would be a matter of parking use as well as traffic, as the City obviously wanted to avoid the "sea of asphalt" type of parking lot as a centerpiece of any part of the development. He did agree that if a multi-modal transit stop would be consistent with the project's goals. In an earlier discussion, Commissioners and staff had brought up connectivity not only within the project but across the highway. He added that there was a connection between the number of stories a building had and parking requirements, so the intent to emphasize two- to five-story buildings did have to be factored in. He believed that many of the issues brought up tonight could be addressed via the surrounding conditions the City placed on any development with the intent of consistency of use.

Mr. Delibero asked that since multi-story buildings were going in, who would monitor whether prohibited uses went in at a later date. Mr. McKay replied that a legitimate business would need a business license, and that was where this was likely to be spotted. Mr. Delibero remarked that not many districts restricted uses with this detailed approach; and it would be important for staff involved in this licensing to be aware of the special restrictions in this area of town. He asked if these restrictions would be part of a development agreement with a developer. Mr. McKay said that this could be worked into the approval process for that development. This was a new approach, and staff would need to put all the processes in place that would deal with the various uses as they came in.

Regarding the discussion about a bus terminal, Mr. DeMoro observed that at 10th and Main in downtown Kansas City, there was a bus transfer station where Ride Kansas City buses came through to drop off and pick up passengers. He did not recall seeing any parking there. This kind of approach could work in this project for a transit center, including incorporating the trolley suggested in an earlier discussion.

Chairperson Norbury mentioned not trying to duplicate what was Downtown, noting that he had not perceived any risk of that kind in his discussions with either staff or the Main Street board. Downtown had managed to thrive well after the opening of developments like Summit Fair, and there had been some concern about that. However, one of the conversations going on at the City level and among various people Downtown, was a concept of an expanded Downtown. The Pine Tree Plaza site, to be called the Gateway area in the future, was considered the transitional point between this project and the historic Downtown core and its surroundings. They would definitely have some similarities in terms of use and style, including walkability and a mixture of uses. What was yet to be up for discussion were the transitional neighborhoods in between. Moreover, this project would increase traffic and whenever that was a prospect, people living in that particular part of Lee's Summit had concerns about increased traffic problems. That needed to be an ongoing part of the plan, as the properties on Jefferson and Market were likely to increase in value when there was development to the south.

Chairperson Norbury also emphasized that connectivity was especially important with this development. Harris Park provided City dedicated land, and included a trail that was partially done. He asked if the Commission would be seeing the Westcott property standards, and Mr. McKay replied that these had been approved as part of their preliminary development plan package.

Mr. Gustafson asked Mr. McKay about The Grove property. Mr. McKay related that much of it centered around the industrial portion, particularly the part south of Bailey. They had some additional office-warehouse north of Bailey, and the part near the railroad tracks was the transition between industrial and office and the future retail. Uses. Staff had looked at the design standards, and Westcott had an industrial type area and they were establishing a significant design standard for themselves. The City had picked up on that and taken it a little further. It was actually similar to the rest of the property, but the Grove had more industrial use.

Mr. Funk asked if the City had discussed any kind of City-run transit system, and Mr. McKay answered that it had not. It had come up when they went through the Master Development Plan process, as it would be a logical way to connect from the southern part to Downtown. Once the construction of the interchange started, the City would have about 18 months to address that.

Mr. Trent Overhill gave his address as 5871 South Tettters Court in Springfield, Missouri. He represented the development company that would be purchasing Pine Tree Plaza. He had met with Mr. McKay several times to go over the master plan. They did a great deal of retail redevelopment, and several people were looking at this particular center. He liked the design standards but they focused exclusively on new development, and Pine Tree had existing structures. They needed to mirror the City's design standards and come up with something that fit both sides; and would like the standards to include things that would help them do that. They wanted to bring some new life and new people to the center, and some new businesses including restaurants.

Mr. Delibero asked him if the owner's intention was to remodel or redevelop the center rather than do something else with the property. Mr. Overhill answered that at present they did not feel it was suitable to do a major redevelopment, although this would happen down the road. They intended to continue to emphasize the retail sector to start. Mr. Delibero asked if they intended to do stopgap improvements until a major redevelopment was economically feasible, or if it would be a 'facelift' kind of situation where they were repositioning it as a retail center. Mr. Overhill explained that at present they wanted to redevelop the property a retail center. They would consult the design standards to find elements that were consistent, such as stone block materials, awnings, and other elements. Vertical mixed use could be a problem at this location as they

currently had about 134,000 square feet of single-story retail. Mr. Delibero asked if they intended to work with what was there, plugging in some holes and changing the visual style rather than a more substantial redevelopment of the site as a retail area. Mr. Overhill was not sure about replacing the entire facade but they had plans to alter the roofline and updating lighting, materials, parking, signage and landscaping. He emphasized that they would like to see some design standards for redevelopment projects.

Mr. Delibero asked Mr. McKay if the design standards would apply to properties with existing structures. Mr. McKay acknowledged that this part of the project was an older shopping center that was going to be redeveloped. The preference for two- to five-story buildings did not necessarily affect this portion, although it could if the owners wanted to tear the center down and replace it. The City wanted to work with these property owners to make this a viable center again and the design standards did apply. However, any redevelopment of that area would require a preliminary development plan and public hearings. That would be the context to negotiate for negotiation, and that could include single-story buildings; and it was even possible to add a residential component. Mr. Delibero asked if the owner could nevertheless operate the center with the same footprint and Mr. McKay answered that they could, although the design standards would dictate details and style. Valle Vista Center on M-291 was a good example of a declining shopping center that had been renovated successfully.

Ms. Roberts noted that the center had two pad businesses in front. She asked if a situation could happen where they added new buildings at that part of the property and the property would become transitional in the sense of some of it meeting the design standards and the rest not meeting them. Mr. McKay acknowledged that the redevelopment would probably happen with that kind of phasing process. The design standards would apply and a preliminary development plan required; however, some components would be different in dealing with an existing development. The application could show the phased process and specify how the design standards would be applied in making an older retail area viable again. Ms. Roberts agreed with that approach, remarking that she certainly did not want just bulldozing buildings to be a first resort. It was wasteful in terms of both funds and materials.

Chairperson Norbury commented that the City had design standards for Downtown and the M-150 corridor, and this was the third version. Almost none of the properties redeveloped under the existing one had been 100 percent in line with the standards, as some flexibility was built in as redevelopment of existing structures did have built in limits. He asked staff to give some thought to how to address that situation with the gateway area, which had more existing structures than the other parts of the project. In general, standards needed to be set for cases of a transitional part of a unified redevelopment project. Other parts of town, such as the north part of the M-291 corridor, would have similar situations.

Mr. Delibero asked Mr. Overhill if something like a new restaurant at Pine Tree Plaza could open in a single-story pad building, and Mr. Overhill answered that it could.

Ms. Roberts suggested that design standards could include redevelopment of strip malls and shopping centers, including existing examples of this kind of re-use. Mr. McKay answered that staff could bring in a draft of transitional redevelopment standards. He agreed that developers would benefit from having clear direction.

Chairperson Norbury asked if there were further questions for the applicant or staff. Hearing none, he closed the public hearing at 6:55 p.m. and asked for discussion among the Commission members.

Chairperson Norbury stated that he wanted to urge staff, the Commission and the Council

Planning Commission

Action Letter

February 14, 2017

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to keep in mind that this was a long-range project that would take patience, time and commitment. They had to make sure that design standards were not too restrictive or too lax; and the governing bodies had to commit to holding developers to those standards when they brought in applications. This project would re-shape an important gateway to Lee's Summit and it would take this level of commitment. He was not sure that was emphasized enough when the M-150 standards were developed; but the City now had some experience with these standards and needed to be a strong advocate of the bigger picture.

As there was no further discussion, Chairperson Norbury called for a motion.

Mr. Delibero made a motion to recommend approval of Application PL2017-010, EnVision LS Area Development Plan (ADP) Design Standards for an area generally bounded by Pine Tree Plaza, U.S. 50 Highway, ADESA Property, Jefferson Street, Persels (West of M-291), 16th Street (East of M-291), The Union Pacific Railroad Right-Of-Way and South M-291 Highway known as the Envision LS Master Development Plan excepting the 85 acres owned by Westcott Investment Group, LLC; City of Lee's Summit, applicant; amending Section 5c(3) to remove the word "retirement" and amending Section 5e(2) to add the words "on one level" after "80,000 square feet". Mr. Funk 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 Ms. Roberts, the Planning Commission members voted unanimously by voice vote to recommend APPROVAL of Application PL2017-010, EnVision LS Area Development Plan (ADP) Design Standards for an area generally bounded by Pine Tree Plaza, U.S. 50 Highway, ADESA Property, Jefferson Street, Persels (West of M-291), 16th Street (East of M-291), The Union Pacific Railroad Right-Of-Way and South M-291 Highway known as the Envision LS Master Development Plan excepting the 85 acres owned by Westcott Investment Group, LLC; City of Lee's Summit, applicant; with Sections 5c(3) and 5e(2) 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 Roberts, that this Area Development Plan was recommended for approval to the City Council - Regular Session, due back on 3/2/2017. The motion carried unanimously.

## 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](http://www.cityofls.net)".