

The City of Lee's Summit
Action Letter
Planning Commission

Thursday, March 17, 2022

5:00 PM

City Council Chambers and via videoconference

SPECIAL MEETING

Notice is hereby given that the Planning Commission for the City of Lee's Summit will meet on Thursday, March 17, 2022, at 5:00 pm in the City Council Chambers at City Hall, 220 SE Green Street, Lee's Summit, Missouri, and via video conference as provided by Section 2-50 of the City of Lee's Summit Code of Ordinances, adopted by the City Council on June 15, 2021, Ordinance No. 9172.

Persons wishing to comment on any item of business on the agenda, including public testimony during a Public Hearing, via video conference may do so by sending a request prior to 5:00 p.m. on Wednesday, March 16, 2022, to the City Clerk at clerk@cityofls.net to attend the meeting on the video conferencing platform. The City Clerk will provide instructions regarding how to attend by this method.

Call to Order

Roll Call

Present: 8 - Chairperson Donnie Funk
Vice Chair Dana Arth
Board Member Tanya Jana-Ford
Board Member Mark Kitchens
Board Member Jake Loveless
Board Member Cynda Rader
Board Member Chip Touzinsky
Board Member Terry Trafton

Absent: 1 - Board Member Randy Benbrook

Approval of Agenda

A motion was made by Vice Chair Arth, seconded by Board Member Kitchens, that this agenda be approved. The motion carried unanimously.

Public Comments

There were no public comments regarding the Planning Commission or the process presented at the meeting. Public comments were presented during public hearings regarding those specific topics.

1. Approval of Consent Agenda

A. [2022-4806](#) Approval of the March 10, 2022 Planning Commission minutes.

A motion was made by Vice Chair Arth, seconded by Board Member Touzinsky, that the

minutes be approved. The motion carried unanimously.

Public Hearings

- 2. 2022-4752** Public Hearing: Application #PL2021-485 - Preliminary Development Plan - Furniture Mall of Missouri, 900 NW Blue Parkway; Hive Design Collaborative, applicant.

Chairperson Funk opened the hearing at 5:10 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Mr. Logan Hayes of Hive Design Collaborative gave his address as 1617 Walnut Street, KCMO 64108. He stated that he is presenting a compromise to the staff's letter and described the subject property as the previous Macy's Store on the SE side of the highway. Mr. Hayes gave a presentation that showed the previous use with the six accepted signs that had been approved through a PDP process. He then presented renderings that were presented to the planning staff in regards to updates that Furniture Mall plans to make to the store. Part of those updates include material changes as well as adding signage based on their current branding standards. What is being presented counts per code as 23 signs. This is under the percentage of façade limit but is over the number allowed. An illustration has been created to show what the applicant is willing to compromise on. They would be removing a total of seven signs which will take their total to sixteen. The applicant noted that this may be more palatable because in the staff letter there were other locations, such as Walmart and a nearby Price Chopper that have signs in this same range. The applicant is willing to compromise to find something that works for both the city and Furniture Mall.

Following Mr. Hayes's presentation, Chairperson Funk asked for staff comments.

Mr. McGuire entered Exhibit (A), list of exhibits 1- 15 into the record. Mr. McGuire indicated that the site is in the existing Summit Fair Shopping Center and is surrounded by commercial uses to the north, south, east and west with 50 hwy to the west. This is a three-acre lot located at 900 NW Blue Pkwy. This is a 120,000 square foot space. The applicant proposes exterior renovations to the building. The applicant is here today with a PDP and not a typical sign application. The reason this is a PDP is that they're asking for a modification to the material for the exterior renovation. There was a PDP approved in 2006 for the Summit Fair Shopping Center. We are here because of the conditional materials and the number of signs requested. The conditional material is a corrugated steel siding system. Staff does support the use of this material in this application. The initial application requested 23 wall signs which is substantially more than what is allowed. There are two Conditions of Approval: 1. A modification shall be granted to allow for seven (7) signs, not to exceed three (3) on any given façade. 2. The use of corrugated steel siding system shall be granted as a conditional material as shown on the building exterior elevations, dated January 14, 2022.

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

Hearing none, Chairperson Funk then asked if the Commission had questions for the applicant or staff.

Commissioner Jana-Ford asked the applicant why the two signs on the north were so close to each other and if one could be removed. The applicant explained that the signs were facing the highway and were directional dependent on which direction you were facing. She asked about the signage on the south side in relation to the parking and why there wasn't anything indicating an entrance there. The applicant responded that the entrance in that location was going to be removed and that there is plenty of parking on the north side and the east court-side entrance. Mr. Jamie Winter of Topeka, KS addressed her concern about the parking

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on the south side. Mr. Winter is an owner of the Furniture Mall. The main reason for closing that entrance is to create the right customer experience as a customer enters the store. The customers will be drawn to the north side. There will be plenty of parking for the normal traffic. A sign can be placed on the south side indicating parking near the main corridor.

Mr. Touzinsky asked if city staff had seen the reduced sign proposal from 23 to 16. Mr. McGuire indicated that he had not. He also asked if the corrugated steel was anything more than decoration or if it have a structural component.

Mr. Terry Trafton reiterated that the city was recommending 7 signs. He understood the brand standard but expressed his concern that the number of signs was excessive. He asked about the category signs and would they be canvas. The applicant answered that the category signs would be metal with a graphic overlay.

Mr. Jake Loveless commented on the category signs and recommending eliminating those.

Hector Soto said that prior to the meeting staff had not seen which signs the applicant was proposing to eliminate.

Chairperson Funk clarified with the applicant and staff that the corrugated steel was part of the façade and not part of the sign.

Chip Touzinsky asked for clarification from staff about the number of signs that were now being proposed and what staff was recommending. Mr. Soto indicated that staff was recommending approval of seven (7) signs.

Chairperson Funk asked if there were further questions for the applicant or staff. Hearing none, he closed the public hearing at 5:33 p.m. and asked for discussion among the Commission members.

Terry Trafton recommended eliminating the category signs, numbers 7-11 and 15-19.

Dana Arth stated that she understood the branding and was okay with it.

Jake Loveless said that he appreciated the applicant filling a vacant building and asked that they meet in the middle and eliminate one set of the category signs.

Tanya Jana-Ford agreed with Commissioner Loveless and asked that the north set of category signs be removed. Dana Arth also thanked the applicant for bringing his business to town. Terry Trafton agree with the recommendation of removing the north set of category signs.

Chairperson Funk thanked the applicant and clarified that five (5) category signs would be removed on the north elevation bringing the total number of signs to eleven (11).

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

A motion was made by Board Member Trafton, seconded by Board Member Rader to amend the first condition of approval. It will be rewritten to read "A modification shall be granted to allow for eleven (11) signs". The signs recommended for approval are numbers 3, 12, 13, 14, 15, 16,17, 18, 19, 21, and 23 as shown on the sign plan. The motion carried by the following vote: Aye: Donnie Funk, Dana Arth, Tanya Jana-Ford, Jake Loveless, Cynda Rader, Chip Touzinsky, and Terry Trafton. Abstain: Mark Kitchens.

Board Member Trafton made a motion to recommend approval of Application PL2021-485 PRELIMINARY DEVELOPMENT PLAN – Furniture Mall of Missouri, 900 NW Blue Pkwy; Hive

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Design Collaborative, applicant. Board Member Rader seconded the motion.

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

A motion was made by Board Member Trafton, seconded by Board Member Rader to amend the first condition of approval. It will be rewritten to read "A modification shall be granted to allow for eleven (11) signs". The signs recommended for approval are numbers 3, 12, 13, 14, 15, 16, 17, 18, 19, 21, and 23 as shown on the sign plan. The motion carried by the following vote:

Aye:

Funk, Donnie
Arth, Dana
Jana-Ford, Tanya
Loveless, Jake
Rader, Cynda
Touzinsky, Chip
Trafton, Terry

Absent:

Benbrook, Randy
Kitchens, Mark

A motion was made by Board Member Trafton, seconded by Board Member Rader, that this application be recommended for approval as amended to the City Council - Regular Session. The motion carried by the following vote:

Aye: 7 - Chairperson Funk
Vice Chair Arth
Board Member Jana-Ford
Board Member Loveless
Board Member Rader
Board Member Touzinsky
Board Member Trafton

Absent: 1 - Board Member Benbrook

Abstain: 1 - Board Member Kitchens

- a. **TMP-2198** An Ordinance approving a Preliminary Development Plan for Furniture Mall of Missouri on land located at 900 NW Blue Parkway all in accordance with the provisions of Chapter 33, the Unified Development Ordinance, of the Code of Ordinances for the City of Lee's Summit, Missouri.
3. **2022-4687** Public Hearing: Application #PL2021-450 - Rezoning from AG to RP-3 and Preliminary Development Plan - Anderson Pointe, 5601 NE Anderson Road; Engineering Solutions, LLC, applicant.

Chairperson Funk opened the hearing at 6:01 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Mr. Matt Schlicht of Engineering Solutions gave his business address as 50 SE 30th Street in Lee's Summit. He described the subject property's location as the SE side, north of the golf course off of Anderson Dr. The applicant is asking that the property be rezoned from AG to RP-3 and that a Preliminary Development Plan be approved for the site. The site is comprised

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of twenty-three acres that will include sixty-six single family homes and ten duplex lots (20 units). The duplex lots will be maintenance provided. These units will all be for sale. The density will be 3.6 units per acre. This is under the four per acre for R-1 zoning. RP-3 zoning was chosen because there is a trend in the residential market. People no longer want to own all of the ground around their house. They are enjoying the HOA owned ground and the amenities that can be provided without the maintenance of a larger lot. There will be common area that will include tree preservation, swimming pool and a playground. Thirty-two percent of the site (7 acres) is common area. Three acres of the seven will remain undisturbed. Primarily on the northeast area. Mr. Schlicht explained how the RP-3 zoning will lock in the density, the use, the material, the colors. It tags the site to the Preliminary Development Plan that is approved. All units will have two car garages and driveway space. There will be some type of trail or walkability throughout the community. A community meeting was held and concerns were addressed during those meetings. Those concerns were reviewed and comments given by the applicant. Some of the key points that were identified included the strain on the utilities (water and sewer), overcrowding at Voy Spears Elementary, emergency response strain, land use,

A sanitary sewer analysis was done and there were no capacity issues found. Water utilities provided a water model and there were no pressure issues found. The Blue Springs School District did not respond to the applicant or the staff. The school district will address any overcrowding issues as they arise. Chief Eden will address the concern regarding the concern of the strain on emergency response. Based on the city's comprehensive plan, Lee's Summit is at 35% for residential use.

Following Mr. Schlicht's presentation, Chairperson Funk asked for staff comments.

Mr. Soto entered Exhibit (A), list of exhibits 1- 24 into the record. Mr. Soto's presentation was about the process itself. How did this project get to the Planning commission and how it will proceed. There are two applications listed for consideration. The Rezoning and Preliminary Development Plan and the Comprehensive Plan Amendment. The rezoning and PDP will go to City Council after Planning Commission for a public hearing. The Comprehensive Plan Amendment will be decided by the Planning Commission and will not move on to City Council. The Legal protest is determined by 30% of the surrounding properties within 185' filing a petition. To date staff has received 55%. The residents have surpassed that threshold. City Council will need a minimum of 6 votes for approval of the Rezoning application and Preliminary Development Plan. The legal protest has no bearing on the Planning Commission vote.

This application has a modification request for the minimum 50' street frontage requirement. There are five lots that are impacted by that at the far south end of the development. The applicant proposes a shared private driveway that comes off of a public street. This will be in a common tract with a shared maintenance agreement. A modification is required to approve the layout for these five lots. Staff is supportive of that modification.

Mr. Soto went on to give a staff analysis of the compatibility of this project with the surrounding development. He described how this project is in line with the neighboring properties.

Mr. Soto went on to talk about storm water and the obligation of the developer to mitigate the storm water from their development. City ordinance obligates the developer to mitigate impacts from storm water created by their own development. Staff is aware of existing flood events in this area. City ordinance does not obligate the developer to correct any existing conditions. During the course of the application review process, when there are known issues, staff does work with the applicants to try to incorporate improvements that will help to mitigate some of the existing issues. This applicant has been engaged with the surrounding neighbors to try to address some of those issues. Mr. Soto commented on the school issue as

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well. He indicated that staff has not received any concern from the school district regarding capacity. Staff did try to reach out to the Blue Springs School District but were not successful. National averages from the census bureau shows that it can be expected to have about 32 school age children in this development. It could be more or it could be less.

There are five conditions of approval:

1. A modification shall be granted to the requirement for each lot to have a minimum 50' of street frontage, to allow the following: Lot 41 – 17' of street frontage; Lot 45 – 40.08' of street frontage; and Lots 42-44 – 0' of street frontage.
2. The Developer shall execute a mutually satisfactory development agreement with the City, which addresses, at a minimum, paved shoulder improvements along NE Anderson Dr from NE Velie Dr to NE Lakewood Blvd as addressed in the City Traffic Engineer's TIA dated February 10, 2022. No building permits shall be issued for any structure in the development until written proof is provided to the City that the development agreement has been recorded in the Jackson County Recorders' Office.
3. A revised Macro Stormwater Drainage Study shall be submitted to, reviewed and approved by the City prior to approval of any final development plan to address all outstanding discrepancies identified by City staff.
4. All design waivers shall be submitted, reviewed and approved by the City Engineer prior to approval of any final development plan.
5. Development shall be in accordance with the preliminary development plan dated November 17, 2021, time stamped January 12, 2022; Single-family building elevations 1 and 2 (1.5-story), time stamped December 21, 2021; Single-family building elevations 1 and 2 (2-story), time stamped December 21, 2021; and Development Design Guidelines, date stamped December 21, 2021.

Chairperson Funk asked that Mr. Soto address the concern about the loss of wildlife. The Comprehensive Plan shows this area as low density residential. It is developable land and is not designated as conservation space.

Following Mr. Soto's presentation, Chairperson Funk asked if there was anyone present wishing to give testimony, either in support for or opposition to the application. He told those in attendance, either via zoom or in person, that public comments would start with the people in the room and then move on to those on zoom. He reminded the audience that if they had specific questions that may or may not have been answered in the presentation that they would do their best to answer all of the questions. He asked that the audience not repeat the same questions that someone else may have asked ahead of them. If that happened, they would have to move on to the next person for the interest of time.

With that, questions / concerns were raised by the following residents: Mr. Richard Peters of 5720 NE Quartz Dr raised a concern about the roads and the intersection of Bailey and Lakewood Blvd. Mr. Eric Self of 133 NE Parks View Ct. talked about his concern for the capacity with the existing detention pond. Mr. Ed Berka of 464 NE Lakes Edge Dr. spoke about flooding in the area and the traffic and slope of the road. Mr. Stephan Dumsky talked about the number of protest petitions that were submitted to the city. Margo Simon discussed the flooding issue and loss of habitat for wildlife. A resident that introduced themselves as an engineer spoke of the need for excavation and the amount of rock and believed there would be no easy way to develop this area. She was concerned about the additional permits and moving earth, land, and rocks in the area. Ms. Jennifer Berka of 464 NE Lakes Edge Dr. spoke about the concerns of the neighborhood. Mr. Curt Rafferty asked if anyone had been on the hill. He spoke of the excavation and trees on Anderson Rd. He asked that Anderson Rd. be improved before any work is started on the project. Ms. Jennifer Allsworth, attending via zoom, discussed the traffic safety and asked questions and made comment related to the traffic study. She also spoke of the flooding concerns and finally asked that the developer consider changing the names of the roads. As presented they take offense to the roads being

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named after the Great Lakes in this flood prone area. Mr. Justin Vanwyk (zoom) spoke of pictures of his backyard and the flooding that has occurred. He said that residents had tried to stop other development with no success. He went on to speak about the traffic in regards to accidents and snow. Mr. Brian Schneider of 5821 NE Diamond Ct. also attended via zoom. Mr. Schneider introduced himself as a teacher in a different district. He questioned the validity of the data regarding the number of students that will live in this development. He also spoke of the water table and how high it currently is.

Chairperson Funk asked if there were any additional public comments. Hearing none, he closed the public hearing at 7:13 p.m.

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

The Planning Commission members had several questions for the applicant and / or staff. Mr. Mark Kitchens asked about the traffic concerns. Mr. Michael Park, Director of Public Works and Mr. Brad Cooley addressed his questions. Mr. Cooley indicated that the number of accidents in the area was low on average. Mr. Park talked about the average accidents throughout the city. Mr. Kitchens went on to ask about the emergency services. Assistant Chief Jim Eden spoke about the response in the area. He did not believe the number of lots would have a significant impact. Station 4 is being relocated to Lakewood Way and Bowlin Rd. The average demand for this residential area is pretty low. Mr. Kitchens went on to ask the applicant about improvements to the walking area and the improved roads. Mr. Schlicht addressed the question and said that they would be asking the City Council to waive the requirement of the unimproved road policy along Anderson as it continues to the south. He went on to further explain that request. Mr. Kitchens asked the applicant if the water situation would improve. Mr. Schlicht replied that it is their opinion that yes, it would.

Ms. Rader asked Mr. Anderson if the HOA would allow rental of the properties. Mr. Anderson responded that they would not. She went on to ask for clarification on the RP-3 zoning and if this area could ever be developed with multi-family housing. The applicant replied that for that to happen it would have to come back to the Planning Commission for their approval. This plan is tied to the PDP upon approval and will not allow for multi-family housing. RP-3 creates a set of rules one of which allows for the smaller lot sizes.

Mr. Jake Loveless asked if this project would join the HOA or have its own. The applicant replied that it would have its own. He also asked what conditions of approval they were asking to be waived. Mr. Schlicht answered that it was just for the road improvements, no others. Mr. Loveless then asked if they would consider changing the names of the roads. Mr. Anderson said that yes, they would take another look at the names. He then asked staff why they wanted the RP-3 zoning designation. Mr. Soto responded that it was for the minimum width size and that RP-3 captures everything that is tied to this plan. Mr. Loveless asked if the Comp Plan Amendment would still be in place if the City Council denied the project. Mr. Soto said that if the PDP does not go through, the Comp Plan amendment would revert back. Clarification was given that Veile Road is not tied to this project in regards to the Unimproved Road Policy. It does not have a direct impact by this development.

Chairperson Funk asked for clarification on the zoning. If the development did not make it past Planning Commission, the zoning will remain RP-3. Mr. Soto stated that if the plan is approved through City Council but never gets developed that the approval of the Rezoning and Preliminary Development Plan locks it into R-2. That means if the plan is never built, the rezoning will still be in place. Mr. Josh Johnson added to that explanation. If the plan is never developed after 24 months the plan would go away. The zoning would remain in place but the PDP would be voided. A new plan would have to come back through the public hearing process. David Bushek added that the resolution has a delayed effective date. This resolution does not take effect unless the PDP and Rezoning are approved through City Council.

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Ms. Dana Arth asked for explanation regarding excavation and a better understanding on what will have to be done. Mr. Schlicht used the Lake of the Ozarks as an example. He said that the excavation will try to be minimized. The design element will be looked at to work with the terrain. Mr. Anderson explained that rock is an issue that happens. It adds a lot of cost and makes it more difficult but that they deal with it all of the time. Ms. Arth went on to ask about the 3-acre area that would remain undisturbed. Mr. Schlicht responded that the area would remain untouched and that he believes there will be more areas that will be left undisturbed and that the number will go up. Ms. Arth asked the staff where they get the data for the number of school aged children. She wanted to know if it was local or national. Mr. Soto responded that it is national data. There is some information that is on a state by state basis.

Mr. Terry Trafton addressed the applicant about the elevation. He asked for a sense of the elevation changes. Mr. Schlicht answered that there was 20' of fall in one location, 30' in another area. Mr. Kent Monter spoke up to say that the SE end contour was at 910 and the NW end was at 810. The edges drop off rather quickly. Most of the site drops about 40 feet from the north to the south end. These numbers are reflective of the current elevation. They will likely change with the development. Mr. Trafton commented on the run-off that MoDot directs into the existing neighborhood. He asked if there had been questions presented to MoDot about it. Mr. Schlicht stated that Mr. Trafton is correct, the water runs through a swale between properties to the street. Mr. Monter said that storm water standards change. Storm water pipes are sized to a certain size and that overland flow is a common thing. This discharges into an engineer designed swale. Mr. Monter referred to George Binger, City Engineer to address the question related to MoDot. He also said that city staff would not ask this developer to have a conversation with MoDot. Mr. Trafton further asked if drainage swales are something that is disclosed to prospective buyers of a property. Mr. Monter replied that yes, that is something that would have to be disclosed. Mr. Trafton asked if the "pond" on the property would be removed. Mr. Schlicht said that it would be removed and filled in. It does not appear to be deep and does not have much of a drainage area. The trees that are on the property are growing and can grow in rock. This is a densely covered area. Mr. Trafton commented on the property and asked the applicant what the history of the property was. Mr. Anderson replied that it had been on the market for several years. It makes sense to do a densely populated project here. The price point of the houses must meet the cost of the project. It is very risky but that is part of development. There was reference made to the church that owned the property. The church joined with another church and resides elsewhere. Mr. Trafton asked about the RP zoning. Hector Soto said that RP zoning is in use in the area along with single family zoning.

Mr. Chip Touzinsky referred to the detention. He asked if there would be detention in the NW corner. Mr. Schlicht explained the detention for the site. There is detention shown in the NE corner and the NW area would drain to detention in the westerly mid-section of the property. They both ultimately go to the regional basin. The detention will happen slowly and be controlled. This will ultimately be better for the existing properties. Currently the water just rushes down to the properties to the north. With this development the outflow will be controlled. Mr. Touzinsky then referred to the traffic. He appreciated the work that was done on the traffic report. He then asked about the foundations. Mr. Schlicht replied that some of the houses would be on a slab and some would have a basement. This will be determined by the grading plan. A geotechnical report will be obtained to determine the status of the rock. Blasting is unlikely. There is a noise ordinance in place that will help with construction noise. Mr. Touzinsky asked if the neighbors would be notified of the time frame of construction. Mr. Schlicht replied that they would be happy to communicate with the neighbors.

Ms. Tanya Jana-Ford asked how the slope on Anderson would be taken into account. Mr. Schlicht said that they would manage the design to meet codes. Ms. Jana-Ford asked about the separation of the entrance points. This was a design per the access management code. The existing topography is utilized to make that draw happen. Ms. Jana-Ford asked about the

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process for excavation. Mr. Schlicht said that this is construction activity that will be there for a while. They will try to make it happen to have minimal impact on the neighbors. The project will happen in two phases, the north half being the first phase. The timeline of construction will hopefully begin with paving in the spring of 2023. Home sales will drive the construction timeline. Infrastructure must be in place before homes can be built. Josh Jackson gave clarification on the noise ordinance. Hours are 10:00 pm – 7:00 am and is enforced by the LSPD.

Chairperson Funk reminded the public that the public hearing has been closed and that this is a time of questions and comments from the Planning Commission members. Mr. Funk made a point that Mr. Schlicht has been before the Planning Commission a number of times and that he does his homework on the projects that he presents. He wanted to ensure the public that the Planning Commission members are very comfortable with the quality products that he brings before them.

Chairperson Funk asked Mr. Park to give comment about a speeding traffic study. Mr. Park explained what the speeding traffic study is for and how it benefits the LSPD. He said that an 85% speed is typically used to set speed limits.

Mr. Loveless asked about the site distance issue that was referred to by Mrs. Allsworth. Mr. Schlicht responded that it was due to overgrowth of shrubbery and that it will be removed. There was a comment made about sewer capacity and Mr. Schlicht wanted to ensure the members that the sanitary sewer study showed that there were no capacity issues. There was also a traffic study done that covered all peak hours. Mr. Loveless asked Kent Monter to address the sanitary sewer issues. Mr. Monter indicated that the city does not have concerns on the sanitary sewers. The storm water modeling is shown on the preliminary plan. Mr. Monter believes that the applicant is working to ensure that there will not be a negative impact to the neighbors and that it meets all design criteria standards. Mr. George Binger addressed a letter that was presented by a resident regarding storm water in the area. The letter is sent out to residents that are located in the flood plain. The letter explains insurance requirements and resources that are available. The letter goes out and identifies properties that may have structural flooding issues.

Mr. Loveless asked if the improvements on Anderson are a requirement of the project, when would that occur. Mr. Park replied that it would occur prior to construction of the development, the same as all other infrastructure requirements.

Mr. Soto addressed a comment by a member of the public. He said that the application before us is for "Anderson Point" not "Lakewood Multi-family." Previous documents referred to this project as "Lakewood Multi-family". The name was used as a generic place holder for earlier versions of the documents prior to the name of the development being established. Mr. Bushek confirmed that anything previously submitted is irrelevant. The project being considered now is for "Anderson Point".

Chairperson Funk closed the public hearing at 8:41 p.m. and asked for discussion or a motion.

Ms. Rader said that she appreciated the community members that attended the meeting. She is a long time resident of Lee's Summit and said that the staff is very particular about addressing concerns and diligent about making certain that everything meets the current standards. She is concerned about multi-family as well.

Ms. Arth also said that she appreciated the community members that attended the meeting. She said that the city staff is very thorough about checking out these projects. She wanted to reassure the public that a lot of due diligence will be done. She was encouraged about the dialogue between the applicant and the existing residents.

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Mr. Trafton appreciated the residents coming out and commends them on their petition. He thanked the staff and applicant for all of their work on the project. He feels it is unfortunate that the previous developer has caused all of these water concerns for the properties. He asked the city staff to look for solutions to the current problems.

Chairperson Funk showed appreciation to the staff for their checks and balances on this project. He ensured the public that it would be reviewed over and over again until everything is done properly. He then asked for a motion on the application.

Vice-chairperson Arth made a motion to recommend approval of Continued Appl. #PL2021-450 – REZONING FROM AG TO RP-3 AND PRELIMINARY DEVELOPMENT PLAN – Anderson Pointe, 5601 NE Anderson Dr; Engineering Solutions, LLC, applicant. Board Member Rader seconded the motion.

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

A motion was made by Vice Chair Arth, seconded by Board Member Rader, that this application be recommended for approval to the City Council - Regular Session. The motion carried by the following vote:

Aye: 7 - Chairperson Funk
Vice Chair Arth
Board Member Jana-Ford
Board Member Loveless
Board Member Rader
Board Member Touzinsky
Board Member Trafton

Absent: 2 - Board Member Benbrook
Board Member Kitchens

- a. **TMP-2218** An Ordinance approving a rezoning from AG (Agricultural) to district RP-3 (Planned Residential Mixed Use) and preliminary development plan for Anderson Pointe on land located at 5601 NE Anderson Drive, all in accordance with the provisions of Chapter 33, the Unified Development Ordinance, of the Code of Ordinances for the City of Lee's Summit, Missouri.

4. [2022-4688](#) Continued Appl. #PL2021-456 - COMPREHENSIVE PLAN AMENDMENT - change from Residential 1 land use designation to Residential 2 land use designation, 5601 NE Anderson Dr; Engineering Solutions, LLC, applicant

Chairperson Funk opened the hearing at 8:54 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Mr. Matt Schlicht of Engineering Solutions explained that this was a continuation of the previous hearing.

Mr. Soto entered Exhibit (A), list of exhibits 1- 11 into the record. He continued by saying that there is no new testimony that was not covered in the previous hearing. He explained that this is contingent on the approval of the previous application and that there is a delay in the effective date of this comp plan amendment. If the application does not get approved, this amendment will be null and void.

Mr. Bushek gave clarification on the process and how the Comprehensive Plan Amendment would take effect. He explained that even if the project doesn't happen the rezoning would still be in effect. Another hearing would be required to revert back to previous or a different zoning.

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Following Mr. Bushek's statement Chairperson asked if there was any public comment.

Mr. Berka of 464 NE Lakes Edge Dr. asked that if any of the Planning Commission members had any business relations or endorsements or anything related to Mike Atcheson or the Foundations of the Future that they give a show of hands and recuse themselves from the vote. Chairperson Funk stated that none of the members of the commission are an elected official and looked to Mr. Bushek for guidance. Mr. Bushek stated that this is not the correct forum for a member of the public to ask a Planning Commission member to raise their hand and ask them to respond to a comment like that. These types of issues are dealt with through the law department. A member of the commission would go to the law department to ask for assistance in determining if there is a conflict of interest. This is not something that the body here sits in judgement of. No one on the commission is running for an election that Mr. Anderson would be endorsing. The members are appointed by the mayor. Mr. Berka responded that if there is a business relationship that maybe the members would recuse themselves. Mr. Bushek stated that this is a public hearing regarding an amendment of the Comprehensive Plan and that is the matter before the Commission.

Chairperson Funk closed the public hearing at 8:56 p.m. and asked for discussion or a motion.

Mr. Loveless said that he likes the fact that the amendment has a claw back provision if the plan is not approved by council. He made a general comment about the RP-3 zoning vs. the R-1 zoning and that it doesn't give the developer flexibility to change the product if the development does not get built.

Hearing no further comments, Chairperson Funk asked for a motion

Vice-chairperson Arth made a motion to recommend approval of Continued Appl. #PL2021-456 – COMPREHENSIVE PLAN AMENDMENT – change from Residential 1 land use designation to Residential 2 land use designation, 5601 NE Anderson Dr; Engineering Solutions, LLC, applicant. Board Member Rader seconded the motion.

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

A motion was made by Vice Chair Arth, seconded by Board Member Rader, that this application be approved. The motion carried by the following vote:

Aye: 7 - Chairperson Funk
Vice Chair Arth
Board Member Jana-Ford
Board Member Loveless
Board Member Rader
Board Member Touzinsky
Board Member Trafton

Absent: 2 - Board Member Benbrook
Board Member Kitchens

Other Agenda Items

5. [2022-4797](#) Resolution No. 2022-02 - A Resolution of the Planning Commission of the City of Lee's Summit, Missouri, amending the Lee's Summit Ignite Comprehensive Plan from Residential 1 land use designation to Residential 2 land use designation, 5601 NE Anderson Dr; Engineering Solutions, LLC, applicant

Planning Commission

Action Letter

March 17, 2022

Roundtable

Ms. Rader showed concern over the comment that Mr. Berka made. She asked how that should be addressed or if there was an appropriate time for that. Mr. Bushek said that he was prepared for that comment. The conflict rules were made for each Planning commission member to follow. It is each member's responsibility to watch out for conflicts and to come to the law department for advice. If there is a conflict there is a remedy for it and that is for each member not for the body as a whole. This is not the forum for a citizen to bring that up.

Ms. Arth said that it is the Planning Commissions job to get answers for the residents concerns and to listen to their concerns. They are a recommending body and try to to their best to work in conjunction with the City Council.

Adjournment

There being no further business, Chairperson Funk adjourned the meeting at 9:03 p.m.

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