

The City of Lee's Summit
Action Letter
Planning Commission

Thursday, May 23, 2019
5:00 PM
City Council Chambers
City Hall
220 SE Green Street
Lee's Summit, MO 64063

Call to Order

Roll Call

Present: 9 - Board Member Carla Dial
Board Member Jason Norbury
Board Member Dana Arth
Board Member Don Gustafson
Board Member Donnie Funk
Board Member Jeff Sims
Board Member Jake Loveless
Board Member John Lovell
Board Member Mark Kitchens

Approval of Agenda

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

Public Comments

There were no public comments at the meeting.

Approval of Consent Agenda

[BILL NO.](#)
[19-127](#)

An Ordinance accepting final plat entitled "The Trails of Park Ridge, 4th Plat, Lots 70 thru 114 & Block 2", as a subdivision to the City of Lee's Summit, Missouri.

(Note: This was first read by Council on June 4, 2019 and passed by unanimous vote.)

A motion was made by Board Member Funk, seconded by Board Member Gustafson, that this application be recommended for approval to the City Council - Regular Session, due back on 6/4/2019. The motion carried unanimously.

[BILL NO.](#)
[19-126](#)

An Ordinance vacating a portion of a certain utility easement located at 1715 NE Aberdeen Drive in the City of Lee's Summit, Missouri.

(Note: This was first read by Council on June 4, 2019 and passed by unanimous vote.)

A motion was made by Board Member Funk, seconded by Board Member Gustafson, that this

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application be recommended for approval to the City Council - Regular Session, due back on 6/4/2019. The motion carried unanimously.

[2019-2774](#) Minutes of the May 9, 2016, Planning Commission meeting

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

Public Hearings

[2019-2806](#) Public Hearing: Application #PL2019-119 - Special Use Permit for automobile sales and major automotive repair - The RestoMod Store, 1510 SE Kingspoint Drive; The RestoMod Store, LLC, applicant.

Chairperson Norbury opened the hearing at 5:08 p.m. and announced that Application PL2019-119 was requested to be continued to a date certain of June 13, 2019. He asked for a motion to continue.

Mr. Funk noted the wording that the hearing was being continued "to allow for proper notification," and asked staff to explain. Mr. Weisenborn explained that staff had discovered that when the applicant sent out the public notice, they referenced only the public hearing before the City Council. They had sent out new notices last week, which would be on time for the first Planning Commission meeting in June.

Mr. Funk made a motion to continue Application PL2019-119, Special Use Permit for automobile sale and major automotive repair: The RestoMod Store, 15010 SE Kingspoint Dr; The RestoMod Store, LLC, applicant to a date certain of June 13, 2019. Ms. Dial seconded.

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

A motion was made by Board Member Funk, seconded by Board Member Dial, that this application be continued to the Planning Commission, due back on 6/13/2019. The motion carried unanimously.

[2019-2807](#) Appl. #PL2019-126 - VACATION OF RIGHT-OF-WAY - a segment of SW Blackstone Pl abutting 4028 SW Benziger Dr; Engineering Solutions, LLC, applicant (continued to a date certain of June 13, 2019, to allow for proper notification)

Chairperson Norbury opened the hearing at 5:10 p.m. and announced that Application PL2019-126 was requested to be continued to a date certain of June 13, 2019, to allow for proper notification. He asked for a motion to continue.

Mr. Funk asked if this was the same situation as in the previous continuance. Ms. Bell replied that the applicant had sent out notices but did not get all of them sent out on time.

Mr. Funk made a motion to continue Application PL2019-126, Vacation of Right-Of-Way: a segment of SW Blackstone Place abutting 4028 SW Benziger Dr; Engineering Solutions, LLC, applicant to a date certain of June 13, 2019. Mr. Sims seconded.

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

A motion was made by Board Member Funk, seconded by Board Member Sims, that this application be continued. to the Planning Commission, due back on 6/13/2019. The motion carried unanimously.

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[2019-2743](#) Appl. #PL2019-158 - COMPREHENSIVE PLAN AMENDMENT - Capital Improvement Plan (CIP) 2020-2024; City of Lee's Summit, applicant

Chairperson Norbury opened the hearing at 8:50 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Mr. Anderson entered Exhibit (A), list of exhibits 1-6 into the record. He defined the 5-year CIP as a 5-year plan for public infrastructure projects. It was updated annually, adding a year to replace the one just finished. It was not a 'wish list' but a financially constrained plan. The City looked at current and anticipated revenues and set priorities. While it was a planning document, it had to be approved by City Council by resolution, at which time a plan's first year became that fiscal year's capital budget. As it was part of the Comprehensive Plan it was brought to the Planning Commission; and a State statute required a public hearing for public infrastructure projects. The current CIP for fiscal year 2019-2023 was \$321,275,000, with the proposed 2020-2024 fiscal year at \$276,226,000. The variation was due to three projects that year: the airport runway, the Blackwell interchange and the M-291/US 50 interchange. These accounted for \$47 million.

The funds came from various sources including a capital improvements sales tax approved by voters in 2007 and renewed in 2017, and general obligation bonds. This year the sales tax funded improvements to Chipman Road and Jefferson Street. The bonds funded cultural arts facilities Downtown, Fire Station 3, and radio system upgrades. Water and sewer repairs and rehabilitation were funded by the tap fees and rates. Parks and Recreation got funding from a quarter-cent sales tax plus user fees and the transportation sales tax paid for the annual pavement management program as well as road and bridge projects as they came up. The airport was the largest recipient of grant funds and the city had recently received funding from MARC for projects on Colbern Road between Douglas and M-350.

Mr. Anderson displayed a list of completed projects. Some projects were dropped and others became part of other larger projects. Another slide showed a list of airport and bridge, street and signal projects. Among the new projects was drainage improvements at NE Maybrook and ongoing improvements by Water Utilities.

Staff was requesting a resolution from the Commission adopting the 2020-2024 CIP as an amendment to the Comprehensive Plan.

Following Mr. Anderson'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 asked if the Commission had questions for staff. As there were none, he closed the public hearing at 9:10 p.m. and asked for discussion among the Commission members, or for a motion.

Mr. Funk made a motion to direct staff to present a resolution adopting the Capital Improvement Plan 2020-2024 as an amendment to the City of Lee's Summit Comprehensive Plan, as amended, and approving the location, extent and character of all public improvements described in the City of Lee's Summit Capital Improvement Plan 2020-2024. Mr. Loveless seconded.

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

A motion was made by Board Member Funk, seconded by Board Member Lovell, that this application be recommended for approval to the City Council - Regular Session. The motion carried unanimously.

[2019-2716](#) Continued Public Hearing: Application #PL2019-075 - Rezoning from AG to CP-2

and RP-4, Conceptual Development Plan and Preliminary Development Plan-Summit Village North and Aria, approximately 62 acres generally located at the northwest corner of NE Douglas Street and NW Colbern Road; Aria LS, LLC, applicant.

(Note: This item is to be continued to July 9, 2019 per the Applicant's request.)

Chairperson Norbury opened the hearing at 5:12 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Mr. John Erpeling, of Olsson, gave his business address as 1301 Burlington in Kansas City, Missouri. Mr. Guy Swanson, president and COO of Unity and Mark Van Buskirk with New Mark, who was also with Unity and was assisting them with the master planning. Mr. David O. Black and Mr. Jack Arveti represented the development team for the Aria apartments, and were also present at the meeting.

Mr. Erpeling gave a summary of the proposed project. It was actually two projects, on a total of 62 acres. The property was currently owned by Unity. Of that acreage, 39 acres were for the requested commercial rezoning and concept plan, which the application referred to as Summit Village North. This was for future development of mixed commercial uses, and the requested rezoning was to CP-2. As this was a conceptual plan at present, it showed potential uses such as offices including medical, retail, restaurants and C-stores. The remaining 23 acres directly to the north were for the multi-family rezoning and preliminary development plan for Aria apartments. This parcel would be rezoned to RP-4. The plan did reference a 'retirement resort', which might mean age-restricted housing. Some of the critical items at present including public infrastructure improvements and site access.

Mr. Erpeling displayed a more detailed slide showing the proposed Aria apartments. The two-phase project was for 12 buildings with a total 485 units. These would be four-story buildings with a centrally-located clubhouse and pool area. Two other projects in the vicinity of the subject property involved about 300 acres south of Colbern Road that were annexed from Unity Village to Lee's Summit about ten years ago. The master plan was for commercial/retail uses, and improvements to Colbern Road were planned from the Douglas to the roundabout at Unity; and tonight's plan was the first step in new development as a result of the capital improvements.

Two modifications were requested, both for the apartments. One was for the high-density landscape buffer requirement. Some existing trees were at the southwest boundary of this acreage, and they planned a landscape easement for this natural buffer. The other requested modification was for the proposed density of 21.56 units per acre. Mr. Erpeling stated that this was fairly standard for an apartment project, and the plan would provide plenty of amenities and green space.

One other modification for the commercial concept plan and the apartments' PDP would be to the Council's recently adopted unimproved road policy, to allow each phase of development to install curb and gutter only on the west side of Lee's Summit Road, and only adjacent to each phase. This was the third condition in staff's transportation and impact review form, requiring the applicants to add curb and gutter on both sides of Lee's Summit Road from Colbern to the city limits. The applicants had originally asked for a complete waiver, but now understood the City wanting a more finished aesthetic. They were now requesting each phase of development to add curb and gutter only to the west side of the road, and only along the frontage of the property. Sidewalks on the west side were already part of the proposed plan. They also proposed a new public water main for the apartments, along Douglas Road's west side to the south edge of the property. It would be extended down to Colbern as the commercial part was developed. Curb cuts would be included, to allow for stormwater from the street to flow into the roadside swales. These were spaced about 100 feet apart, similar to what was done on Blue Parkway. Mr. Erpeling added that staff would support these in lieu

of a storm sewer. The road improvements required for future commercial development would be conditions as PDPs were brought forward, and these would also apply to any future development north of the proposed apartments. The applicants agreed with the other conditions in staff's letter.

Mr. Jack Cardetti, of Trittenbach Capital, described Trittenbach as a private family-owned company founded in 2004. Their headquarters was in Columbia, Missouri; and they were a "full service investment, development and property management company". They had started their first out-of-state in 2015 and now operated in three states. They had met with Unity's management and liked their ownership structure; and felt that this particular property's location served a need in the community. Their projects to date included "multi-family housing, commercial buildings, medical offices, hospitality and restaurant projects" as well as multi-family developments in other states. The Aria project was very similar to one already completed in Columbia (MO). Mr. Cardetti added that Trittenbach was not a 'merchant' builder that got a development up and running and then sold it. They owned and operated the properties they built; and this gave a builder and developer much more of a long-term perspective. This included choices such as using materials that were high-cost but low-maintenance.

Before expanding to Kansas City, Aria's buildings were of two different types: open breezeway and enclosed. They had previously emphasized the open breezeway type, but after talking with people in the community and at past City Council and zoning hearings it was evident that the preference in this market was for enclosed buildings with climate-controlled hallways and with elevators when needed.

The 485 apartment units would include 721 beds, and the building material would be brick and stucco on all four sides. Mr. Cardetti displayed a rendering of a sample building front with four-sided architecture, one of 12 that were planned. The next exhibits showed both front and back of the clubhouse, which would be the setting of many of the amenities. The back view showed the swimming pool and stone fire pits. The 485 apartments would be 53 percent one bedroom, 45 percent two bedrooms and 2 percent three bedrooms. Kitchens had stainless steel appliances and granite countertops. The units had wood/vinyl plank floors, ceramic tile in bathrooms, ceiling fans and washers and dryers. The architecture supplied recessed balconies and patios on the first floor.

The anticipated residents were established professionals as well as retirees. They wanted attractions like a swimming pool or gym to be available on site. In Columbia a high percentage were in the medical field, and Lee's Summit's proximity to hospitals and other medical centers had been one of reasons this location made so much sense. It could fill a need in the community that Aria was already familiar with. Mr. Cardetti emphasized that Aria tried to create a 'sense of place', including using a development's clubhouse to host events. For all prospective tenants they did background, credit and rental history checks as well as employment and income verification. They also planned to hire managers, maintenance and leasing staff locally, although the property upkeep, including third party inspections, would be done via the Columbia headquarters. Night security patrols would be via security consultants. However, they would hire local construction subcontractors Mr. Cardetti then showed photographs of the various clubhouse features of the Columbia property including the workout facility, entry, and the pool. The facility could be used for meetings, and the one in Columbia hosted public meetings as well.

The 2017 housing report had indicated that Lee's Summit could support up to 2,300 additional market-rate apartments. The infrastructure improvements included the curb and gutter mentioned earlier, with an estimated cost of \$240,000. Regarding schools, the average had been 15 school aged children per 100 units, a total of 73 elementary, middle school and high school students in this case. Local vendors would be used for service or repairs. The property tax increase would be more than the number of students added to the school district as a

whole.

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

Ms. Thompson entered Exhibit (A), list of exhibits 1-19 into the record. She displayed an aerial map of the proposed location at the northwest corner of Colbern and Douglas. It was bordered by undeveloped Unity Village property to the west and north, with some large-lot residences to the north and the Lee's Summit airport to the east of Douglas. The Comprehensive Plan showed this area's use as a combination of business park and commercial mixed use. The applicant wanted to rezone 23 acres to RP-4 for the apartment development and the other 40 acres to CP-2 for Summit Village North. Ms. Thompson pointed out that this property was at the intersection of two major arterial streets and was also very close to I-470. That made it suitable for higher intensity commercial use. The area just north of the large acreage single-family homes was in Lee's Summit and in Kansas City.

A conceptual plan for Summit Village North showed retail, restaurant, C-Store, hotel and retirement resort uses. Ms. Thompson stated that this was not part of the Aria preliminary development plan approval, and would require its own reviews and approvals. Another displayed plan for the Aria apartments listed 12 four-story buildings with 485 units in two phases, a clubhouse, garages and maintenance buildings, which were designed to resemble detached garages.

The UDO required a high-impact landscape buffer between RP-4 and CP-2 zoned properties. In this case, this was the property's southwest portion. A medium-impact buffer would be required between RP-4 and AG zoned properties on the northwest side as well. The applicant proposed to preserve the existing off-site treed areas to serve as that buffer; and both the developer and Unity, the adjacent owner, had agreed to it. They would provide an off-site landscape easement. Staff supported this proposal.

The applicants proposed a density of 21.55 per acre for the apartments, with the maximum for RP-4 being 12 units per acre. Staff supported this increased density. The displayed table showed the similarity to other approved apartment developments in the past including Longview (25.3) and The Residences at Echelon (11.5). Staff recommended approval, subject to four conditions of approval. The first was the modifications to the landscape buffer requirement previously explained and the second was for the maximum density in the RP-4 zoning district. The third confirmed the requirement for a development agreement to address road improvements, off-site landscape easement and downstream stormwater improvements. The fourth condition was for the standard condition that the approval match the plan that was date stamped May 7, 2019.

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.

Ms. Rhianna Deslitch gave her address as 14001 Lookout Drive in Kansas City (MO), near Pryor and Bannister. She asked if the improvements to Colbern would happen before the apartment complex. Mr. Erpeling answered that they would not, although they expected the road improvements would be done before the commercial side. They would start on construction later this year. Ms. Deslitch said that traffic was her concern, especially in view of this development plus that at Pryor and Bannister which was 392 units. She noted that the City already had an application for Paragon Star and she did not believe that the local roads could handle such a drastic increase in traffic. Many people used Colbern and Bannister to get to the Cerner complex; and whenever I-470 had any kind of problem such as an accident, those road were usually used as the alternative.

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

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Mr. Funk asked for some clarification about the construction, specifically the materials used for the apartments and whether they would be all brick or brick and stucco. Mr. Cardetti answered that the original plan was for brick and stucco. However, this had changed to all brick materials, and more than one color brick would be used. He added that the buildings would be brick on all four sides.

Mr. Loveless asked if they would be applying for any incentives from the City, and Mr. Cardetti answered that they would not. Concerning the mention of \$240,000 worth of off-site improvements, Mr. Cardetti stated that this was for the water main, sidewalk and curb and gutter. Mr. Loveless asked what would the applicants' financial obligation would be if they were to improve that section of road all the way to the end of Lee's Summit Road, or if they extended it up to the edge of the proposed development. Mr. Cardetti responded that he did not have the information at hand but would calculate it.

Mr. Kitchens asked if the parking lot spaces and garages in the plan would be assigned to tenants or if they would be on a first-come, first-served basis. Mr. Cardetti answered that garage spaces would basically be available for rent, but the spaces in the parking lot would not be assigned.

Mr. Gustafson asked why this zoning classification was requested since it did not support that high a density. Ms. Thompson answered that the City did not have a zoning classification for that density. The UDO had been written to be restrictive about density so if applicants wanted something higher they would have to request a modification. That was something staff would be looking at while the Comprehensive Plan was being updated. Concerning the Comprehensive Plan, Mr. Gustafson asked what the orange and black line on the rendering represented, and Ms. Thompson replied that it represented a future roadway. She was not sure if this was still planned for use or not, as the Thoroughfare Plan had some updates. Mr. Park confirmed that this was a conceptually planned roadway for the Comprehensive Plan and Master Plan. Mr. Gustafson did not see any through access to the west, and Mr. Park clarified additional concepts north of this project would face considerable geography constraints.

Mr. Gustafson asked if the planned improvements for Colbern and Lee's Summit Road would include bicycle lanes, and Mr. Park answered that they would. The City Council had adopted an improved road policy and bicycle lanes would be extended through the existing paved shoulder area.

Ms. Arth asked if the garages were detached, and Mr. Cardetti answered that they were. Ms. Arth then asked about rent rates. Mr. Cardetti estimated monthly rents between \$1,000 and \$1,700.

Regarding the modification for the landscape buffer, Mr. Funk asked if the proposed natural landscape buffer was on Unity Village land. Mr. Cardetti answered that it was, and would be placed in an easement. Mr. Funk then noted to staff that the applicants were asking for a modification to the City Council's improvements that was not listed. Mr. Park responded that if the Commission wanted an amendment to staff's report, it would be amending this on the Traffic Impact Analysis form. Staff would recommend on the basis of policy here being more aesthetic with no measurable impact on safety or traffic operations. He did not consider it unreasonable to phase in the approach to roads.

Chairperson Norbury noted some commentary about stream buffers. He asked if this would impact the preliminary development plan for the apartment complex would be impacted. Mr. Monter noted a small area that at the City engineer had some discretion to modify. It deviated a little from stream buffer requirements but was offset in other areas. This could typically be handled just with a waiver. The greater concern was over the part covered by the Conceptual Plan. This would have to be discussed at the time that a preliminary plan for the commercial area was brought forward.

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Mr. Loveless asked Mr. Park if there were issues over traffic with this development, and Mr. Park answered that the applicant had submitted a traffic impact study that was included in the packets. The study did extend outside the city limits, and it was reviewed by MoDOT since it included intersections within their jurisdiction at the I-470 interchange. The City of Kansas City had also reviewed it. These jurisdictions and the City of Lee's Summit had agreed with this study and its recommendations. Mr. Loveless then asked the applicant what the garage counts were, and Mr. Cardetti replied that there were 92.

Chairperson Norbury asked if there were further questions for the applicant or staff. Hearing none, he closed the public hearing at 5:55 p.m. and asked for discussion among the Commission members.

Chairperson Norbury stated that as the applicant had made a request that was outside what the staff had recommended, the Commission needed to discuss it. Mr. Loveless acknowledged that while both parts of the project were part of the same discussion, it did not make sense to him to address only the front part of the development by improve only one segment of the road. If the improvement would be only to one [west] side of the road, it was not clear when the other side of the road would be improved.

Mr. Kitchens added that the airport was on the other side of the road, and it was not likely that any other kind of development would happen there. Ms. Dial said she would support their improving the road only along their property but it should be both sides of the road. Chairperson Norbury agreed with both Mr. Kitchens, and Ms. Dial, adding that there were few residences along the east side in that particular stretch of road. Concerning the motion, if the Commission had a consensus to recommend a smaller amount of curb than the standard City road improvement requirements, it could be included as an added recommendation or condition of approval; or the Commission could let tonight's discussion stand and pass the decision on to the City Council.

Mr. Kitchens had a concern that as Lee's Summit continued to grow in this area, there would be more situations where roads crossed boundaries to other cities. The traffic studies did concern both sides of city lines. In the case of the subject property, traffic at that intersection and on those roads was at a high level at certain times of day. More attention needed to be given to coordinating with other cities with jurisdiction on certain parts of roads.

Chairperson Norbury said he appreciated the developer making sure their application in line with the expressed community and City Council standards. Ms. Arth added that she appreciated the developer having done the homework and showing respect for what the Commission had discussed in previous meetings. Hearing no further discussion, Chairperson Norbury called for a motion.

Mr. Funk made a motion to recommend approval of continued Application PL2019-075, Rezoning from AG to CP-2 and RP-4, Conceptual Development Plan and Preliminary Development Plan: Summit Village North and Aria, approximately 62 acres generally located at the northwest corner of NE Douglas St and NW Colbern Rd; Aria LS, LLC, applicant; subject to staff's letter of May 17, 2019, specifically recommendation items 1 through 4 and adding item 5, stipulating that road improvements be provided on both sides of the street for the length of the applicant's development. Ms. Dial seconded.

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

A motion was made by Board Member Funk, seconded by Board Member Dial, that this application be recommended for approval as amended, adding item #5 to staff recommendations, to the City Council - Regular Session, due back on 6/18/2019. The motion carried unanimously.

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[2019-2695](#) Continued Public Hearing: Application #PL2019-071 - Preliminary Development Plan - Paragon Star Village, approximately 36 acres generally located at the northeast corner of NW View High Drive and I-470 Highway; Paragon Star, LLC, applicant. (NOTE: This item was previously continued from May 7, 2019 per the applicant's request.)

Chairperson Norbury opened the hearing at 6:00 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Ms. Christine Bushyhead of Bushyhead LLC stated that she was general counsel to the Paragon Star project and would be addressing the public/private partnership aspect. The focus was on having a mixed use development that could not be found elsewhere in the region. The project would cover about 190 acres and was projected for an investment of \$400 million. It had a sports and recreation component as well as the mixed use.

Ms. Bushyhead gave some history of the project. It had been brought to the Planning Commission in 2016 as a rezoning application. In 2012, the City of Lee's Summit had sent out a Request for Qualifications (RFQ) seeking a partner to bring forward concept plans for development of City-owned land at the corner of View High and I-470. She and her team had been selected, and a pre-development agreement dated January 13, 2013 was executed. Among other things, the agreement ensured that the 77.9 acres of City-owned land would be part of the project. The city and the developer had obtained an economic feasibility study" done in April of 2013. A feasibility study for the soccer complex in the plan was done in August of 2012. Both studies confirmed the validity of the plans to develop the concept.

In September of 2015 the Paragon team had entered into a development structure agreement with the City. This basically set out the funding mechanisms the applicant believed would best support the project. They would have to go through an individual approval process for any or all of these options, which took up much of the preparation time. Subsequently a Community Improvement District was approved [CID], as well as a tax-increment financing plan [TIF]. Paragon had also put together, and the City had supported, a Transportation Development District. Ms. Bushyhead displayed the design that was an exhibit for the early development agreement. It included the sports complex and mixed-use 'village' on land that was just south of I-470. The uses had included offices, a hotel, residential and convention facilities. The integrity of the project and land uses they were anticipating had come from this 2012 concept plan.

A displayed aerial view boundary map showed the I-470/View High CID. This was a political subdivision that had been created to contribute to the financing and operation of the sports complex. The TIF plan included a redevelopment project Area 1 ("RPA 1"), which shared a boundary with this proposed CID. Sales tax revenue would be generated from the village. Another view showed the part of the I-470/View High intersection subject to the TIF redevelopment plan, dividing it into three RPAs. The other two had been approved in the I-470/View High TIF; but were not planned as thoroughly as RPA 1. They would

have to go through the hearing process for the City as well as at the TIF level. The boundaries of the displayed map were of an approximately 300-acre tract, with RPA 1 being about 120 acres. It represented the sports complex, which was within the Lee's Summit city limits. Tracts 9 through 15 and Tracts 17 and 18 were not owned by the developer or a related entity. Tract 10 was the City-owned property that was currently under contract. They had been putting the foundation in place for the public financing.

The third public financing piece was the I-470 Western Gateway Transportation Development district. It extended from Summit Woods on the east (far right) side of the map. On the far west side was the TR23 tract, shown in purple. In this particular instance, the boundaries of the regional TDD were much broader, offering an opportunity to gather revenues to do some of the improvements. These would include \$6-\$8 million improvements at the I-470/View High intersection. This would be a diverted diamond interchange, and funds would also be needed for ancillary roads leading to it. A slide showing the "Paragon Star" listed the uses: office space, entertainment and dining, sports and recreation, residency and lodging.

Ms. Bushyhead asserted that these were the elements of the project that complied with referred the PDP criteria. Those criteria stipulated that the development be designed, located and proposed to be operated so that the public health, safety and welfare would be protected. The development would not impede the 'normal and ordinary' development and improvement of the surrounding property. It would incorporate adequate ingress and egress and an internal street network that would minimize traffic congestion. This development was what the Comprehensive Plan had shown: commercial development with some open space and recreation; and conformance with the Comprehensive Plan was one of the criteria for approval of the TIF. Ms. Bushyhead emphasized that the City was a partner, in response to an RFP.

Concerning traffic, the applicant had traffic studies done and an internal road network was designed, in addition to the DDI (diverging diamond interchange) that they were doing with MoDOT.

Mr. Bill Brown, of Spectrum Strategies, was Project Manager for the Paragon team. He commented that this site was very attractive and would be a good fit for the community. It did have a number of unique challenges. First, the Little Blue River ran through the middle, and so the property had flood plain restrictions that would have to be taken into consideration in developing it. They would need to build two bridges over it just for access to the site. The land had a 22-acre wetland that needed to be mitigated and the site; and in addition to a small river running through the project, a Little Blue Valley sewer line ran northeast from View High and I-470 through both the village and sports complex. This line varied between 78 and 84 inches. The developers had to plan around that, with no vertical construction on that part. Much of the incentives they had received would have to go into dealing with the lack of utilities at the site, as well as no road access.

Another challenging aspect was the approval process, as the land itself and

View High were in both Lee's Summit and Kansas City. That meant meeting with both City governments about any determinations concerning infrastructure. Sometimes it meant agreeing on what standards would be used that both City staffs could sign off on. Mr. Brown displayed a map showing ownership and boundaries. The purple area was a little over 20 acres that was owned by Jackson County, plus a small piece between the village and View High. Mr. Flip Short's holdings were shown both in pink (the village) and light blue (Kansas City). The remaining gray area indicated the 80 acres owned by the City and Lee's Summit.

Regarding the sports and recreation component, the applicants were ready to ask the City to approve the final development plan for the roads and sports complex. This component currently included the soccer complex and fields but also future additions including bocce, pickleball and volleyball courts. Future plans included a children's play park, zip lines, ropes courses and a climbing wall. A trailhead would access both the Little Blue Trace and Rock Island trail, and would have public restrooms, a shelter house, bike racks and a picnic area. The applicants were also in the approval process with Kansas City for the 700-space parking lot that would serve both the sports complex and the trail head

Mr. Brown then displayed a list of additional incentive and land use approvals. They had worked with the Army Corps of Engineers on the wetland mitigation agreement; and had now purchased the permit and credits. They had also obtained a Conditional Letter of Map Revision [CLOMR] from FEMA, and the both the CID and TDD boards were both established and were meeting. Both MoDOT and the Federal Highway Administrations had approved the four-lane DDI; and the applicants had done a traffic study for the whole development as well. Kansas City had recently requested an amendment and they had produced a traffic count and updated addendum in response. The pre-development agreement had been to get the infrastructure in place before the rest of the development and last February they had closed on a \$31 million bond. Via a public procurement process, they had awarded three contracts totaling \$6.5 million for the mass grading work, although this work had been considerably delayed by the unusually cold winter and rainy spring. When the grading was done they would then start construction on roads, parking and utilities.

Next, Mr. John Garr with Finkel Williams architects and Mr. Aaron Ross with Hirsch and Associates landscape architects gave a presentation about the design and building types as well as parking. They displayed a master plan map of the trail head, soccer complex and the village development. It provided information on how the vehicle and pedestrian access worked. The stretch of NW Paragon Parkway that ran directly through the village was set up as a streetscape with retail stores and 3- and 4-story buildings on both sides. The north side was reserved for the project's residential component; partly to take advantage of the natural landscape and also to provide some more urban type settings. The south side was primarily commercial development including much of the parking. It was a vertically- and horizontally-oriented, mixed-use development, so the buildings themselves had different uses.

The northern residential portion was a four-story multi-family building on the north side. It wrapped around the parking structure; and three stories of residential use were above the retail use. The restaurant/retail use was at the center of Paragon Parkway and wrapped around to the east side to create a courtyard and community plaza. The small pads indicated were for coffee shops or other small restaurant venue. The general office component was on a second floor of a retail building on Paragon Parkway's south side. It faced the parkway on one side and the courtyard on another. An individual, stand-alone medical office building was at the western edge of the community plaza. Finally, the proposed entertainment venue, on the development's north-south axis, also fronted on the community plaza. Two proposed hotel buildings would be at the core of the development and to the southeast.

Parking for these various uses would naturally have different demands at different times. Mr. Garr displayed a color-coordinated parking plan that took these different times and uses into account, with parking spaces located and allocated accordingly although they were all common-use parking and not reserved. The design could distribute them according to those times and uses. The displayed diagram was for a peak time at an evening or weekend event.

Mr. Ross related that the architects had gone with the developer to take a look at other similar developments. He pointed out that the displayed examples, including Avalon in Alpharetta, Georgia and La Cantera in San Antonio, Texas. A common characteristic in the examples was landscaping, spaces, streets and buildings were designed together, including indoor-outdoor opportunities. Mr. Garr displayed examples of the finishes, massings and use of accessories like canopies. Materials were glass, natural stone, and other materials that could harmonize with the natural landscape.

Mr. Ross displayed a site design slide, commenting that it had some challenges but also many opportunities. They had wanted to create public streets and public places on the inside of the development, but also to connect to the river and the natural landscape. Paragon Parkway was the main street, with a loop road that went around the development. In many cases a building would have two main sides, one facing a public street and the other facing Paragon Plaza or another public space. The four main site design components were streetscape, amenity spaces, connectivity and landscape.

A displayed plan for Paragon Parkway showed street trees and landscaping around parking lots. Paragon Plaza, which was about the size of one of the soccer fields, was the central green space, and could be accessed from most of the stores and restaurants. The plaza was broken up into a central green space facing an indoor-outdoor stage, and a few related amenities including a playground. They had used the Livable Streets guidelines in designing connectivity, with ample sidewalks and ten-foot wide multi-use trails on the north side. The bridge across the Little Blue would accommodate bicycles and pedestrians as well as cars, and internal roads would connect to the Little Blue Trace and Rock Island trail a well. Landscaping would use native plants as much as possible, especially on the edges where the landscape could look

more natural. Pavers could be used in strategic places for elements such as promenades and outdoor dining.

The following slides showed the gateway area off the roundabout on View High. Mr. Ross commented that the buildings corresponded to the sidewalk so they could include outdoor crossings and pass-throughs to create a pedestrian-friendly environment. The images also included some of the dense landscaping. Mr. Ross pointed out that the building shown was among those that had residential uses on the second and third floors. The next image showed a sample view from a residential balcony down Paragon Parkway in one of these dual-use buildings. An aerial view displayed included the street system and central plaza, including a view of the stage at the end of the plaza. An indoor venue also had a stage with a movie screen. The plaza was actually a multi-purpose park, with the medical office building bordering the western edge; and Mr. Garr pointed out the retail building on the eastern edge had a roof terrace for dining.

Mr. Brown summarized some aspects not covered by the PDP. These included recreational opportunities, which the applicants were working on with Parks and Recreation, and some potential existed for a public-private partnership. The proposed field house could provide some recreational opportunities, as would the pedestrian and bike trails, restoration and improvements to the Little Blue River and Cedar Creek and the sports and fitness activities the development would provide. Tourism was a major possibility to bring both dollars and people into Lee's Summit, and the growing youth sports travel industry was one of those possibilities, especially since families often paired these events with family vacations. Regarding sustainability, much of the landscaping plan included the natural habitat around the development. Buildings would be designed with energy conservation in mind, with alternative energy sources whenever possible and the development would have its own recycling program. The sustainability plan also included river and stream restoration, including abatement of non-native vegetation. Mr. Brown added that Lee's Summit did have a sustainability plan, developed by a sustainability task force; though it was not adopted by the City Council.

Public art was planned to be a big part of the project's landscape. Regarding technology, the plan also included a Google fiber plan; and every broadband line went along nearby I-470. The site would have Wi-Fi access throughout, mobile applications and point of service, touch screen kiosks and available video streaming.

Chairperson Norbury announced a 10-minute break at 6:55 p.m. The meeting reconvened at 7:05 p.m. Chairperson Norbury asked for staff comments.

Ms. Thompson entered Exhibit (A), list of exhibits 1-23 into the record. She confirmed that the Paragon Star Village preliminary development plan was for a mixed use development on 36 acres. An aerial view image showed undeveloped property at the northeast corner of I-470 and NW View High Drive. It was southwest of the proposed soccer complex, and the Little Blue River ran through the property, originating in the Grandview area and terminating at the

Missouri River. The property was zoned PMIX, with the surrounding properties being a mixture of PMIX, AG, R-1 and other residential districts within Kansas City. Ms. Thompson pointed out on the displayed site plan how the proposed Paragon Parkway went directly through the site, crossing the Little Blue River twice. The proposed apartment buildings would be north of the Parkway, and other development including the event venue, office building, restaurants and hotel to the south. Ms. Thompson then displayed views of the Parkway corridor and elevations of the medical office building, retail, restaurants (stand-alone and drive-through) and a mixed use retail/restaurant/office building on Lot 9.

Regarding building materials, the applicants had a design guideline book that thoroughly covered the wide variety of materials they planned to use: stone, brick, masonry, textured architectural metal panels, faux wood cladding, stucco, EIFS, fiber cement board, storefront glazing, wood veneer and precast concrete. Staff supported the shared parking model concept that the applicant had mentioned.

The PDP included a modification request for two parking setbacks. One area along the property's west side and another along the south property line. The required setback from the south property line was 20 feet, but the site plan showed a 9-foot setback. On the west side, the parking setback requirement was 6 feet and the site plan showed an essentially zero setback for one corner of the parking lot. Staff supported this modification, as both sites were adjacent to a significant area of green space, giving the appearance of a buffer and adequate separation from any adjacent right-of-way.

The proposed parking lot lighting was for 28-foot poles, with all foot candles reduced to zero at the property lines. A modification was needed, however; as the property was adjacent to a residential use the pole heights were restricted. Some of the Kansas City portion of this property was adjacent to residential but the arterial roadway in between did provide separation. In this part of the perimeter the maximum pole height was 24 feet. Outside the perimeter area, the maximum allowed was 28 feet, but the applicants requested a modification only to certain parts of the perimeter adjacent to residential. Ms. Thompson added that the foot candles did reduce to zero for this portion as well. Staff supported this request as well.

The PDP included use of architectural metal panels, which were classified as a conditional material that had to be approved by the Planning Commission and City Council. Staff supported approval of this material, as it seemed appropriate for what the elevations showed and for the development handbook's description. Staff recommended approval of the application, subject to 5 conditions. Condition 1 accounted for the parking setback modification along the south and west parking areas as shown on the plans. Condition 2, addressing the parking lot poles, was being amended, with "15-foot" and "20-foot" being removed and replaced with "24 feet". Condition 3 allowed the use of the architectural metal as a conditional exterior building material. Condition 4 referenced the requirement for executing a development agreement addressing certain aspects of the plan. Condition 5 was staff's standard comment that the plan would be in accordance with the PDP date stamped April 4, 2019.

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.

Ms. Linda Hartmann gave her address as 9935 View High Drive in Kansas City MO. She agreed that roads in that area went from a Lee's Summit jurisdiction to Kansas City and back again, and communication between the two cities needed to improve. Like many of the nearby residents, she was concerned about flooding issues and about the lighting but particularly about traffic congestion. She stated that she lived a little north of the subject property and it was a residential street. The entire street consisted of houses and two churches. The traffic study had anticipated the development to result in 24,000 vehicles on that intersection on both weekend days. While the developer might consider a 10 percent increase in traffic going up View High was acceptable, her street would have an additional traffic load of over 2,000 vehicles on weekends. When the development was finished, at least some of those drivers would be coming from bars and this street had hills and winding turns. She encouraged Commissions to drive up View High, which was not very far away. In the last five years, 65 wrecks were reported to Kansas City on her street; and neighbors' property such as fences got knocked down on a regular basis.

Ms. Hartmann added that this was her third time appearing before the Commission about the problem with accidents and had been told that according to Kansas City it was not a problem. When she had complained to Kansas City, she had been told the developer had assured them it would not be a problem. She added that the over 2,000 cars that would go up her street would proceed on Bannister, and both were two lane streets with no shoulders that had not been intended for that volume of traffic. The development's plan had first shown only one point of access, and now had two but both were on View High Drive. This would be a very large development with many people living and working there and this limited access could be a nuisance and a danger. Noise was also a concern and as it was, the noise from traffic was already a problem.

Mr. David Hartmann stated that he also lived at 9935 View High Drive. He noted that the whole process for this application emphasized meetings involving the Commission, Paragon Star and the City Council but none of these had involved the neighbors. The subject property was adjacent to his but he had not known about any of these plans until a friend called and told him about it. Since then he had received two notifications in the mail, one notifying him of tonight's meeting. The other focused on the possibility of the flood plain changes due to the changes planned for the subject property; which did not sound like the applicant was a good neighbor although they did share a common fence line. The fence did not run exactly along the property line, but it had been there almost 30 years and his father had previously owned the land. When the survey work was being done the fence had been knocked down, he had not been told about it and as far as he knew the property lines were not in dispute.

Mr. Hartmann did not think that placing this complex development at the bottom of the hill was a good decision especially in view of other development in the

area such as housing additions and development at I-470 and Pryor Road. These were uphill of the subject property, which was basically the Little Blue River basin. It had formerly been allowed to function as the holding area where rain runoff would meander through on its way to the river. Mr. Hartmann then stated that he had experience with suddenly rising water. An unnamed tributary flowed through his own property and much of the time it was a small enough watercourse that he could step across it without getting his feet wet. However, after as little as 2 inches of rain overnight the creek could be as much as 4 feet deep and running fast through an 8-foot culvert with no mitigation on its way downhill. The situation would be sure to get much worse when the development caused a drastic increase in impervious coverage.

Mr. Tony Gassoway gave his address as 13504 E. 95th Terrace in Kansas City. He stated that he was representing the Cedar Valley subdivision, about 30 single-family homes. He did not want the project to fail but he did not want it to succeed at the neighbors' expense either. They had recently met with their Kansas City council representative at City Hall, and they were assured that the development would not disrupt the watershed either upstream or downstream. Their Council representative had expressed concern over the watershed and traffic issues and had since directed her staff to do an independent study, including an additional traffic study.

Ms. Rhianna Deslitch gave her address as 14001 Lookout Drive in Kansas City (MO). She was president of her homeowners association, Unity Ridge; and was also a representative and president of the Kansas City Neighborhood Advisory Council. She recalled being informed that Mr. Flip Short had bought land in Kansas City and wanted to de-annex it to make it part of Lee's Summit. She and other neighborhood leaders had then formed a coalition to stop it, as they wanted to have a say about what would happen nearby. One of the major issues was the traffic on Bannister Road and View High Road.

Referring to the previous application where she had spoken, Ms. Deslitch noted that Colbern Road, which became Bannister Road, came directly from the intersection of Colbern and Douglas where there would be almost 500 apartments and over 700 beds. The same group that had built Summit Crossing had bought some Unity land on Pryor Road. They were multi-family residential developers and already had 100 acres near the quarry; so it was very likely that these parcels would be developed as apartments. And now even more apartments were planned at View High and Bannister. The curving road that connected all this was two lanes with no curbs or sidewalks. Pryor Road's traffic situation had been bad since it had been connected to the shopping center, and in fact another shopping center behind the Lowe's store was being planned. But while Lee's Summit was growing very quickly, the part of Kansas City nearby was not. While their homes were in Kansas City, their children went to school in Lee's Summit, they spent money in taxes in Lee's Summit and they ran essential errands such as grocery shopping there as well.

Ms. Deslitch then related that the traffic study and traffic engineers they had consulted had looked at the 2016 traffic study from Paragon Star and did not see Bannister Road or View High Drive included. She emphasized that a new

traffic study would need to be done in the interest of safety; and that Kansas City had to be involved in it. Whenever I-470 had any kind of problem, much of the traffic detoured on Colbern/Bannister Road. The last time Kansas City had given them a traffic study, they were told that there would be no traffic issues for 30 years, but only two years ago it was obvious there was a problem. A traffic signal at Pryor and Bannister that she'd requested from Public Works had been granted \$350,000. Ms. Deslitch concluded that she hoped the Commission could give the neighbors the consideration they deserved, as residents and taxpayers.

Mr. Will Dyson, HOA president at Highview Estates in Kansas City, gave his address as 9318 E. Pleasant Ave. He related that at a meeting with the public that there would not be any water retention. This was especially a concern because the FEMA flood plain had changed. He had done some research and had found a document from a 2007 water study done for Kansas City, stating that no building should be done within 100 feet of this site, as that would flood his own neighborhood. The stability of the flood plain in Little Blue Valley actually depended on the stability of the same area they were now developing. He was able to get a lot of questions answered and noted that on the map, the soccer field was a 45-acre field, in dry weather.

Mr. Dyson observed that since the flood plain which used to catch the river water was being filled in, a considerable volume of it went straight into the river as a 4-foot deep channel. Mr. Dyson related a storm in August 2017 had flooded some houses that had been there about 15 years. The project's initial clearing had been in March of 2017, and anything done to amend the river would always affect his neighborhood. He added that the hydrology studies always ended at Bannister and the reviewers had requested that in the interest of having a clear picture of where the water went, the studies be extended to a half mile past Noland Road.

Mr. Dyson then shared a document from a third party reviewer that Kansas City had hired, Wilson and Associates:

"The city of Kansas City, Missouri, as the flood plain administrator, is obligated to consider and verify that any changes in the flood plain do not increase the risk to life and property, per Chapter 28 of the city of Kansas City Code of Ordinances. As the new developer increases the peak discharge of the Little Blue River a half mile upstream at Noland Road. . . the reviewer requests the designer provide a hydraulic model used to determine the peak discharges described in the previous table. . . . In addition, the reviewer requests that post-project peak flows be used in the proposed condition plans as the hydraulic model to determine the proposed impacts to downstream properties.

Mr. Dyson observed that with such a model, they could apply it to rain events to see where and how far water might go. The reviewer had also remarked that *"remaining comments have not been checked and verified because the results of the hydraulic modeling would potentially be affected by the changes in _____"* Mr. Dyson asserted that without this model, Kansas City would not be able to obtain a Conditional Letter of Map Revision (CLOMR). It had been

applied for twice, but in avoidance of an issue that was safety related, a \$400 million project had not done that model. He added that approval of the 404 permit to do construction in or on the river depended on approval of the CLOMR. That meant that even the pipes that had been put into the flood plain were in violation. In view of the sharp increase in rainfall this year in particular, the situation had been handled carelessly. Finally, he added that concerning the traffic, Pryor Road between Bannister and I-470 was in bad condition.

Mr. Mark Trosen, Deputy chief operating officer for Jackson County. Also present were Mr. Bryan Newani or Jackson County Parks and Recreation and landscape architect Mr. Bruce Wilke. He related that Jackson County had started talks with Paragon Star in 2016, and related a number of inconsistencies. By December or 2018 they had developed a written but not signed agreement in principle that Paragon Star would construct the Little Blue Trace Trail as part of their overall development. The new PDP illustrated that the separated grade Little Blue Trace Trail had been removed from the plan entirely. The developer had proposed an encroachment on County property without approval from Jackson County. On April 29th they had met with Planning staff and shared the inconsistencies in the revised PDP regarding promises previously made to the County by Paragon Star. They also had a follow-up meeting with Mr. Brown and Ms. Bushyhead on May 3rd, but nothing was finalized. The PDP did not clearly illustrate the Little Blue Trace Trail through the mixed use development area. There was no public easement on the revised plat for the trail.

Additionally, the proposed street plan did not clearly illustrate how bicycle and pedestrian facilities through the development would connect to the future trail. That would be necessary to meet the Lee's Summit Greenway Master Plan standards. Mr. Trosen emphasized that the Little Blue Trace trail was a major component of that plan, and was the longest trail in Jackson County. The long term plan for the trail had always been to connect it through Lee's Summit to Longview Lake; and the Paragon Star development was imperative to making this connection. Jackson County appreciated Lee's Summit's support of regional connectivity as evidenced by its Greenway Master Plan and the Development Services staff letter of May 3rd. The trail's benefits for citizens included providing health and wellness opportunities. They requested the City to consider including additional conditions for final approval of the PDP:

Condition 1: The developer shall include a dedicated 50-foot easement to the County, upon which the Little Blue Trace Trail shall be constructed through the Paragon Star development. Jackson County agrees with the statement included in the Development Services staff letter that trail easements be provided.

Condition 2: The inclusion of a ten-foot, protected bicycle and pedestrian lane on the proposed Paragon Parkway bridges.

Condition 3: Paragon Star will be required to place the construction of a separated grade Little Blue Trace trail back into their development on their property.

Condition 4: Regarding the encroachments on County property shown on the PDP, Jackson County owns a 1.5 acre parcel adjacent to View High Drive and a 25 acre parcel on the east side of the development.

Planning Commission

Action Letter

May 23, 2019

The revised preliminary replat showed a parking lot drive to be constructed on that 1.5 acre parcel. The proposed streets, bridges and parking structures all came right to the County's property lines. Again they agreed with staff's letter that cooperation between the applicant and Jackson County would be required for any encroachment on County property. Jackson County asked that this condition be a requirement for PDP approval, and were hopeful that tonight's decision would support regional connectivity with the completion of the Little Blue Trace trail.

Mr. Trosen asked to leave a copy of the presentation and its exhibits and requested that they be entered as a party of record. Chairperson Norbury entered them into the record as exhibit 24. Chairperson Norbury then asked if the Commission had questions for the applicant or staff.

Mr. Funk asked the applicant if they were waiting for approval from the Corps of Engineers for this phase of the project. Mr. Brown replied that they were waiting for approval. Mr. Funk clarified for the public that the actual approval would come from FEMA, and Mr. Brown added that there was also an "MT2" form that Kansas City would have to agree to as well. He acknowledged that the project would not move forward unless these approvals were met and confirmed that no downstream flooding would occur.

Mr. Gustafson asked that the applicant or staff give a brief description of the street and highway improvements, and how they related to the project's phases. Mr. Brad Burton, of GBA, gave his address as 9801 Renner Blvd. in Lenexa, Kansas. Part of this first phase would be to do a DDI improvement at the interchange, bringing View High Drive up through the roundabout on the north, then up to the east through the roundabout on the north, then and back down just south of the wetlands to the third roundabout. The route would basically go around the Little Blue River, improvements at the interchange and up and around, also serving the soccer complex. The infrastructure improvements for the mixed use village would be to connect the two roundabouts on the east and west with a street that provided bridges across the Little Blue on both sides.

Mr. Gustafson asked what the timing for construction of the highway improvements was. Mr. Burton replied that they were in the design stage at present and hopefully would be bid out by this fall; with construction over the winter and next year. Mr. Gustafson asked what could be completed in the development itself during that time.

Mr. Park clarified that this related to the PDP for the soccer complex that was previously approved. It had conditions of approval that had to be met before occupancy, including the improvements Mr. Burton had described. Improvements at the I-470/View High interchange. These would have to be substantially completed and open to traffic. The PDP being considered tonight would have those same conditions; so all these road improvements would also need to be done before occupancy of the village could happen.

The timing depended on the applicants' schedule, so they might be able to do other construction if the needed approvals and permits were in place. He stated that all the improvements proposed for the interchange and the proposed road improvements addressed all the recommendations in the traffic impact study. He added that a challenge in the assessment of this development in general was that most of it was in Lee's Summit but part was in Kansas City. The applicant was currently moving through the Kansas City approval process for that part. Mr. Park added that until last week, staff had concurrence with the traffic impact study from the city of Kansas City as well. However, they had indicated that they wanted an update, citing concerns about Bannister and about View High extending north of the development.

Mr. Park also addressed the references to a lack of coordination between the City of Lee's Summit and its adjacent agencies, stating that this was incorrect. When this project got

started years ago, staff followed the same procedure with any other project within the city limits of Lee's Summit that would impact another jurisdiction: they would start with scoping the traffic impact study and coordinating with the whoever that jurisdiction might be. Agreement on the scope of the traffic study would be reached before the study was even done; and that was the case here.

Both the city of Kansas City and MoDOT had agreed on the traffic study's scope; and at that point it would be submitted to all jurisdictions that would be impacted. A decision had to then be made as to whether or not additional reviews or revisions would be needed before the public hearing process began. Staff would reflect those conditions that Kansas City would relate to the city of Lee's Summit that they wanted improved. These had been listed on the PDP when the sports village proposal came to the Commission and Council for approval. Staff made every effort to include those conditions although they had no jurisdictional purview to induce the City of Kansas City or MoDOT to do that although they did have the option to withhold permits.

Mr. Gustafson asked if View High Drive was a residential street. In reply to the question, Mr. Park stated that it was on Kansas City's major street plan, and it was classified as a major arterial in Lee's Summit's Comprehensive Plan although only a small piece was in Lee's Summit's jurisdiction. The remainder to the south until it reached Third Street was under Kansas City's control.

Mr. Lovell remarked that he lived near View High and went through the intersection frequently. He had seen how View High veered one way and then another and appeared to double back. He asked if that road would remain. Mr. Park answered that the road would continue on its current alignment to the northwest. There was a right-in-right-out entrance just north of the interchange and a roundabout with multiple access points to the development. One of them was View High Parkway, which continued to the northeast and would be phased into of the Kansas City major street plan but serve the development now, while the plan continued to develop. Paragon Parkway extended east from that same roundabout with River Road as a connector. He added that at present, none of these were City roads. They would be owned and operated via the TDD, but built to the same standards as any public roadway.

Mr. Lovell asked if Mr. Park and City staff had done the traffic impact study, and Mr. Park replied that it was done the applicants and their engineer. Lee's Summit City staff, the city of Kansas City and MoDOT had all independently reviewed that study. Mr. Lovell remarked that this looked like a good approach for an independent evaluation of the study.

Mr. Loveless asked Mr. Park if circumstances had sufficiently changed to warrant updating the traffic study. Mr. Park responded that he would not disagree with an additional traffic study; however, staff had been regularly consulting with the applicant and the city of Kansas City regarding any additional information they might have. Until last week the response from Kansas City was that the study had been done and that they accepted its recommendations. They had not seemed to need anything additional. Mr. Loveless asked if Kansas City would be likely to stop the development if Lee's Summit decided to proceed without an additional study. Mr. Park explained that multiple conditions were at play, some of which were under the city of Lee's Summit's control. In the case of the approved PDP for the sports complex, multiple agreements were in place stipulating those conditions that were read into the ordinance. Some of these were rather ambiguous, referring to just whatever Kansas City wanted to require that would, within reason, be imposed on the developer. If Kansas City gave reasonable recommendations for traffic improvements, Lee's Summit staff would work with them and with its Legal staff.

Further, the applicant was requesting approvals from the city of Kansas City, and would have to get plan approvals for at least some portion of improvements. As long as Kansas City had

conditions that were not met, they did hold some control over the project. Mr. Loveless asked if, in that case, Kansas City had enough authority over the project and the approval process to fundamentally change or stop the project if they did not agree with an updated traffic study. Mr. Park replied that at this stage of the project, everyone would need to give approval. It was not a majority rule vote. Everyone had to give approval for the project to go forward. The only alternative would be if the project was changed substantially enough to eliminate a jurisdiction's involvement.

Mr. Kitchens noted that this development would be near to residential neighborhoods, and so security was a factor and he had not heard that discussed. He asked if any plans were in place. Mr. Brown answered that their intent was to use private security in addition to typical police protection and response times. Mr. Kitchens asked if this would be 24-hour security or would be just for special events, and Mr. Brown answered that he was not sure yet. It might not be 24 hours a day, 7 days a week but would definitely be during business hours. That could be until as late an hour as 10:00 p.m. or midnight.

Mr. Kitchens noted that one of the major issues at Park Place (Leawood, KS) was that so much of the signage for businesses was internal to the development and focused on the major retailers. Consequently, people outside the development might not even know that some of the minor retailers were there since they would not be visible from the highway. He asked if there was any mechanism to give the retailers more exposure. Mr. Kitchens noted that a lot of attention and discussion had been devoted to the apartments, the medical center and the sports complex, but not much to the retail end. That would not be a healthy situation for a mixed use development of any size. Mr. Brown responded that a form of retail business that continued to perform fairly well was bars and restaurants. While there might be some 'boutique' retail in the development, bars, restaurants and entertainment venues were the focus. A bike shop or athletic gear store might fit well with the mixed use. He added that they would be requesting some signage modifications.

Chairperson Norbury noted that much of the inspiration for this plan was based on examples in warmer climates, such as San Antonio. He asked if the Kansas City region having much colder winters these examples had been factored in. Mr. Garr responded that the architecture, from a vestibule standpoint, and from an environment standpoint would accommodate those differences. The plant life related to the landscaping would emphasize native plants, which were adapted to the local climate. The pictures did show a lush environment but the intent was to use the landscaping and green space as much as possible, but within the practical limits by climate.

Chairperson Norbury asked specifically about the use of the open spaces. He was very much in favor of creating open spaces as well as both vertical and horizontal mixed uses, and had wanted to know how the designs would accommodate this region's extremes of weather. Mr. Ross acknowledged that as a landscape architect he often had to deal with such challenges, especially with the firm having offices in Chicago. They were aware that in this climate, outdoor spaces would not get the year-round use that they would in some other locations. In many projects they included semi-enclosed areas off the buildings, especially for indoor-outdoor dining. The benefits and attraction value of open spaces was worth creating them. A common practice in modern park planning was to make sure to program seasonal events, especially in November and December.

Chairperson Norbury then asked if the applicants had held a neighborhood meeting. Ms. Bushyhead related that they did have a community meeting as part of the process with Kansas City. She and Chairperson Norbury noted that the citizens present all had Kansas City addresses.

Concerning parking, Chairperson Norbury asked if a net result of all the uses was a saving in terms of parking spaces. Mr. Garr responded that it was. If each of the individual was

considered as if it were a separate development on its own property, the net number of spaces would be about 2,400. Based on the shared parking model, the evening and weekend peak demand was 1,842. Using the shared model saved a little over 500 parking spaces. Additionally, about ten percent of the office space was used on weekends. Medical offices got a larger percentage due to the possibilities of emergency visits.

Chairperson Norbury noted that Jackson County representatives had asked about dedication of an easement for the Little Blue Trace trail, and asked for some details. Mr. Brown related that at one point when they first began the conversation they had approached Jackson County about using about 4.5 of 25 acres that was 'land locked' between the trail, the Little Blue and the Paragon project as the location for a parking lot for about 600 units. They would put the parking lot in and maintain it plus a shelter house and restroom access, and the acreage could serve as the trail head

Jackson County wanted the Little Blue Trace to run within the project and the applicants agreed but wanted the County to pay for it. At that same time they were going through the PDP process and one issue was the way out of the south parking lot in the corner. The applicants proposed a north-south route that would parallel the trail. There was about 200 feet of right-of-way that could accommodate a 25-foot wide street that would provide another exit from that south parking lot. They had been told that the right-of-way was held by KCATA, not Jackson County. However, Jackson County then told them that it would be included in their lease agreement and they would have to pay a \$10,000/year rent for the right-of-way. Another condition, that the developer had to be personally liable for improvements made on the trail, was not acceptable. That should be the case only during the trail's construction.

The applicants already had rerouted the project, and though they were still building the trail head they were now not doing it on Jackson County's acreage. Subsequently the County had complained to staff that they did not have an easement, and a meeting was arranged. Some major disagreements came up, such as Jackson County wanting a walkway under the bridges despite the applicants wanting to keep bridge abutments out of the Little Blue due to runoff concerns. The proposed solution was to go up to 98th Street, which was where the Little Blue Trace and Rock Island Trail merged, route the trail along the new View High Parkway on the north side and take it down to the roundabout near the connection of I-470 and View High. Much of the dispute was over who would pay for what. The applicants had been aware that they would have to go through a process through both State and Federal governments to even put anything on that particular piece of land. They had wanted an agreement where the County would give them some easements they wanted, such as at the right-in-right-out entrance, and in return work on easements for the Little Blue Trace.

Chairperson Norbury asked if this meant that they currently did not have the capacity to build on the Jackson County land, and Mr. Brown confirmed that this was correct. They would need the right-in-right-out easement but the project could succeed without it. Mr. Park said he had not seen any numbers being revised concerning exclusion of the right-in-right-out. As currently proposed, it was on a State right-of-way and crossed County property into the development. Other concerns besides traffic was whether multiple points of access were needed for emergency access.

Mr. Sims remarked that they had gone through several iterations during the CLOMR process. He asked if they had a contingency plan for the proposed should they not be able to get a No-Rise certification from FEMA. Mr. Brown answered that they were currently working on this, and the development would not move forward until it was resolved. They had pledged to meet all the necessary rules and regulations necessary for a project involving two cities to progress. That had involved getting two sets of approvals in addition to working with the Federal government, and their intent was to do just that.

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Mr. Funk remarked to staff that one thing that was overlooked was a response to the public comment regarding lighting. A reference had been made to changing the height of the poles. Ms. Thompson answered that they were proposing 28-foot light poles throughout the site. Ms. Thompson confirmed that they were proposing 28-foot parking lot pole lighting. The current ordinance stipulated that if this use was next to residential but separated by an arterial street, the perimeter was permitted a maximum height of 24 feet. She had revised the requested modification in staff's letter to allow a 28-foot pole. There were only about 12 spots where a 24-foot pole should be required. Further, the UDO allowed a maximum of .5 footcandle at the property line and in this case it had been brought down to zero.

Mr. Loveless asked if it was correct that Kansas City was requiring a more thorough hydrology study be completed before they would sign off on the CLOMR approval. Mr. Brown answered that this was correct. Mr. Loveless then asked if there was any property line dispute and Mr. Brown answered that there was none that he knew of. Mr. Loveless asked Mr. Park if he had the figures for the traffic counts on View High Drive. Mr. Park explained that the traffic impact study did have traffic counts for View High, both north and south of I-470. As expected, they were very different, as View High was an arterial street all the way back to Third Street but to the north it was basically a local, residential collector street. The planned stretch to the northeast was the continuation of the arterial View High Parkway.

Mr. Loveless recalled a public comment expressing concern over fire and other emergency access. He asked if the Fire Department had any concerns. Captain Weissenbach replied that they did not so far, and the project would have two emergency access points.

Ms. Dial noted a concern expressed over noise levels, both generally and during events at the music venue. Ms. Thompson stated that staff's report did not have any conditions pertaining to noise levels or hours of operation for events like concerts. That could be added as a condition; and in fact the original PDP for the soccer complex included an ordinance condition that read "a sound amplification system or any other noise caused by the operation shall not exceed 65 decibels as measured at the property lines". There was also a noise ordinance that the police department enforced. Staff had spoken with the Parks Department about Lee's Summit's new amphitheater, and they did have a sound meter that they used for concerts, and most concerts had to be over by 10:30 or 11:00 p.m.

Police Major John Boenker clarified that the quiet zone times of 10:00 p.m. to 7:00 a.m. were every day of the week. The City did also have a noise ordinance and devices to measure the levels. Ms. Arth noted that two different jurisdictions were involved, and Captain Bunker acknowledged that this was an unusual situation and they respected other jurisdictions but they would nevertheless respond to noise complaints. Ms. Arth asked about additional personnel, and Captain Bunker explained that it was handled via the accreditation process. They had to take into account where the 'hot zones' in the city were, the infrastructure in place and the number of people. These were factors in calculating what their response time was and what it would be for that area.

Mr. Gustafson liked the specific design guidelines. He asked if it was enforceable by the City and if it was part of the approval process. Ms. Thompson confirmed that it was part of the approval for this project.

Chairperson Norbury wanted some clarity as to what they were recommending, adding that he understood the concerns that some residents had raised. Mr. Bushek explained that tonight's PDP was for the village component of this project. A number of issues had been raised that touched on the other aspects, particularly flooding. These would have to be dealt with for the project to proceed. However, for tonight the focus on the PDP was much more specific and the Commission's recommendation would be based on that. If the PDP was approved, it would become part of the zoning; so in that sense the approval was also a zoning decision.

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Ms. Hartmann returned to the podium and noted that on Election Day vehicle counts were being done and View High had 1,400 cars on that particular day. She added that the previous study did not take the church in the neighborhood into account. Ms. Hartmann also disputed calling the stretch of View High up to Bannister an arterial street. It was a two-lane road with no shoulders and a lot of curves. All the development was residential and there were no businesses on it.

Ms. Rhianna Deslitch recalled a meeting with Mr. Mark Dunning where he said there were issues with emergency vehicles getting into the village. They were proposing to open up 98th Street. They had met with the developer in May and were told that they were not going to do anything on the site until they got clearance from FEMA. However, very shortly afterward they were disturbing the floodway with machinery. Mr. Park confirmed this was on the Kansas City side. It was the far northeast corner of the development and was gated, but could serve as an additional emergency access.

Mr. Funk asked Mr. Brown for a summary of what work they were doing on the site at present. Mr. Brown asserted that nothing had been going on at the site for at least the last week.

Chairperson Norbury asked if there were further questions for the applicant or staff. Hearing none, he closed the public hearing at 8:35 p.m. and asked for discussion among the Commission members.

Mr. Funk said that the Commission was looking at tonight was the construction of the buildings and the type of uses. The site issues, whether FEMA would give approval and the complexity of two jurisdictions for one project were all difficulties for the developer. Mr. Funk remarked that he lived close to Legacy Park and the sounds of ball games were actually rather exciting. He was in favor of the project.

Chairperson Norbury noted to the residents present that there were a number of steps to go through before anything happened on the site. Mr. Kitchens commended City staff for handling a difficult task coordinating across more than one jurisdiction. Ms. Arth was also impressed with the project. She thanked the residents, who had been courteous and had brought up some important points.

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

Mr. Funk made a motion to recommend approval of Application PL2019-071, Preliminary Development Plan: Paragon Star Village, approximately 36 acres generally located at the northeast corner of I-470 and NW View High Dr; Paragon Star, LLC, applicant; subject to staff's letter of May 17, 2019, specifically staff's conditions 1 through 5, changing condition 2 to replace references to "15-foot poles" or "20-foot poles" with "24-foot poles". Ms. Arth seconded.

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

A motion was made by Board Member Funk, seconded by Board Member Arth, that this application be recommended for approval as amended, adding the correction to condition #2 of staff recommendations, to the City Council - Regular Session, due back on 6/4/2019. The motion carried unanimously.

Other Agenda Items

[2019-2787](#)

RESOLUTION NO. 2019-02 - Resolution Adopting the Capital Improvement Plan 2020-2024 as an Amendment to the City of Lee's Summit Comprehensive

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Plan, as Amended, and Approving the Location, Extent and Character of all Public Improvements Described in the City of Lee's Summit Capital Improvement Plan 2020-20204

Proposed Planning Commission Motion:

I move to approve RESOLUTION NO. 2019-02 - Resolution Adopting the Capital Improvement Plan 2020-2024 as an Amendment to the City of Lee's Summit Comprehensive Plan, as Amended, and Approving the Location, Extent and Character of all Public Improvements Described in the City of Lee's Summit Capital Improvement Plan 2020-20204

Mr. Funk made a motion to adopt Resolution No. 2019-02: Resolution adopting the Capital Improvement Plan 2020-2024 as an amendment to the City of Lee's Summit Comprehensive Plan, as amended, and approving the location, extent and character of all public improvements described in the City of Lee's Summit Capital Improvement Plan 2020-2024. Ms. Arth seconded.

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

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

Roundtable

There were no roundtable items.

Adjournment

There being no further business, Chairperson Norbury adjourned the meeting @ 9:17 P.M.

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