



The City of Lee's Summit
Action Letter
City Council - Regular Session

Thursday, March 2, 2017

6:15 PM

City Council Chambers

City Hall

220 SE Green Street

Lee's Summit, MO 64063

(816) 969-1000

REGULAR SESSION NO. 28

CALL TO ORDER

Mayor Rhoads called Regular Session No. 28 of the Lee's Summit City Council to order at 6:15pm.

INVOCATION

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: 8 - Councilmember Rob Binney
Councilmember Trish Carlyle
Councilmember Phyllis Edson
Councilmember Craig Faith
Councilmember Diane Forte
Councilmember Chris Moreno
Councilmember Dave Mosby
Councilmember Diane Seif

APPROVAL OF AGENDA

COUNCIL ACTION: On motion of Councilmember Forte, second by Councilmember Seif, the Council voted unanimously to approve the published agenda.

1. PUBLIC COMMENTS:

Mr. Roy Mussett was concerned about the lack of improvements in the older part of the city.

2. COUNCIL COMMENTS:

Councilmember Mosby suggested the Public Works Committee look at long-term priorities for improvements, particularly in the older part of the city.

3. APPROVAL OF CONSENT AGENDA:

A. [2017-0962](#) Approval of Action Letters from February 2, 9 and 16, 2017.

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ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Forte, that the Action Letters be approved as part of the Consent Agenda. The motion carried by a unanimous vote.

- B. [2017-1000](#) Approval of a name change from Mint Asian Cafe & Sushi to Mint Sushi, located at 1209 NE Rice Road, currently holding a Type G3 Liquor License. Also a corporation name change to Zheng Li Inc.

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Forte, that this liquor license be approved as part of the Consent Agenda. The motion carried by a unanimous vote.

- C. [2017-0999](#) Approval of upgrade from a Type H License to a Type G1 for Summit Cellar & Spirits, 815 NE Lakewood Boulevard, upgrade from a Type H License to a Type G1. (No change to Sunday and Tasting Licenses)

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Forte, that this liquor license be approved as part of the Consent Agenda. The motion carried by a unanimous vote.

- D. [2017-1004](#) Approval of Type H & S Liquor License for Libations & Company, 23 SE 3rd Street.

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Forte, that this liquor license be approved as part of the Consent Agenda. The motion carried by a unanimous vote.

4. **RESOLUTIONS:**

- A. [RES. NO. 17-05](#) A RESOLUTION IN SUPPORT OF THE LEE'S SUMMIT POLICE DEPARTMENT'S APPLICATION FOR GRANT FUNDING IN THE MISSOURI HIGHWAY SAFETY PROGRAM FOR TRAFFIC ENFORCEMENT.

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Faith, that Resoultion No. 17-05 be approved. The motion carried by a unanimous vote.

5. **PUBLIC HEARINGS (Sworn):**

- A. [2016-0501](#) CONTINUED PUBLIC HEARING - Appl. #PL2016-114 - PRELIMINARY DEVELOPMENT PLAN - approximately 7.11 acres located at the southeast corner of NW Blue Parkway and NW Colbern Road for the proposed Summit Village; Newmark Grubb Zimmer, applicant.

Mayor Rhoads closed the regular session at 6:26 p.m., opened the public hearing and asked all those who wished to speak to be sworn in by the City Clerk.

The applicant, Mr. Mike VanBuskirk, addressed the Council and explained plans for the proposed development, which will be located along Colbern Road across from the entrance to Unity Village. This is part of the property recently annexed into Lee's Summit from Unity Village.

Mr. Hector Soto, Jr., Planning Division Manager, entered Exhibits 1- 20 into the record. He noted that Staff recommended approval, subject to three

conditions.

Hearing no further testimony, Mayor Rhoads closed the public hearing at 6:58 p.m. and reconvened the regular session.

ACTION: On motion by Councilmember Binney, second by Councilmember Carlyle, the Council voted unanimously to direct staff to PRESENT AN ORDINANCE approving Application #PL2016-114 - Preliminary Development Plan - approximately 7.11 acres located at the southeast corner of NW Blue Parkway and NW Colbern Road for the proposed Summit Village; Newmark Grubb Zimmer, applicant, subject to Staff's letter dated January 6, 2017, Conditions 1 - 3.

- B. [2017-0972](#) CONTINUED PUBLIC HEARING - Appl. #PL2016-219 - REZONING from AG to R-1 and PRELIMINARY DEVELOPMENT PLAN - Whispering Woods, approximately 76 acres generally located at the northeast corner of SW Pryor Road and SW Hook Road; Whispering Woods Land, LLC, applicant.

Mayor Rhoads closed the regular session at 7:01 p.m., opened the public hearing and asked all those who wished to speak to be sworn in by the City Clerk.

Mr. Brian Winn, engineer with Phoenix Engineering, represented the applicant and explained the plans for this residential development. As shown, there will be 164 lots on approximately 76 acres. Mouse Creek is located on the west side of the subdivision, which created concerns for the Council due to past issues of flooding. Mr. Winn explained the engineering aspects of preparing the floodplain area for development.

Mr. Hector Soto, Jr., Planning Division Manager, entered Exhibits 1- 23 into the record and reviewed the application.

Several residents in the area, whose properties abut the proposed development, spoke in opposition. Speakers included Mr. Bruce Klostermann, Mr. Robert Gardner and Mr. Richard Cawby.

After lengthy discussion and hearing no further testimony, Mayor Rhoads closed the public hearing at 8:15 p.m. and reconvened the regular session.

Motion was made by Councilmember Binney, seconded by Councilmember Carlyle, to **CONTINUE** the public hearing until a date certain of May 18, 2017. **MOTION FAILED** on a vote of 2 "aye" (Councilmembers Binney and Carlyle), and 6 "no".

ACTION: A motion was made by Councilmember Mosby, seconded by Councilmember Edson, that Application #PL2016-219 - Rezoning from AG to R-1 and Preliminary Development Plan - Whispering Woods, approximately 76 acres generally located at the northeast corner of SW Pryor Rd and SW Hook Rd; Whispering Woods Land, LLC, applicant, be DENIED. The motion carried by the following vote:

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Aye: 6 - Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Moreno
Councilmember Mosby
Councilmember Seif

Nay: 2 - Councilmember Binney
Councilmember Carlyle

- C.** [2017-0925](#) PUBLIC HEARING - Appl. #PL2017-002 - UNIFIED DEVELOPMENT ORDINANCE (UDO) AMENDMENT #60 - Article 8 Accessory Uses and Structures, to allow tattoo and body piercing as an accessory use in the PO District; City of Lee's Summit, applicant.

Mayor Rhoads closed the regular session at 8:40 p.m., opened the public hearing and asked all those who wished to speak to be sworn in by the City Clerk.

Mr. Robert McKay, Director of Planning, reviewed the proposed changes to the UDO.

Hearing no further testimony, Mayor Rhoads closed the public hearing at 9:03 p.m. and reconvened the regular session.

ACTION: A motion was made by Councilmember Forte, seconded by Councilmember Carlyle, to direct staff to present an ordinance approving Appl. #PL2017-002 - Unified Development Ordinance (UDO) Amendment #60 - Article 8 Accessory Uses and Structures, to ALLOW tattoo and body piercing as an accessory use in the PO District; City of Lee's Summit, applicant. The motion carried unanimously.

- D.** [2017-0930](#) PUBLIC HEARING - Appl. #PL2017-010 - EnVision LS Area Development Plan (ADP) Design Standards for an area generally bounded by Pine Tree Plaza, U.S. 50 Highway, ADESA Property, Jefferson Street, Persels (West of M-291), 16th Street (East of M-291), The Union Pacific Railroad Right-Of-Way and South M-291 Highway known as the Envision LS Master Development Plan excepting the 85 acres owned by Westcott Investment Group, LLC; City of Lee's Summit, applicant.

Mayor Rhoads closed the regular session at 9:09 p.m., opened the public hearing and asked all those who wished to speak to be sworn in by the City Clerk.

Mr. Robert McKay, Director of Planning, entered Exhibits 1-12 into the record and reviewed the proposed Master Plan for the area surrounding 50 Highway and M-291 South. Mr. Trent Overhue, owner of the existing Pine Tree Plaza, was present and asked questions about the plans for his property.

Hearing no further testimony, Mayor Rhoads closed the public hearing at 9:37 p.m. and reconvened the regular session.

ACTION: On motion of Councilmember Forte, second by Councilmember Faith, the Council voted unanimously to direct staff to PRESENT AN ORDINANCE approving Appl. #PL2017-010 - EnVision LS Area Development Plan (ADP) Design Standards for an area generally bounded by Pine Tree Plaza, U.S. 50 Highway, ADESA Property, Jefferson Street, Persels (West of M-291), 16th Street (East of M-291), The Union Pacific Railroad Right-Of-Way and South M-291 Highway known as the Envision LS Master Development Plan, excepting the 85 acres owned by Westcott Investment Group, LLC; City of Lee's Summit, applicant.

6. OTHER BUSINESS:

- A. [BILL NO. 17-46](#) AN ORDINANCE APPROVING A PRELIMINARY DEVELOPMENT PLAN ON APPROXIMATELY 7.11 ACRES LOCATED AT THE SOUTHEAST CORNER OF NW BLUE PARKWAY AND NW COLBERN ROAD FOR THE PROPOSED SUMMIT VILLAGE, ALL IN ACCORDANCE WITH THE PROVISIONS OF UNIFIED DEVELOPMENT ORDINANCE, NO. 5209, FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Seif, that Bill No. 17-46 be adopted and numbered Ord. No. 8103. The motion carried by the following vote:

Aye: 8 - Councilmember Binney
Councilmember Carlyle
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Moreno
Councilmember Mosby
Councilmember Seif

Enactment No: Ord. No. 8103

- B. [BILL NO. 17-50](#) AN ORDINANCE GRANTING A CHANGE IN ZONING CLASSIFICATION FROM AG TO R-1 ON APPROXIMATELY 76 ACRES GENERALLY LOCATED AT THE NORTHEAST CORNER OF SW PRYOR RD. AND SW HOOK RD. FOR THE PROPOSED WHISPERING WOODS RESIDENTIAL SUBDIVISION, AND APPROVING A PRELIMINARY DEVELOPMENT PLAN FOR WHISPERING WOODS SUBDIVISION, ALL IN ACCORDANCE WITH THE PROVISIONS OF UNIFIED DEVELOPMENT ORDINANCE NO. 5209 FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

Note: The Public Hearing for this item failed; therefore, the Ordinance was not read.

This Ordinance was withdrawn.

- C. [BILL NO. 17-51](#) AN ORDINANCE APPROVING APPLICATION #PL2017-002 - AMENDMENT #60 TO THE UNIFIED DEVELOPMENT ORDINANCE (UDO) - ARTICLE 8 ACCESSORY USES AND STRUCTURES; CITY OF LEE'S SUMMIT, APPLICANT.

ACTION: A motion was made by Councilmember Moreno, seconded by Councilmember Seif, that Bill No. 17-51 be adopted and numbered Ord. No. 8104. The motion carried by the following vote:

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Aye: 7 - Councilmember Carlyle
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Moreno
Councilmember Mosby
Councilmember Seif

Nay: 1 - Councilmember Binney

Enactment No: Ord. No. 8104

D. [BILL NO.
17-52](#)

AN ORDINANCE APPROVING APPLICATION #PL2017-010 - ENVISION LS AREA DEVELOPMENT PLAN (ADP) DESIGN STANDARDS FOR AN AREA GENERALLY BOUNDED BY PINE TREE PLAZA, US 50 HWY, ADESA PROPERTY, JEFFERSON STREET (WEST OF M-291 HWY), 16TH STREET (EAST OF M-291 HWY), UNION PACIFIC RAILROAD RIGHT OF-WAY AND SOUTH M-291 HWY, KNOWN AS THE ENVISION LS CONCEPTUAL DEVELOPMENT MASTER PLAN, EXCEPTING THE 85 ACRES OWNED BY WESTCOTT INVESTMENT GROUP, LLC; ALL IN ACCORDANCE WITH THE PROVISIONS OF UNIFIED DEVELOPMENT ORDINANCE NO. 5209 FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

ACTION: A motion was made by Councilmember Mosby, seconded by Councilmember Faith, that Bill No. 17-52 be adopted and numbered Ord. No. 8105. The motion carried by the following vote:

Aye: 8 - Councilmember Binney
Councilmember Carlyle
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Moreno
Councilmember Mosby
Councilmember Seif

Enactment No: Ord. No. 8105

E. [BILL NO.
17-53](#)

AN ORDINANCE APPROVING THE FIRST AMENDMENT TO THE SECOND AMENDED AND RESTATED LONGVIEW FARM TAX INCREMENT FINANCING PLAN.

ACTION: A motion was made by Councilmember Edson, seconded by Councilmember Carlyle, that Bill No. 17-53 be adopted and numbered Ord. No. 8106. The motion carried by the following vote:

Aye: 6 - Councilmember Binney
Councilmember Carlyle
Councilmember Faith
Councilmember Forte
Councilmember Mosby
Councilmember Seif

Nay: 2 - Councilmember Edson
Councilmember Moreno

Enactment No: Ord. No. 8106

7. COMMITTEE REPORTS (Committee chairs report on matters held in Committee):

Councilmember Seif noted the Rules Committee could not meet due to lack of a quorum. She encouraged all members to attend the next meeting so issues may be forwarded to the Council.

8. COUNCIL ROUNDTABLE:

Councilmember Moreno shared a flyer for the KC Film Festival, which will showcase several Lee's Summit students.

9. STAFF ROUNDTABLE:

Mr. Arbo advised that the Earned Income Tax Credit program was in progress and had been very successful. Ms. Julia Hampton, a resident of LS, has been assisting and City employees have been volunteering their evenings to assist with the program.

10. ADJOURNMENT

There being no further business, Mayor Rhoads ADJOURNED the March 2, 2017, City Council Regular Session No. 28 at 9:47 p.m.

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