



The City of Lee's Summit
Action Letter
Planning Commission

Tuesday, May 9, 2017
5:00 PM
City Council Chambers
City Hall
220 SE Green Street
Lee's Summit, MO 64063

CALL TO ORDER
ROLL CALL

- Present:** 7 - Board Member Jason Norbury
Board Member Colene Roberts
Board Member Fred DeMoro
Board Member Don Gustafson
Board Member Donnie Funk
Board Member J.Beto Lopez
Board Member Herman Watson
- Absent:** 2 - Board Member Fred Delibero
Board Member Brandon Rader

APPROVAL OF AGENDA

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

APPROVAL OF CONSENT AGENDA

[2017-1200](#) Appl. #PL2017-030 - SIGN APPLICATION - Village Cooperative of Lee's Summit, 801 SE Battery Dr.; Infinity Sign Systems, Inc., applicant

A motion was made by Board Member DeMoro, seconded by Board Member Roberts, that this sign application be approved. The motion carried unanimously.

[TMP-0504](#) Appl. #PL2017-053 - FINAL PLAT - Creekside at Raintree, Lots 1-31 & Tracts A-F; Landrock Development, LLC, applicant

A motion was made by Board Member DeMoro, seconded by Board Member Roberts, that this final plat be approved. The motion carried unanimously.

[TMP-0503](#) Appl. #PL2017-054 - VACATION OF EASEMENT - a portion of an easement generally located at the southeast corner of SW Raintree Pkwy and SW

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Raintree Dr, for the proposed Creekside at Raintree residential subdivision; Landrock Development, LLC, applicant

A motion was made by Board Member DeMoro, seconded by Board Member Roberts, that this vacation of easement be approved. The motion carried unanimously.

[2017-1182](#)

Minutes of the April 25, 2017 Planning Commission minutes

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

PUBLIC HEARINGS

[2017-1193](#)

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

(NOTE: This item was CONTINUED from May 18, 2017, per the applicant's request.)

Chairperson Norbury opened the hearing at 5:04 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Chairperson Norbury stated that he had some question about procedure concerning this application. It had been recommended for approval by the Commission in February and subsequently denied by the City Council. The Council had then reconsidered and sent the application back to the Planning Commission for another hearing, a procedure that Chairperson Norbury had not yet seen. He had reviewed the application and had not seen any substantive changes from the previous version. The question now was what was the purpose of this hearing if the Commission had previously heard this application and recommended approval, and the application was substantially the same. Ms. Yendes answered that the minutes covering the Council's decision included comments that some of the speakers in the previous hearing were not present. This second public hearing was to give the Commissioners more information to make another recommendation to the Council.

Chairperson Norbury then asked the Commissioners if anyone needed the applicants' previous presentation redone and discussed again. He commented that it would be in everyone's best interest for the Commission to focus on any new information.

Mr. DeMoro noted that FEMA studies had been introduced during the City Council hearing. He did not see anything like that in the packet, and wondered if this would be included in the new information. Chairperson Norbury then asked for the applicant's presentation.

Ms. Angie Ripley, of Re/Max Elite, gave her business address as 4243 NE Lakewood Way in Lee's Summit. She was appearing on behalf of Whispering Woods. Mr. Rick Frye of Whispering Woods Development gave his business address as 803 PCA Road in Warrensburg, Missouri.

Ms. Ripley summarized the project and property. The applicants planned a 164-lot residential neighborhood on 76.32 acres. The land was bordered by agricultural use to the north, undeveloped land zoned for single-family residential (R-1) and commercial on

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the west, Lee's Summit West high school to the east and another school, Hawthorne Hill Elementary, as well as some large acreage residential lots to the south. Two entrances would be off Pryor Road. A displayed aerial rendering showed the elementary school and large residential lots to the south. The 164 lots on 76.32 acres amounted to a density of 2.14 lots per acre. In contrast Stoney Creek West, had a much higher density with 163 lots on 44 acres, or 3.7 lots per acre. Summit View Farms had 122 lots on 47.31 acres equaling 2.57 lots per acre; and Arborwalk North had 204 lots on 79.75 acres equaling 2.55 lots an acre. Monticello, on 67.71 acres, had 160 lots and 2.36 lots per acre. Ms. Ripley then displayed some elevation examples.

Noting that some concerns had been brought up, Ms. Ripley showed an aerial view and several photos of the property to the south. Some showed wooded and open field areas behind homes. The lots included curbs, 11-foot easements and sidewalks, 30-foot front yard setbacks and building 'envelopes' that were about 60 feet deep and 65 feet wide. An additional 40 feet extended from the back of the building envelope to the plat boundary.

One of the expressed concerns had been about the watershed to the south; and Ms. Ripley displayed an aerial drawing showing the current highest elevation for the watershed. All water flow below the line went toward the neighbors to the south. A dotted blue line showed the proposed highest elevation, which would be considerably closer to the property's south boundary. Solid yellow lines showed the sewer inlets. Some concerns had come up about the community pool; however, the closest house on the neighboring property was about 420 feet away. Mouse Creek ran between the two groups of lots on the subject property, and a displayed rendering indicated the various distances between the two parts of the development, ranging from 250 to 330 feet.

Concerning students dropped off at Hawthorne Hill, Ms. Ripley displayed a diagram of the route. Buses would load and drop off on the lower side of the loop shown, and cars with student passengers would use the upper side. The loading was currently off Pryor Road, which meant that the queuing was at the school's front; and the new procedure would allow for longer queuing with more safety. Pryor Road would also have a turn lane installed. The next displayed slide showed the water circulation in the area, with a red line indicating the proposed water main extension. The 16-inch main would be installed at the developer's expense. At present, a break in the system would mean that Eagle Creek would be without water service; so the loop that the new main would make possible would be a public asset.

Following Ms. Ripley's presentation, Chairperson Norbury asked if staff had anything to add.

Ms. Thompson entered Exhibit (A), list of exhibits 1-28 into the record. The applicant was requesting a rezoning of the 76 acres to R-1 in addition to the preliminary development plan. The plans were unchanged from what was previously submitted, and which the Commission had approved, at the February 14, 2017 meeting. Staff's report and letter recommending this project for approval was also unchanged, including the four Recommendation Items.

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.

Mr. Bruce Klostermann gave his address as 1722 SW Hook Road. He owned 10 acres, at the southwest corner of the subject property in the single-family large lot neighborhood. The pool location was one of his major concerns. It was at the corner of the development; actually touching his property line at one corner; and that meant that from May through September he would have to deal with considerable noise. No barrier of any kind had

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even been proposed, and this was a major privacy concern.

Mr. Richard Cawby gave his address as 1700 SW Hook Road. He'd had previous concerns about the water flow off the subject property; but these concerns had been addressed; however, he still wanted a barrier or screen to discourage trespassers on his property. He also had the same concerns about the location of the swimming pool, and suggested it be relocated to the fill area rather than in the corner adjacent to the single-family large lots. He also wanted to know if children would be walking through the traffic in the development to get to school.

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

Mr. Gustafson asked if the thoroughfare between the development and the school indicated a sidewalk or just a driveway. Mr. Michael Weisenborn responded that the developer and the school district were currently discussing the design of the entrance. Sidewalks were usually associated with school entrances. Mr. Gustafson remarked that he had heard the neighbors' concerns about children walking to school and using the driveway; and Mr. Weisenborn was certain that the school district shared those concerns; however, they could not require a sidewalk on the property since it was outside the City right-of-way. It would definitely be a topic of discussion.

Mr. DeMoro asked if Fire had any concerns about closing the entrance off Pryor and looping it back to the neighborhood. Chief Eden answered that staff had explained the UDO requirement to the applicants as well as the International Fire Code adopted by the City. This code allowed only 50 lots to be built on without a second access in place; with provisions allowing additional lots to be developed but not issued building permits until the Fire Department was satisfied that the second entrance was being built.

Chairperson Norbury asked the applicant to address the concerns about the pool location, including any plans or suggestions for a barrier or buffer. Mr. Frye responded that a look at the back of that yard when Ms. Ripley went through those other pictures, showed all of the timber back behind the pool. They planned to leave those trees in place to act as a buffer and to keep the pool in a secluded setting. He pointed out the location on the displayed rendering and on the photographs of the mature trees looking south from the pool. The tree line would be 20 feet away and the pool building on the west side would be an additional buffer. The school was 420 feet away, another reason for not removing the trees or brush. Regarding putting the pool near the entrance, this often raised issues about traffic near a feature that was an attraction to children. Dirt and dust stirred up by traffic could also be a problem for pool maintenance.

Mr. Funk recalled a reference to changing the grade, and asked if any fill would be brought in. Mr. Frye explained that the line showing the arc pertained to the watershed issue. The regrading would reduce the slope to facilitate directing the water into storm sewers. All of the building foundations would be on natural, compacted ground. He emphasized that the blue line on the map indicated the flood plain, but the development itself would not be allowed to have residential lots on or abutting a flood plain. Ordinances required that any foundation basement floor be two feet above the high water event mark.

Ms. Roberts asked if stormwater runoff would be directed into Mouse Creek, and Mr. Frye answered that it would. He was not sure what body of water Mouse Creek emptied into. They were taking care to not flood any neighbors downstream, and the ordinance required no downstream increase from the previous rate. Mr. Monter then explained that the applicants had been required to submit a stormwater analysis, and the City had accepted the report. There would be additional runoff due to increased impervious coverage; however, the applicants' stormwater management plan had to result in no net

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increase in flow. Part of this kind of planning was identifying where the peak flow went through in relation to the subdivision. In certain portions of the watershed, the procedure would be to hold the water back and in other parts it would be released immediately, ahead of the peak flow. There was some detention in the northeast corner; but for the most part they planned to release the water before the peak. The plan would actually help with the downstream flow.

Ms. Roberts noted that nevertheless, there was some undeveloped property to the north that would presumably be developed in the future. Mr. Monter answered that whoever developed that property would have to do their own stormwater analysis. It might happen that a plan for this parcel would need to include detention. In the case of tonight's application, the most effective plan would not include that. Ms. Roberts stated that she was not disagreeing with staff's or applicant's findings; and she was already aware that in every development the developer was expected to perform their own due diligence. However, she considered a piecemeal, one-parcel-at-a-time approach a bad idea. A stream, specifically Mouse Creek, was one continuous system and this approach divided it up into unrelated units to be planned for management at different times, which was a poor way to manage a watershed.

Mr. DeMoro asked for some clarification about no detention ponds being required. Mr. Monter stated that actually there was an existing detention pond in the northeast corner, and Mr. DeMoro asked if this was a natural pond. Mr. Frye added that leaving all the trees and brush was also a factor. They planned to cycle the water twice, letting it flow through the grass, hold it on the property, and release it. They were also considering a pond in the open area along the front if they could capture enough water to keep it filled. The brush and trees would slow down the flow; and that was the area where the water would discharge into Mouse Creek. On a displayed map, Mr. Frye pointed out the grassy and wooded areas next to the creek that could also be used in slowing down, and cleaning, the stormwater flow. The ground cover would minimize the dirt that water flowing over bare ground would gather. If possible, they would also put in a water feature near Pryor Road. Mr. DeMoro then asked what would be the typical grade change between Mouse Creek and one of the lots and Mr. Frye estimated 10 to 15 feet.

Mr. Gustafson asked if a drawing was available showing the flood plain and the stormwater flow patterns. Mr. Frye answered that their engineers did have one but it was not included in the slides he was using. Ms. Thompson stated that staff had copies, which Mr. Monter showed to the Commissioners. Mr. Frye noted that the acreage to the north was owned by PRI, so it was not certain when that would be developed. Mouse Creek currently flowed through a massive culvert installed in 2005. Mr. Monter confirmed that based on the stormwater report, detention was not required for this development. They had provided three areas related to water quality. Detention was done in the upper portions of a watershed, whereas release was used in the lower portion, so the peak flows would now coincide.

Mr. Funk asked if the dark line on the displayed map indicated the flood plain boundary. Mr. Monter clarified that the dark dashed line indicated the stream buffer, where the developer was not allowed to build. Mr. Funk noted that some of the lots appeared on the map to encroach on the buffer.

Mr. Brian Glenn of Phoenix Engineering, who was the engineer for the project, stated that FEMA's regulatory floodway was not shown. According to FEMA, the flood plain was the hatched area on the map. Under Federal, state, county and municipal ordinances they would be filling the flood plain with engineer fill. Lee's Summit ordinances did have a local provision for flood plain development and placement of flood plain fill. That area of proposed fill was not within the regulatory floodway. The creek's prime conveyance capacity was not affected. Mr. DeMoro asked if that meant that a developer could fill a

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floodplain but not a floodway and Mr. Glenn said that was substantially correct. Generally, the water outside of the floodway that was floodplain was the slow-moving fringes of the channel. The creek itself was where the bulk of the water was flowing, so they were moving in the edges of the floodplain in order to get the buildable lots.

Mr. DeMoro recalled hearing about FEMA's revised maps a few months ago. He wanted to know if these were available yet and if any part pertained to this property. Mr. Monter answered that the applicants' engineer was using these updated maps.

Chairperson Norbury asked if there were further questions for the applicant or staff. Hearing none, he closed the public hearing at 5:46 p.m. and asked for discussion among the Commission members, or for a motion.

Mr. DeMoro made a motion to recommend approval of Application PL2016-219, Rezoning from AG to R-1 and Preliminary Development Plan: Whispering Woods, approximately 76 acres generally located at the northeast corner of SW Pryor Rd and SW Hook Rd; Whispering Woods Land, LLC, applicant; subject to staff's letter of May 5, 2017, specifically Recommendation Items 1 through 4. Mr. Lopez 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 DeMoro, seconded by Board Member Lopez, that this rezoning and preliminary development plan was recommended for approval to the City Council - Regular Session, due back on 5/18/2017 The motion carried by the following vote:

Aye: 6 - Board Member Norbury
Board Member DeMoro
Board Member Gustafson
Board Member Funk
Board Member Lopez
Board Member Watson

Nay: 1 - Board Member Roberts

Absent: 2 - Board Member Delibero
Board Member Rader

[2017-1199](#)

PUBLIC HEARING - Appl. #PL2017-064 - PRELIMINARY DEVELOPMENT PLAN - Weber Carpet, 1016 SE Blue Pkwy; Weber Carpet, applicant

Chairperson Norbury opened the hearing at 5:48 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Mr. Jeff Claussen, of Phelps Engineering, gave his address as 1270 N. Winchester in Olathe, KS. He was surveyor and civil engineer for this project and was present representing Weber Carpet. Ms. Jessica Holt, also representing Weber Carpet, was present at tonight's public hearing. The applicants wanted to build a 25,000 square foot building that would be their fifth location in the Kansas City area. They hoped to open later this year or early in 2018. Mr. Claussen displayed the site plan and pointed out the store's location and the 185-foot boundary of the area requiring notification. The Summit Hickory Pit BBQ restaurant was immediately to the west and the America's Best Value Inn motel on the east. Residential single-family use was directly to the west and US-50 Highway was to the south, across Blue Parkway which served as a frontage road for the highway. They had chosen the location for the driveway with it being halfway between the two adjoining driveways in mind. It also was at a low enough street elevation to have good sight distance. The slope went from south to north; and the site overall had a low elevation.

They would have to bring in enough fill to raise it; but this still was the best location for the driveway. In Recommendation Item 1, the applicants had asked for a modification to the screening requirements to allow a six-foot vinyl fence on the north property line, with the landscaping on the south side of the fence. It would be consistent with similar type screening used in the area.

The landscape plan showed the screening vegetation in more detail. All the required screening vegetation would be on Weber's side of the fence and it met the UDO requirement for high-impact screening, as did the landscaping in the front of the building. The building's primary entrance was at its southwest corner, and the driveway leading off Blue Parkway took traffic into the parking area at that corner. Some employee parking was provided on the side. Mr. Claussen also pointed out the docks and delivery doors on the west side. He pointed out the northernmost dock as an example of the building used as additional screening. The building had sidewalks to parking and entrances but there were none along Blue Parkway.

The site plan also showed a large drainage tube running from the south directly to the building's southwest corner. Mr. Claussen pointed out where the water flow would be carried underground through the site. The site's stormwater would be collected into a stormwater piping system on the west side, heading north to a control box and east from there to a detention basin. The applicants had submitted the stormwater analysis to City staff, documenting that the development was not increasing any existing runoff from the property.

The next slide showed elevations for all four sides and the materials used. Smooth-cut colored masonry blocks were on the corners with split-faced block and other accents providing contrast along the walls. The south elevation showed smooth block for most of the wall, with bump-outs of the contrasting blocks at the corners. An insulated stucco-type panel was also used on the other elevations. This material in particular provided ease of cleaning and maintenance, and general durability. The elevations were followed by architect's renderings of all four sides. Mr. Claussen pointed out the customer entry at the southwest corner with the split-faced corner elements. Two other elevations showed the rest of the stucco panels. Staff had requested in Recommendation Item 2 that they add architectural features to break up the expanse of block on the south side in particular. They had agreed to do that, and would work with staff to include it in the final development plan.

Mr. Claussen stated that the applicants agreed with staff's four Recommendation Items

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

Mr. McGuire entered Exhibit (A), list of exhibits 1-17 into the record. He described the project as a 25,000 square foot building that would serve as both warehouse and retail facility and showroom for Weber Carpet. The proposed building used various wall heights and contrasting materials to provide architectural relief. These included tower features, canopies, glass and stucco, which were used to articulate the building corners. The color palette included limestone and ash gray trim, black walnut and ironwood.

The applicant had requested a modification to the high-impact screen along the north property line (Recommendation Item 2). The UDO required a six-foot masonry wall or vinyl fence, with high-impact screening on both sides. The applicant proposed a six-foot vinyl fence on the property line with a high-impact screen on the south side. This would be consistent with nearby similar fences on nearby properties and provide more visual continuity. The screening materials being on the south side of the fence would eliminate any need for maintenance on the neighbors' side. Recommendation Item 2 required that "additional architectural features [shall] be incorporated on the south (front) building

elevation to meet the requirement for horizontal and vertical breaks". While the south building corners were well articulated, the south elevations midsection had a 95-foot length with no breaks. This elevation was the one visible from US 50, which was a gateway. Architectural elements were needed to break up this expanse.

Recommendation Item 3 allowed for an alternate parking plan with 29 spaces. The applicant's four existing locations in the metro area had comparable plans; and had given staff a letter stating that this number was sufficient to satisfy the store's need based on data from these other locations. Recommendation Item 4 required that all exterior lighting "meet the lighting requirements as outlined in the Unified Development Ordinance, Division V, Article 7, Lighting Standards." Staff recommended approval, subject to Recommendation Items 1 through 4.

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

Mr. Willis Miller gave his address as 1017 SE 7th Terrace, which was lot 7 in the upper left corner. A storm system was out in the field, and several feet of fill would put a lot of pressure on pipes that were already not in good shape. The plan also did not address the water runoff that came from Habaneros restaurant, and this looked like a piecemeal plan. The restaurant did not detain nor retain water, which flowed from west to east behind the back lots, with a lot of water making its way into a narrow area between lots 5 and 6. This water flow could be strong enough to take out much of the proposed vegetation and the fence. The City had previously required the restaurant had to put in a retaining wall behind lot 8 in order to keep from flooding Mr. Miller's property.

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

Ms. Roberts asked if the building would have the names of both Weber Flooring and Joe's Carpet. Ms. Jessica Holt replied that the elevation did show both names. Ms. Roberts then asked if the new building would be significantly larger than the older Lee's Summit location, and Ms. Holt believed that it was. She knew it was about the same size as the Grandview and North Kansas City stores.

Mr. Gustafson asked what would be planted on the north side of the fence, and how it would be maintained. Mr. Claussen responded that part of their modification request was to have the fence at the property line. The north side would not be part of the subject property. Mr. Gustafson then asked for some examples of elements to be added to the south elevation, and Mr. Claussen cited adding some windows and awnings. The architect was not present but would probably propose additional features, and they would continue to work with staff on what else to include as part of the final development plan. The wall was 95 feet long. Mr. Gustafson then asked staff about the vinyl fence proposed for the north property line. Mr. McGuire related that the UDO required a masonry or vinyl fence as part of high-impact buffering, and Mr. Claussen specified that this would be vinyl fence. Mr. Gustafson asked if the neighbors had agreed; and Mr. Claussen related that they had held a public information meeting and described their plan for the screening. There had been no objections, although only one neighbor had attended. Mr. Gustafson asked why the applicants had changed the proposal from a cedar fence, and Mr. Claussen replied that the City required masonry or vinyl.

Chairperson Norbury asked if the City had changed the sidewalk requirement, recalling that projects along this corridor had previously put in sidewalks and he did not see any modification request for that. Mr. Soto answered that the property was already platted, and no sidewalk had been required at the time the plat was approved.

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Mr. Lopez asked staff to address the concerns that Mr. Miller had raised about the water runoff from the restaurant. Mr. Claussen displayed the grading plan, specifically focusing on the runoff from the west; and pointed out that they would not be changing any grades in that particular location. He pointed out the swale that carried much of the runoff to the north. The trees planned for the north side could be moved back slightly so that the flow would not be blocked. He pointed out the junction box that would connect the site drainage and detention basin.

Chairperson Norbury asked if there were further questions for the applicant or staff. Hearing none, he closed the public hearing at 6:11 p.m. and asked for discussion among the Commission members, or for a motion.

A motion was made by Board Member DeMoro, seconded by Board Member Lopez, that this preliminary development plan was recommended for approval to the City Council - Regular Session, due back on 6/1/2017 The motion carried unanimously.

OTHER AGENDA ITEMS

PUBLIC COMMENTS

ROUNDTABLE

ADJOURNMENT

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