

The City of Lee's Summit
Action Letter
Planning Commission

Thursday, May 12, 2022

5:00 PM

City Council Chambers and videoconference

Notice is hereby given that the Planning Commission for the City of Lee's Summit will meet on Thursday, May 12, 2022, at 5:00 pm in the City Council Chambers at City Hall, 220 SE Green Street, Lee's Summit, Missouri, and via video conference as provided by Section 2-50 of the City of Lee's Summit Code of Ordinances, adopted by the City Council on June 15, 2021, Ordinance No. 9172.

Persons wishing to comment on any item of business on the agenda, including public testimony during a Public Hearing, via video conference may do so by sending a request prior to 5:00 p.m. on Wednesday, May 11, 2022, to the City Clerk at clerk@cityofls.net to attend the meeting on the video conferencing platform. The City Clerk will provide instructions regarding how to attend by this method.

Call to Order

Roll Call

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

Absent: 1 - Board Member Jake Loveless

Approval of Agenda

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

Public Comments

There were no public comments at the meeting.

1. Approval of Consent Agenda

A. [2022-4927](#) Minutes of the April 28, 2022, Planning Commission meeting

A motion was made by Vice Chair Arth, seconded by Board Member Trafton, that the minutes be approved. The motion carried unanimously.

Public Hearings

2. [2022-4918](#) Appl. #PL2022-122 - REZONING from PMIX to PI and PRELIMINARY DEVELOPMENT PLAN - approximately 49.85 acres located at the southeast corner of M-291 Hwy and SW Bailey Rd for the proposed LS Industrial; LS Industrial LLC., applicant

A motion was made by Vice Chair Arth, seconded by Board Member Trafton, that this application be continued to the Planning Commission, due back on 5/26/2022. The motion carried unanimously.

3. **2022-4915** Public Hearing: Application #PL2022-086 - Vacation of Right-Of-Way - a portion of right-of-way along the west side of SW Longview Boulevard between SW Sensation Drive and SW Tower Park Drive (adjacent to 420 SW Longview Boulevard; NLVC, LLC., applicant.

Chairperson Funk opened the hearing at 5:06 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Russ Pearson of NLVC, LLC gave his address as 3152 SW Grandstand Cir in Lee's Summit. The proposed vacation of right-of-way and final plat were presented. The building is proposed to be split into three separate parcels. These splits will be right down the demising walls. The intent is for potential business owners to have an owning option verses an only leasing option.

Victoria Nelson, City Planner entered exhibits 1-12 into to the record. The current zoning is PMIX. The proposed application is to revert ownership to the adjacent property owners so they can privately maintain the area. One objection came from AT&T. AT&T will be granted a private utility easement. No other objections were made from the city or other utility companies.

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

Commissioner Trafton asked the applicant where the inspiration came from for the building. Mr. Pearson responded they took a look at downtown Lee's Summit along with other downtown areas across the country.

Chairperson Funk asked if there were further questions for the applicant or staff. Hearing none, he closed the public hearing at 5:15 p.m. and asked for discussion among the Commission members.

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

Mr. Trafton made a motion to recommend approval of Application PL2022-086, VACATION OF RIGHT-OF-WAY – a portion of right-of-way along the west side of SW Longview Blvd between SW Sensation Dr. and SW Tower Park Dr. (adjacent to 420 SW Longview Blvd); NLVC, LLC, applicant. Ms. Arth seconded.

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

A motion was made by Board Member Trafton, seconded by Vice Chair Arth, that this application be recommended for approval to the City Council - Regular Session, due back on 6/7/2022. The motion carried unanimously.

- a. **TMP-2296** An Ordinance vacating a portion of right-of-way along the west side of SW Longview Blvd between SW Sensation Dr and SW Tower Park Dr (adjacent to 420 SW Longview Blvd) in the City of Lee's Summit, Missouri.

4. [2022-4931](#) Continued Appl. #PL2022-088 - REZONING from CP-2 to RP-4 and PRELIMINARY DEVELOPMENT PLAN - Chapel Ridge Apartments - Lot 19, 3501 NE Akin Blvd and 3520 NE Ralph Powell Rd; Engineering Solutions, LLC, applicant

Chairperson Funk opened the hearing at 5:17 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Mr. Matt Schlicht of Engineering Solutions gave his business address as 50 SE 30th Street in Lee's Summit. The proposed project is phase two to a similar application presented a few months back at Chapel Ridge Business Park. It is located on the westerly side east of Akin Blvd. This site is the 4 ½ acres to the north. Bounded by Morgan Dr. to the north, Akin Blvd to the west, and Custer Dr. to the south. The development team is the same as Phase one, Chapel Ridge Apartments, Andy Mackey, and NSPJ. They are proposing an additional 120 residential units, 60 one bedroom, and 60 two bedrooms, with 200 parking spots. These will be the same style as the apartments shown during the phase one presentation. The project would expand the pool, fitness facility, and dog park to accommodate the additional units.

The project is requesting the same modifications of maximum density with the minimum lot size and high-impact landscaping buffer.

They did hold a community meeting and the only comment was regarding the private drive located off Ralph Powell Rd., utilized by the surrounding businesses. The comment was who would maintain the private drive with the increased traffic to the proposed apartments. It was noted that if the apartments utilized this private drive as one of the access points they would join in with the surrounding businesses to maintain it.

Shannon McGuire entered exhibits 1-17 into the record. This presentation also covered the application for final plat listed further in the agenda. Elevations show materials to consist of board and batten siding, lap siding, brick/stone veneer, metal siding, and cementitious stucco.

Mr. McGuire explained the requested modifications and noted staff does support these requests.

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

Alan Johnson gave his address as 2820 S. Stone Ridge Dr. in Blue Springs, representing 3550 NE Ralph Powell Rd. He expressed his wish for a 6ft masonry fence instead of the proposed high-impact landscaping buffer. As well as questioning who will maintain the private shared drive between properties.

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

Commissioner Touzinsky asked staff if other apartment projects have had the same modification requests for density. Mr. McGuire stated they have. Commissioner Touzinsky commented if we had a standard for these kinds of situations could the UDO possibly be amended to avoid continuous modifications.

Commissioner Benbrook asked if it was the intent to have the tenants of the 120 units cross Custer Dr. to utilize the amenities. Mr. Schlicht confirmed they would in order to utilize the pool and/or fitness facilities. The project would be implementing a small dog park area or gazebo area for these tenants within the 120 units proposed. If the tenants wished they could drive to the club house and there would be adequate parking.

Commissioner Jana-Ford asked for the applicant to remind her what was approved for phase one concerning the high-impact landscape buffer. Mr. Schlicht confirmed the requests in this

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proposed project were the same as the phase one application. Commissioner Jana-Ford also asked if there would be a walkable path connecting each sections of the community. Mr. Schlicht confirmed the path will connect to all the amenities and would flow north to south.

Commissioner Trafton asked if there was an access into the project from Custer Dr. Mr. Schlicht confirmed and stated if this project lost the access from the private drive there would still be two access points into and out of this phase. If the parking area off the private drive is lost the applicant would shift one of the buildings to allow for addition parking spaces.

Commissioner Kitchens asked fire personnel the tenants will go if there's an evacuation of one of the buildings if a 6-foot fence was installed. Assistant Fire Chief Jim Eden confirmed all units meet required fire code and there would be two ways to exit the structure where they would either be able to get 50 feet away from the structure or to a public way.

Chairperson Funk asked if the applicant was waiting for the city to approve the decision if the applicant could use the private drive as access point. Mr. McGuire stated they had just received the documentation however, have not had the time to digest and work through the issues at this point. Ryan Elam Director of Development Services, addressed the commission stating if it was the desire of the commission to continue this application so staff could present a second option without access from that private drive, they could have it ready to present in two weeks. Chairperson Funk asked the applicant if they could have a second option ready in two weeks and they responded yes.

Chairperson Funk asked if there were further questions for the applicant or staff. Hearing none, he closed the public hearing at 5:58 p.m. and asked for discussion among the Commission members.

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

Ms. Arth made a motion to continue application PL2022-088 – REZONING from CP-2 to RP-4 and PRELIMINARY DEVELOPMENT PLAN – Chapel Ridge Apartments – Lot 19, 3501 NE Akin Blvd and 3520 NE Ralph Powell Rd; Engineering Solutions, LLC, applicant. To a date certain of May 26, 2022. Ms. Rader seconded.

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

A motion was made by Vice Chair Arth, seconded by Board Member Rader, that this application be continued to the Planning Commission, due back on 5/26/2022. The motion carried unanimously.

- a. [TMP-2294](#) An Ordinance approving a rezoning from CP-2 (Planned Community Commercial District) to district RP-4 (Planned Apartment Residential District) and preliminary development plan for Chapel Ridge Apartments - Lot 19 on land located at 3501 NE Akin Blvd and 3520 NE Ralph Powell Rd, all in accordance with the provisions of Chapter 33, the Unified Development Ordinance, of the Code of Ordinances for the City of Lee's Summit, Missouri.

5. [2022-4928](#) Continued Appl. #PL2022-089 - COMPREHENSIVE PLAN AMENDMENT - change in land use designation from Office to Residential 3 for Chapel Ridge Apartments - Lot 19, 3501 NE Akin Blvd and 3520 NE Ralph Powell Rd; Engineering Solutions, LLC, applicant

A motion was made by Vice Chair Arth, seconded by Board Member Rader, that this application be continued to the Planning Commission, due back on 5/26/2022. The motion

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carried unanimously.

6. [2022-4933](#) Public Hearing: Application #PL2022-157 - Unified Development Ordinance (UDO) amendment - Amendment to the allowable freestanding sign standards for non-residential uses in the AG, RDR, RLL, R-1, RP-1, RP-2, RP-3 and RP-4 zoning districts under Article 9, Section 9.260, Table 9-1; City of Lee's Summit, applicant.

Chairperson Funk opened the hearing at 6:00 p.m.

Commissioner Trafton left the meeting at 6:00 p.m.

Hector Soto, Senior City Planner entered exhibits 1-7 into the record. The UDO Amendment brought to the commission is a clean up item to bring into alignment UDO standards with what is the actual practice out in the field. Specifically, with parks facilities, and certain school district facilities. Mr. Soto went into detail of freestanding and ground signs.

Chairperson Funk asked if there were further questions for the applicant or staff. Hearing none, he closed the public hearing at 6:16 p.m. and asked for discussion among the Commission members.

Commissioner Jana-Ford asked for clarification for the different sign types.

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

Ms. Arth made a motion to continue application PL2022-157 UNIFIED DEVELOPMENT ORDINANCE (UDO) AMENDMENT – Amendment to the allowable freestanding sign standards for non-residential uses in the AG, RDR, RLL, R-1, RP-1, RP-2, RP-3, AND RP-4 zoning districts und Article 9, Section 9.260, Table 9-1; City of Lee's Summit, applicant. Ms. Jana-Ford seconded.

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

A motion was made by Vice Chair Arth, seconded by Board Member Jana-Ford, that application be recommended for approval to the City Council - Regular Session, due back on 5/24/2022. The motion carried unanimously.

- a. [BILL NO. 22-110](#) An Ordinance amending Chapter 33, the Unified Development Ordinance, of the Lee's Summit Code of Ordinances, Article 9, Division IX, Section 9.260, Table 9-1 to amend the allowable freestanding sign standards for non-residential uses in the agricultural and residential zoning districts.
(Note: First read by Council on May 24, 2022. Passed by unanimous vote.)

Other Agenda Items

7. **TMP-2307** An Ordinance accepting Final Plat entitled "Tower Park, Lots 7A-1 thru 7A-3 and 7B-1", as a subdivision to the City of Lee's Summit, Missouri.

This Ordinance was recommended for approval to the City Council - Regular Session due back on 6/7/2022

8. [2022-4932](#) Resolution No. 2022-03 - A Resolution of the Planning Commission of the City of Lee's Summit, Missouri, amending the Lee's Summit Ignite Comprehensive Plan from Office land use designation to Residential 3 land use designation, 3501 NE Akin Blvd and 3520 NE Ralph Powell Rd; Engineering Solutions, LLC,

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applicant

This item is due back on 5/26/2022 due to the continuance to said date certain of the associated public hearing for Appl. #PL2022-089.

9. [2022-4935](#) Appl. #PL2022-168 - SIGN APPLICATION - Legacy Park sign package, 901 NE Bluestem Dr, 1201 & 1501 NE Legacy Park Dr; City of Lee's Summit, applicant

Hector Soto, Senior City Planner. Legacy park is zoned Agricultural with three access points. The proposed signs are about 2 feet taller in height with a 57 sq. ft. sign face. A total overall structure of 104 sq. ft. All three intersection will have two signs to serve north and south bound traffic. The architecture is consistent with the currant signage. Staff supports the size of the signs given the expansive nature of the park.

Commissioner Benbrook inquired if the signs would be set back far enough for proper sight lines. Mr. Soto stated once the plans are finalized the city traffic engineers will review.

Chairperson Funk asked if approving these signs would put the city into a situation by allowing such expansive signs. David Bushek, Chief Counsel stated each time you have an application in front of you, you make a decision based on the facts and circumstances of that application.

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

Mr. Kitchens made a motion to approve of Application PL2022-168, SIGN APPLICATION – Legacy Park sign 901 NE Bluestem Dr., 1201 & 1501 NE Legacy Park Dr; City of Lee's Summit, applicant. Ms. Rader seconded.

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

A motion was made by Board Member Kitchens, seconded by Board Member Rader, that this application be approved. The motion carried unanimously.

Roundtable

Commissioner Rader asked staff if the reason the planning commission didn't approve the application to amend the UDO was because it needed to go to City Council. Mr. Soto confirmed the application would be approved by City Council.

Commissioner Arth asked if final plats should be part of the consent agenda. Mr. Soto stated normally they are. In this case the Final Plat would have been considered before the application for Vacation of Right-of-way so the decision was to add it to Other Agenda Items.

Commissioner Kitchens thanked staff for their work.

Adjournment

There being no further business Chairperson Funk adjourned the meeting at 6:34 p.m.

For your convenience, Planning Commission agendas, as well as videos of Planning Commission meetings, may be viewed on the City's Legislative Information Center website at "lsmo.legistar.com"