

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

Tuesday, January 22, 2019

6:00 PM

City Council Chambers

City Hall

220 SE Green Street

Lee's Summit, MO 64063

(816) 969-1000

REGULAR SESSION NO. 20

Preliminaries:

- A. Invocation
- B. Pledge of Allegiance
- C. Call to Order

Mayor Baird called Regular Session No. 20 to order at 6:06 p.m.

- D. Roll Call

Note: Mayor Pro Tem Lopez arrived at 6:17 p.m. and Councilmember Forte left at 9:32 p.m.

Present: 8 - Mayor Bill Baird
Councilmember Rob Binney
Councilmember Trish Carlyle
Councilmember Fred DeMoro
Councilmember Phyllis Edson
Councilmember Craig Faith
Councilmember Diane Forte
Councilmember Bob Johnson

Absent: 1 - Councilmember Beto Lopez

1. Approval of Agenda

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember DeMoro, to approve the agenda as published. The motion carried by the following vote:

Aye: 8 - Mayor Baird
Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Johnson

Absent: 1 - Councilmember Lopez

2. Approval of Consent Agenda:

ACTION: A motion was made by Councilmember Faith, seconded by Councilmember Binney, to approve the Consent Agenda. The motion carried by the following vote:

Aye: 8 - Mayor Baird
Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Johnson

Absent: 1 - Councilmember Lopez

- A. [BILL NO. 19-02](#)** An Ordinance approving a Preliminary Development Plan located at 207 SW Market St in district CBD, proposed Reece Nichols Phase 2 in accordance with the provisions of Chapter 33, the Unified Development Ordinance of Lee's Summit Code of Ordinances, for the City of Lee's Summit, Missouri.
(NOTE: First Reading by City Council on January 8, 2019. Passed by unanimous vote.)

A motion was made by Councilmember Faith, seconded by Councilmember Binney, that Bill No. 19-02 be adopted and numbered Ordinance No. 8543 as part of the Consent Agenda. The motion carried by the following vote:

Aye: 8 - Mayor Baird
Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Johnson

Absent: 1 - Councilmember Lopez

- B. [BILL NO. 19-03](#)** An Ordinance authorizing the execution of an amendment to an intergovernmental contract for transit services by and between the City of Lee's Summit, Missouri and the Kansas City Area Transportation Authority (KCATA) and commitment of Federal Transit Administration Section 5307 Formula Funds to the KCATA for transit service and capital expenses.
(NOTE: First Reading by City Council on January 8, 2019. Passed by unanimous vote.)

A motion was made by Councilmember Faith, seconded by Councilmember Binney, that Bill No. 19-03 be adopted and numbered Ordinance No. 8544 as part of the Consent Agenda. The motion carried by the following vote:

City Council - Regular Session

Action Letter

January 22, 2019

Aye: 8 - Mayor Baird
Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Johnson

Absent: 1 - Councilmember Lopez

- C. [BILL NO. 19-04](#) An Ordinance authorizing the execution of an agreement for transit service by and between the City of Lee's Summit, Missouri, and OATS, Inc. for transit service effective January 1, 2019 through December 31, 2019 in an amount not to exceed \$242,000 and commitment of an amount not to exceed \$365,000 of Federal Transit Administration Section 5307 Formula Funds to OATS for transit service.
(NOTE: First Reading by City Council on January 8, 2019. Passed by unanimous vote.)

A motion was made by Councilmember Faith, seconded by Councilmember Binney, that Bill No. 19-04 be adopted and numbered Ordinance No. 8545 as part of the Consent Agenda. The motion carried by the following vote:

Aye: 8 - Mayor Baird
Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Johnson

Absent: 1 - Councilmember Lopez

- D. [BILL NO. 19-12](#) An Ordinance authorizing the execution of Modification No. 1 to agreement dated July 3, 2018 (RFQ No. 73-3221) for professional engineering services for the Chipman Road Improvements from View High Drive to Bent Tree Drive with Wilson & Company, Inc., for an increase of \$10,500.00 with an amended not to exceed amount of \$391,340.00, and authorizing the City Manager to enter into an agreement for the same.
(NOTE: First Reading by City Council on January 8, 2019. Passed by unanimous vote.)

A motion was made by Councilmember Faith, seconded by Councilmember Binney, that Bill No. 19-12 be adopted and numbered Ordinance No. 8546 as part of the Consent Agenda. The motion carried by the following vote:

City Council - Regular Session

Action Letter

January 22, 2019

Aye: 8 - Mayor Baird
Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Johnson

Absent: 1 - Councilmember Lopez

- E. [BILL NO. 19-13](#) An Ordinance vacating a certain drainage easement located at 837 NW Donovan Road in the City of Lee's Summit, Missouri.
(NOTE: First Reading by City Council on January 8, 2019. Passed by unanimous vote.)

A motion was made by Councilmember Faith, seconded by Councilmember Binney, that Bill No. 19-13 be adopted and numbered Ordinance No. 8547 as part of the Consent Agenda. The motion carried by the following vote:

Aye: 8 - Mayor Baird
Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Johnson

Absent: 1 - Councilmember Lopez

3. Council Roundtable

Councilmember Faith introduced Chris Benyes, from Boy Scout Troop 122 from Overland Park. He was in attendance working on his communications merit badge.

Councilmember Edson announced that members of Boy Scout Troop 366, from the Community of Christ Church on Independence Avenue, were also in attendance.

Councilmember Binney, noted that this Thursday, January 24, 2019, Lee's Summit Cares will be holding their annual Character Breakfast, also known as the Mayor's Character Breakfast. The Mayor and Lee's Summit Cares recognize several individuals that have exemplified certain character traits through out the year. He then shared there is an upcoming Journalism in School Week, and with the recent passing of Mr. Ferrell Schuck, he thought it would be a good time to have a Proclamation celebrating journalism in schools that would mention him in it. He then mentioned the Citizens Leadership Academy will start this Saturday, January 26, 2019 and on Saturday, February 2, 2019 there will be an event in the downtown area called the Chocolate Crawl which is a fundraiser for Lee's Summit Social Services and most vendors will have chocolates of some sort to give out to those walking around.

Mayor Baird commented the Dr. Martin Luther King Jr. event on January 21, 2019 was phenomenal at John Knox Village. The Human Relations Commission hosts it and it was a beautiful event. It is well attended with an estimate of at least 500 attendees.

Councilmember DeMoro announced Police Chief, Travis Forbes won the Leadership Award at the Dr. Martin Luther King Jr. presentation. It is a great honor and he is very deserving of that award.

4. Public Hearings:

- A. [2018-2491](#) Public Hearing: Application #PL2018-184 - Rezoning from AG and R-1 to RP-3 and Preliminary Development Plan - Allera, approximately 32 acres located at the southwest corner of SW Pryor Road and SW M-150 Highway; Olsson Associates, applicant.

(Note: This item was continued from January 8, 2019 per staff's request.)

Exhibit A, list of exhibits 1-22 were entered into the record.

Council discussions included:

- Parameters for RP-3 zoning
- The maximum number of developments that can go on an acre in RP-3
- Have modifications been made for single family housing in RP-3 zoning
- Smaller lot homes have typically been built in PMIX zoning
- Public Hearing signage and who produces those
- Traffic studies
- Notice mailed to adjacent land owners
- Modification narrative and staff letter
- Activity Center and how roof tops support it
- Is there going to be an HOA
- Did the management of Summit Homes change after they became Clayton Properties
- Residency requirements for city employees
- Missouri 150 overlay had citizen involvement
- Owners of two lots to the east.
- Availability of lots to the south and west
- Garage door width
- Rear set backs include patios or decks
- What does a typical landscape package cost
- Paint colors and metal roofs
- Distance between driveways
- Sidewalks
- Are there any safety concerns from the Fire Department
- Over crowding of schools
- Streets without driveways
- Number of parking spaces in parking lot
- Lot sizes and zoning in similar subdivisions
- Price ranges
- Target audience
- Would Pryor Road still be able to be widened
- Street widths
- What Fire station would be handling this subdivision and is it up for replacement
- Two apartment complexes that have not been built in the area yet, plus this development, so is there a concern with the aging Fire Station

Ms. Christy Fields spoke in favor of this application. She commented that she grew up in Lee's Summit, as did her husband, and they were unable to find a new home in their price range so they bought a foreclosure home. She would have liked a modern home with energy efficient appliances but that hasn't been available in their price range.

Mr. Gary Thompson spoke in opposition of this application. He and his wife own the agricultural ground to the south of this addition. His concern is density and traffic volume. He said he already can't access M150 in the area without a traffic signal and there are roads proposed that would dead end going into his property. At one time Pryor was slated to be a four lane road going south and there won't be room for that now.

Mr. Kevin Higdon spoke in opposition of this application. He stated that this development is not consistent with the surrounding large lot residential zoning. His concerns included UDO amendments, lot sizes, lack of buffers, density, doesn't meet framework for M150 corridor study, financial feasibility is not a justification for changes to zoning, rear setbacks and the quality of materials.

Mr. Mike Atcheson spoke in opposition of this application. His concern is he believes it is setting a precedent with modifications. The project isn't an in-fill project that has been worked on for 50 years. The location is the front door to the southern boarder.

Ms. Geraldine Amato spoke in opposition of this application. Her comments were regarding building against nature and building over agricultural land.

Ms. Alicia Nailer spoke in opposition of this application. Her concerns were stormwater, kids ability to ride bikes, over crowding of the school district and access for school busses.

Mr. Rick Yord, spoke in opposition of this application. He stated that he is an amature astronomer and his neighbors have been required to have flood lights on their homes but no one remembers to turn them off. He doesn't want Lee's Summit to be ruined due to overdevelopment.

Mr. Jeff Riffe spoke in opposition of this application. He believes this is a significant departure from the plan and they are trying to make it fit. The issue of setting a precedent is incredibility important.

Mr. Dustin Stull spoke in opposition of this application. His concern was the proposed development will decrease his property value and will set a precedent.

- 1) [BILL NO. 19-01](#) An Ordinance approving rezoning from District AG and R-1 to District RP-3 and Preliminary Development Plan located at the southwest corner of SW Pryor Road and SW MO-150 Highway, proposed Allera development in accordance with the provisions of Chapter 33 of the Unified Development Ordinance of Lee's Summit Code of Ordinances, for the City of Lee's Summit, Missouri. (Note: This Bill was first read by City Council on January 22, 2019.)

ACTION: A motion was made by Councilmember DeMoro, seconded by Councilmember Lopez, that Bill No. 19-01 be advanced to second reading. The motion carried by the following vote:

Aye: 5 - Mayor Baird
Councilmember DeMoro
Councilmember Edson
Councilmember Johnson
Councilmember Lopez

Nay: 4 - Councilmember Binney
Councilmember Carlyle
Councilmember Faith
Councilmember Forte

5. Public Comments:

Ms. Geraldine Amato spoke about private commercial jurisdictions, secret court proceedings and police quotas.

6. Presentations:

- A. [2018-2502](#) Presentation - Proposed Amendments to New Longview Tax Increment Financing Plan and Contract; creation of a Community Improvement District; and extension of Transportation Development District sales tax.

Council discussions included:

- Did the money from the contingency come from the mansion
- Public access to the pergola
- 4th and 5th plat
- What will the TDD be funding
- How many quality jobs will be produced
- Update on the barns
- Does the CID include the new and previous owner

City Council - Regular Session

Action Letter

January 22, 2019

- 1) [BILL NO. 19-11](#) An Ordinance approving the Second Amendment to the Second Amended and Restated Longview Farm Tax Increment Financing Plan, the First Amendment to the New Longview Tax Increment Financing Plan, and the First Amendment to the Tax increment Financing Contract between the City of Lee's Summit and M-III Longview, LLC, to revise the amounts and priority of funding for improvements to Longview Lake and the Pergola.
(Note: First Reading by City Council on January 8, 2019. Passed by unanimous vote.)

ACTION: A motion was made by Councilmember Edson, seconded by Councilmember Carlyle, that Bill No. 19-11 be adopted and numbered Ordinance No. 8548. The motion carried by the following vote:

Aye: 6 - Mayor Baird
Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Faith
Councilmember Lopez

Nay: 2 - Councilmember Edson
Councilmember Johnson

Absent: 1 - Councilmember Forte

7. Proposed Ordinances - Second Reading:

- A. [BILL NO. 19-14](#) An Ordinance approving the Tax Increment Financing Contract between the City of Lee's Summit, Missouri, and Streets of West Pryor, LLC, for the Streets of West Pryor Tax Increment Financing Plan.
(Note: First Reading by City Council on January 8, 2019.)

ACTION: A motion was made by Councilmember Carlyle, seconded by Councilmember Faith, that Bill No. 19-14 be adopted and numbered Ordinance No. 8549. The motion carried by the following vote:

Aye: 7 - Mayor Baird
Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Lopez

Nay: 1 - Councilmember Johnson

Absent: 1 - Councilmember Forte

City Council - Regular Session

Action Letter

January 22, 2019

- B. [BILL NO. 19-15](#) An Ordinance approving the Streets of West Pryor Community Improvement District Cooperative Agreement among Streets of West Pryor, LLC, the City Of Lee's Summit, Missouri, and the Streets of West Pryor Community Improvement District. (Note: First Reading by City Council on January 8, 2019.)

ACTION: A motion was made by Councilmember Faith, seconded by Councilmember Carlyle, that Bill No. 19-15 be adopted and numbered Ordinance No. 8550. The motion carried by the following vote:

Aye: 5 - Mayor Baird
Councilmember Carlyle
Councilmember DeMoro
Councilmember Faith
Councilmember Lopez

Nay: 3 - Councilmember Binney
Councilmember Edson
Councilmember Johnson

Absent: 1 - Councilmember Forte

- C. [BILL NO. 19-16](#) An Ordinance approving the Streets of West Pryor Transportation Development District Cooperative Agreement among Streets of West Pryor, LLC, the City of Lee's Summit, Missouri, and the Streets of West Pryor Transportation Development District. (Note: First Reading by City Council on January 8, 2019.)

ACTION: A motion was made by Councilmember Lopez, seconded by Councilmember Carlyle, that Bill No. 19-16 be adopted and numbered Ordinance No. 8551. The motion carried by the following vote:

Aye: 7 - Mayor Baird
Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Lopez

Nay: 1 - Councilmember Johnson

Absent: 1 - Councilmember Forte

8. Committee Reports

Councilmember Faith announced the Public Works Committee will be meeting Tuesday, January 29, 2019 at 5:00 p.m.

Mayor Pro Tem Lopez announced the Community and Economic Development Committee will be meeting February 13, 2019.

9. Council Comments:

Mayor Baird thought the Public Hearing went well and was well vetted. He asked why public safety is still questioned if the Chief of Police says they can handle the increase, why isn't it accepted. The schools addressed over crowding in the High Schools by redistricting but the issue will come up again as Lee's Summit grows. There are some schools that are under utilized and some that are over crowded so would it be helpful to have the school district give a presentation to Council to gain a better understanding of their process for addressing those issues. He then asked for Council feedback to clarify the process for Public Hearing commenters. If someone is representing a group of people, and is therefore allowed extra time to speak, and then some of the people that were represented still get up to speak, how could that be handled best.

Councilmember Edson stated public safety has problems hitting their response time in certain areas which is documented in the standard of cover report. As the city grows, those discussions are valid and need to happen but may not be needed in all cases.

Councilmember Johnson stated he looked up the school districts CFMP report and the majority of Lee's Summit Schools are under 79% and under 89% capacity and therefore won't be impacted in the near future by development, although a few certainly will be impacted.

Councilmember Binney thanked Councilmember Johnson for his reminder of the School Districts CFMP report and added they have yearly updates. He then shared that sometimes when a new subdivision goes in, they thought it would be ok with public safety but then they found there have been problems since, traffic patterns build up and people start parking on both sides of the streets and things are different than what was expected. He went on to comment about the School Districts by saying, lets get all Lee's Summit students going to Lee's Summit schools instead of Blue Springs and Raymore. As for the multiple commentors, some people might not know who their HOA President is or that someone is speaking on their behalf. There were many comments tonight but no one really repeated comments made by others. He expressed his appreciation of the Chairs concern to not let it get out of hand.

Mayor Pro Tem Lopez added his concern that there still seems to be a slight disconnect with the Planning Commission and it doesn't seem like everyone is on the same page because some of the items of discussion should have been vetted in more detail during the Planning Commission's Public Hearing process. He stated that some residents didn't feel they had that opportunity.

Mayor Baird asked David Bushek, Chief Council of Economic Development and

Planning, if he had sent his summary of the combined Work Session to everyone or if it was just internal. Mr. Bushek confirmed that the members of the Planning Commission had received the summary.

Councilmember Edson added that Lee's Summit serves 5 different school districts. District 3 is probably half Blue Springs schools and they have seen tremendous growth. Conversations with the school district would probably open the door for conversations with the other four districts as well.

Councilmember Johnson mentioned that he attended the Planning Commission meeting because he wanted to see what the opposition was to the Allera project and the only opposition was a question on a boundary line that wasn't mentioned this evening. If no one shows up to the Planning Commission meetings in opposition then it is tough for them to respond and it becomes a unanimous presentation.

Mayor Pro Tem Lopez ended things on a lighter note by announcing that the Blue Springs South Varsity Girls basketball team won over Lee's Summit North High School in their game that night.

10. Staff Roundtable

Mr. Steve Arbo, City Manager, stated Mr. Robert McKay has announced his retirement effective March 8, 2019. He has had a wonderful 40 year career and has been a great public servant. He has been very instrumental in Lee's Summit's growth for close to 20 years.

11. Adjournment

There being no further business, Mayor Baird adjourned Regular Session No. 20 at 10:14 p.m.

Unless determined otherwise by the Mayor and City Council, no new agenda items shall be considered after 11:00 p.m.

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