



The City of Lee's Summit

Action Letter - Draft

Planning Commission

Thursday, February 11, 2021

5:00 PM

Via Video Conference

Notice is hereby given that the Planning Commission of the City of Lee's Summit will meet in regular session on February 11, 2021, at 5:00 pm by video conference as provided by Section 610.015 of the Revised Statutes of the State of Missouri. Due to the ongoing Covid-19 pandemic, public attendance in the meeting room at City Hall is extremely limited, and therefore the public is invited to attend the meeting by one of these methods:

- By viewing the meeting on the City website at www.WatchLS.net, and various cable providers (Spectrum channel 2, Google TV channel 143, AT&T U-Verse channel 99 and Comcast channel 7) for those whose cable providers carry the City of Lee's Summit meetings.
- By sending a request to the City Clerk at clerk@cityofls.net to attend the meeting on the Zoom platform. The City Clerk will provide instructions regarding how to attend by this method.

Persons wishing to comment on any item of business on the agenda may do so in writing prior to 5:00 p.m. on February 10, 2021, by one of the following methods:

- By sending an e-mail to clerk@cityofls.net,
- By leaving a voicemail at 816-969-1005 or
- By leaving written printed comments in the utility payments drop boxes located in the alley behind City Hall or inside the foyer at the north end of City Hall, both located at 220 SE Green Street, Lee's Summit, MO 64063.

Written comments submitted by these methods will be presented at the February 11, 2021, meeting. Persons wishing to speak at a public hearing on this agenda may do so by contacting the City Clerk prior to 5:00 p.m. on February 10, 2021, by e-mail at clerk@cityofls.net, and they will be provided with instructions regarding how to provide their live testimony via videoconference during the public hearing.

In the event that the meeting cannot be broadcast via www.WatchLS.net and the cable channels noted above, this agenda will be amended to include directions for the public to attend via the Zoom software platform at www.Zoom.com; such amendment will include a specific link to attend the Planning Commission meeting.

Call to Order

Roll Call

Present: 9 - Chairperson Donnie Funk
Vice Chair Dana Arth
Board Member Tanya Jana-Ford
Board Member Mark Kitchens
Board Member Jake Loveless
Board Member John Lovell
Board Member Cynda Rader
Board Member Matt Sanning
Board Member Terry Trafton

Approval of Agenda

A motion was made by Board Member Trafton, seconded by Board Member Kitchens, that this agenda be approved. The motion carried by the following vote:

Aye: 9 - Chairperson Funk
Vice Chair Arth
Board Member Jana-Ford
Board Member Kitchens
Board Member Loveless
Board Member Lovell
Board Member Rader
Board Member Sanning
Board Member Trafton

Public Comments

Mr. Soto confirmed that there were no public comments outside of any items at the meeting.

1. Approval of Consent Agenda

- A.** [BILL NO. 21-40](#) An Ordinance accepting final plat entitled "Highland Meadows, 5th Plat, Lots 134-159 and Tracts G, H, and I", as a subdivision to the City of Lee's Summit, Missouri.

A motion was made by Board Member Trafton, seconded by Board Member Kitchens, that this Application be recommended for approval to the City Council - Regular Session, due back on 2/23/2021. The motion carried by the following vote:

Aye: 9 - Chairperson Funk
Vice Chair Arth
Board Member Jana-Ford
Board Member Kitchens
Board Member Loveless
Board Member Lovell
Board Member Rader
Board Member Sanning
Board Member Trafton

- B.** [TMP-1832](#) Appl. #PL2020-382 - VACATION OF EASEMENT - 400 SW Waterfall Ct; Chad Dumas, applicant

A motion was made by Board Member Trafton, seconded by Board Member Kitchens, that this Application be recommended for approval to the City Council - Regular Session, due back on 2/23/2021. The motion carried by the following vote:

Aye: 9 - Chairperson Funk
Vice Chair Arth
Board Member Jana-Ford
Board Member Kitchens
Board Member Loveless
Board Member Lovell
Board Member Rader
Board Member Sanning
Board Member Trafton

C. [2021-3967](#) Approval of the January 28, 2021, Planning Commission minutes

A motion was made by Board Member Trafton, seconded by Board Member Kitchens, that the minutes be approved. The motion carried by the following vote:

Aye: 9 - Chairperson Funk
Vice Chair Arth
Board Member Jana-Ford
Board Member Kitchens
Board Member Loveless
Board Member Lovell
Board Member Rader
Board Member Sanning
Board Member Trafton

Public Hearings

2. [2021-3983](#) Appl. #PL2020-371 - SPECIAL USE PERMIT renewal for mini-warehouse storage facility - Summit Self Storage, 1920 NE Rice Rd; Terrydale Investments IV, LLC, applicant

Chairperson Funk opened the hearing at 5:05 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Mr. Aaron March of Rouse Frets White Goss Gentile Rhodes Law Firm stated he was here on behalf of the Applicant. Valerie Gramlich representing the ownership, and Connie Butler, Manager of the facility were present and could answer questions as well. Mr. March stated they were in agreement with Staff's recommendation and Staff's report.

Commissioner Trafton asked the applicant if they had photos of the improvements made in 2020 to the landscaping plan. Mr. March explained the photo he had was taken recently. However, landscaping was snow covered and most of the vegetation was dormant.

Chairperson Funk asked Mr. Soto if he had a copy of the current Landscaping Plan. Mr. Soto confirmed he had an image in his staff presentation.

Mr. Soto entered Exhibit (A), list of exhibits 1-17. The first image was an aerial map of the subject property and surrounding area, with Summit Self Storage identified. The next image displayed was a list of items going over the existing conditions. The property is zoned CP2 and is about 4 and $\frac{3}{4}$ acres. There are 11 storage buildings as well as an office building. The storage building constitutes in the area of 63,200 sq. ft., and the office building is approximately 3500 sq. ft. The UDO has a maximum allowable FAR of .55 in CP2 zoning district. This facility is at about .32 FAR. The next slide, a snapshot showed the landscape plan.

Mr. Soto explained how the existing use is allowable in the CP2 zoning district. The current UDO restricts these types of storage facilities to our CS and/or PI zoning districts. This change was made November 01, 2001. This facility was originally approved in 1985. The first two

Special Use Permits were granted for a period of 20 years. The first SUP was renewed at 16 years due to the property owners refinancing and their lender needed assurance that the SUP would be valid for at least 20 years from the time of refinancing.

The most recent SUP did have some conditions of approval associated with it to address some concerns the City Council and some members of the Planning Commission had at the time. Some of the concerns were related to the lighting and light fixtures. The City Council and Planning Commission required the facility doors to be painted to blend in a little better. Another was a current inventory be taken of the current landscaping to ensure the integrity of the screening that was approved in 1985. In 2002 the Director of Planning did issue a letter confirming all of the conditions of approval of the 2001 renewal were fulfilled. Mr. Soto confirmed as part of this application review he also made a site visit, and all conditions of approval have been fulfilled.

The original poll sign was removed and a monument sign was installed that complies with current sign ordinance. Mr. Soto stated this application does not contain any building expansions, this is only for renewal of the existing site. The City was not aware of any code complaints or zoning violations for several years. Staff's recommendation is to recommend approval of the SUP for a 20 year period.

Following Mr. Soto's comments, Chairperson Funk asked if there was any testimony from the public. Seeing none, he then opened the hearing for Commissioners' questions for the applicant or staff.

Chairperson Funk asked Mr. Trafton if his questions were answered. Mr. Trafton stated he realizes this time of the year plants are dormant and appreciates the fact that they are updating the landscaping plan. Mr. Trafton asked if the City had a plan if the landscaping is not implemented. Mr. Soto informed the commission a Neighborhood Services Case would be opened for violation of maintaining the required screening. Mr. Trafton then directed the question to the facility manager, asking if they felt the landscaping had been fully implemented.

Ms. Connie Butler gave her address as 7817 Oakview Ln, Lenexa, KS. Ms. Butler confirmed landscaping had been completed. 34 additional trees, 128 bushes were added. This was completed in the fall. Mr. Trafton stated he would look forward to seeing the landscaping fully robust.

Mr. Kitchens asked about the fencing around the property and if it was chain link. He also asked how long it had been there. Ms. Butler confirmed the fence was chain link and believes it's been there since 1985. Mr. Kitchens asked the City if there would be any fencing requirements if a new development project were to go into this location. Mr. Soto said it would depend on the type of facility. If it was the same use they would have to have a solid screening, vinyl or masonry. This is not something that is required with this renewal. Mr. Kitchens asked if there was a specific reason why it is not required for them to update the fence with this renewal. Mr. Soto explained the way the ordinance reads, the Planning Commission or City Council does have the authority should they choose to bring certain aspects of the site to current standards. Historically, those conditions have been allowed to remain unless there was an expansion of the facility. Mr. Kitchens expressed his concern that the property fencing could use and update all the way around. Ms. Butler informed the commission they have spent 71 thousand dollars in upgrading the complex in 2020, and it would be very costly to upgrade the fence all away around the facility.

Mr. March added the 71 thousand dollars was for landscaping and repairs around the property. Ms. Butler further explained it also included, fees to the City, dead tree removal, decorative rock, new sidewalks, steps and railings. Mr. Kitchens expressed his appreciation to the business and everything they have done.

Mr. Sanning asked if the focus should be recommending approval for less than 20 years or if it could be shortened depending on the strategy of the community. Mr. Johnson recommended the commission use the policies and ordinances available to the commission right now. The Comp Plan is tentatively scheduled to be adopted in April. This application will go to the City Council before that. In the interest of fair play it wouldn't be right to subject the applicant to theoretical policies that haven't been adopted. He also added the Commission could make a recommendation to the City Council that a better fence should be added to mitigate its visual impacts. He stated ultimately the reason these come up for renewal is to ask, is this still a good idea here? This is something special to SUP's, unlike Preliminary Development Plans and Plats.

Mr. Loveless asked staff to verify if there is a future opportunity outside of this application to ask the applicant to paint, or add a fence, and/or any other improvements that might be deemed an eyesore for the location. Mr. Soto stated if any of the conditions on the site deteriorate in a manner that would be a violation of the maintenance code, the City at that point would be able to request the painting, or repair of fencing, or landscaping. Mr. March added this is a uniquely located and relatively small site. When this part of the city grows this development will no longer be the highest and best use and the market will dictate that a change in rezoning and approvals will occur. They do rely on this property and ability to finance it and financing it, is a 20 year term. To continue the economics of it and maintaining it they request the recommendation of approval to the City Council for the 20 year term.

Chairperson Funk asked if there were further questions for the applicant or staff. Hearing none, he closed the public hearing at 5:43 p.m. and asked for discussion among the Commission members.

Mr. Kitchens asked what the other commissioners thought about the property and the fence. Chairperson Funk stated now would be the time for any other comments. Mr. Loveless agreed with Mr. Kitchens and feels that it's worth discussing now. He added he liked the use and has no issue with the 20 years, just the aesthetics should be discussed further. Mr. Johnson advised, now would be the time to add this requirement.

Mr. Sanning asked if the commission would be able to change the term of this application to accommodate the intent of future city planning. Mr. Trafton agreed the fence is very outdated his concerns for the future development over the next 20 years. He would like to recommend an amendment to the recommendation of approval to add some sort of fencing agreement. Mr. Kitchens noted he is not in favor of shortening the term of the SUP. However, he would be in favor of the applicant reassessing with the City to add a fencing agreement or make a recommendation to the City Council.

Chairperson Funk asked the commission if they would like to amend the motion to add a fence be constructed within a 2-5 year time period. Mr. Trafton would like to ask the applicant what time frame they felt would be reasonable to meet this request.

Chairperson Funk re-opened public hearing at 5:54 p.m.

Mr. March stated phasing the fence in would be most palatable but questioned what the fencing material should be. Also, he mentioned working with staff on developing both a fencing plan and phasing plan.

Chairperson Funk asked if the applicant would entertain the idea of continuing this application to work with staff. Mr. March deferred to Ms. Valerie Gramlich.

Ms. Valerie Gramlich, owner of Terrydale Investments, stated that they would be willing to work with staff.

Chairperson Funk asked if there were further questions for the applicant or staff. Hearing none, he closed the public hearing at 6:00 p.m. and asked for a motion.

Mr. Kitchens made a motion to continue Application PL#2020-371 – Special Use Permit renewal for mini-warehouse storage facility – Summit Self Storage, 1920 NE Rice Rd.; Terrydale Investments IV, LLC, applicant to a date certain of February 25, 2021. Mr. Loveless 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 Loveless, that this Application be continued to the Planning Commission, due back on 2/25/2021. The motion carried by the following vote:

Aye: 9 - Chairperson Funk
Vice Chair Arth
Board Member Jana-Ford
Board Member Kitchens
Board Member Loveless
Board Member Lovell
Board Member Rader
Board Member Sanning
Board Member Trafton

- a. [TMP-1834](#) An Ordinance approving a special use permit renewal for a mini-warehouse storage facility in district CP-2 on land located at 1920 NE Rice Rd, existing Summit Self Storage, all 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.

Other Agenda Items

3. [2021-3961](#) Planning Commission Training

Mr. Johnson stated in the Planning Commission bylaws that it is required for the Commission to do a total of three hours of training per year. This training will cover the roles of the Commission, and motions. Mr. Johnson started with the Staffs role, he then moved onto the roles and responsibilities of the Planning Commission, and finally the roles of the City Council. Mr. Johnson broke down the rules of making a motion, including amending motions and secondary motions. Mr. Johnson opened for questions.

Chairperson Funk asked for clarification on amending a motion. Mr. Bushek explained.

Ms. Rader asked if the commission members were allowed to talk amongst themselves other than in a public meeting. Mr. Bushek explained anytime you have a quorum of the Planning commission (which is 5 or more) it is it strongly recommended against discussing any business that would come before the commission, because a quorum is achieved that would be considered a public meeting. Mr. Bushek added there is a social exception to that under the Sunshine Law which is if 5 or more of the commissioners are gathered, for example, at an evening gathering, that's not required to be noticed as a public meeting. He invited the commissioners to reach out to him or city staff with any questions.

Chairperson Funk asked about applicants or individuals of a specific application reaching out to Commissioners. Mr. Bushek explained this sometimes happens with Council members and it's fine as long as the action of the application is a Legislative action. However, he would advise being cautious, if the action of the application is Quasi-Judicial, commissioners should not be

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talking to the applicant outside the scope of the public hearing.

Ms. Rader asked if there was anything the commissioners should be studying to better prepare themselves. Mr. Johnson said staff has been working on a field guide to help the Commissioners and he would send that information to them.

Roundtable

There were no roundtable items presented at the meeting.

Adjournment

There being no further business, Chairperson Funk adjourned the meeting at 6:23 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"