

**The City of Lee's Summit**  
**Action Letter - Draft**  
**Planning Commission**

Thursday, December 12, 2019

5:00 PM

City Council Chambers

City Hall

220 SE Green Street

Lee's Summit, MO 64063

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Call to Order

**Present:** 7 - Board Member Mark Kitchens  
Board Member John Lovell  
Board Member Jake Loveless  
Chairperson Jason Norbury  
Vice Chair Donnie Funk  
Board Member Terry Trafton  
Board Member Jeff Sims

**Absent:** 2 - Board Member Carla Dial  
Board Member Dana Arth

Roll Call

Approval of Agenda

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

Public Comments

**There were no public comments at this meeting.**

Approval of Consent Agenda

[TMP-1459](#) Appl. #PL2019-348 - VACATION OF EASEMENT - various easements in the Streets of West Pryor development, generally located at the northwest corner of NW Pryor Rd and NW Chipman Rd; Levy Craig Law Firm, applicant

**A motion was made by Vice Chair Funk, seconded by Board Member Lovell, that this application be recommended for approval to the City Council - Regular Session, due back on 1/7/2020. The motion carried unanimously.**

[TMP-1457](#) Appl. #PL2019-353 - PRELIMINARY PLAT - The Villas of Chapel Ridge, Lots 43-76; Engineering Solutions, LLC, applicant

**A motion was made by Vice Chair Funk, seconded by Board Member Lovell, that this application be approved. The motion carried unanimously.**

[TMP-1456](#) Appl. #PL2019-364 - VACATION OF EASEMENT - 114 SE Douglas St; Cityscape Residential, applicant

A motion was made by Vice Chair Funk, seconded by Board Member Lovell, that this application be recommended for approval to the City Council - Regular Session, due back on 1/7/2020. The motion carried unanimously.

[TMP-1454](#) Appl. #PL2019-379 - VACATION OF EASEMENT - 3620 NE Ralph Powell Rd; Engineering Solutions, LLC, applicant

A motion was made by Vice Chair Funk, seconded by Board Member Lovell, that this application be recommended for approval to the City Council - Regular Session, due back on 1/7/2020. The motion carried unanimously.

[2019-3161](#)

A motion was made by Vice Chair Funk, seconded by Board Member Lovell, that the be approved. The motion carried unanimously.

[TMP-1462](#) Appl. #PL2019-350 - VACATION OF EASEMENT - 5030 NE Lakewood Way; Top Star, LLC, applicant

A motion was made by Vice Chair Funk, seconded by Board Member Lovell, that this application be recommended for approval to the City Council - Regular Session, due back on 1/7/2020. The motion carried unanimously.

#### Public Hearings

[TMP-1455](#) Appl. #PL2019-351 - PRELIMINARY DEVELOPMENT PLAN - Woodside Ridge subdivision pool, 2030 NW O'Brien Rd; Clayton Properties Group, Inc., applicant

Chairperson Norbury opened the hearing at 5:11 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Mr. McGuire entered Exhibit (A), list of exhibits 1-10 into the record. He stated that this application was for the proposed pool and 2,300 square foot clubhouse. They would be constructed on .95 acres. Surrounding properties were all zoned RP-3. A preliminary development plan for the Woodside Ridge development had been approved by the City Council in September. The Comprehensive Plan of 2005 identified this area as "Planned Residential Mixed use/John Knox Village"; and tonight's proposed PDP was in compliance with that plan as well as compatible with the surrounding uses. Mr. McGuire displayed colored elevations that showed stone veneer, cedar siding, glass and a standing seam metal roof.

The applicants requested one modification. They asked to reduce the setback for the side yard adjacent to the community pickle ball court. The UDO required a 50-foot setback for sports courts involving one- or two-person teams, and the applicants were requesting 33 feet. They would install a medium-impact landscaping buffer along the property line between the court and the adjacent home. The location suggested for the court would allow a larger usable area for other amenities. Other than the requested modification, the application met the Design and Construction Manual requirements as well as the UDO.

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. Seeing none, he then opened the meeting for questions for the applicant or staff.

Regarding the standing seam metal roof, Chairperson Norbury noted that these had become more common and asked how they fit into zoning ordinances and building codes. Mr. McGuire answered that this kind of roofing was generally not prohibited in Lee's Summit. The only exception was the transitional neighborhood zone next to Downtown.

Chairperson Norbury asked if there were further questions for the applicant or staff. Hearing none, he closed the public hearing at 5:16 p.m. and asked for discussion among the Commission members, or for a motion.

Mr. Funk made a motion to recommend approval of Application PL2019-351, Preliminary Development Plan, Woodside Ridge subdivision pool: 2030 NW O'Brien Rd; Clayton Properties Group, Inc., applicant; subject to staff's letter of December 5, 2019, specifically Conditions of Approval 1 through 6. Mr. Sims seconded.

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

A motion was made by Vice Chair Funk, seconded by Board Member Sims, that this application be recommended for approval to the City Council - Regular Session, due back on 1/7/2020. The motion carried unanimously.

**2019-3202** Public Hearing: Application #PL2019-352 - Rezoning from R-1 to RP-3 and Preliminary Development Plan - The Estates of Chapel Ridge, Lots 23-31 and The Townhomes of Chapel Ridge, Lots 9-30 & Tracts A-F; Engineering Solutions, LLC, applicant.

Chairperson Norbury opened the hearing at 5:16 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 address as 50 SE 30th Street in Lee's Summit. He stated that Mr. Mike Atcheson, the developer, was also present. This project would redo an existing planned residential area on the northwest corner of Woods Chapel and M-291 Highway. He pointed out the location of The Estates and the Townhomes relative to the QuikTrip store and Burger King indicated on the map on Ralph Powell Road at Woods Chapel. The Villas of Chapel Ridge, which were included in tonight's consent agenda, were the second phase of the development located west of the old golf course property. Eight townhomes had been platted for Phase 1, on the east side of the golf course pond, and a remaining 31 estate lots would be on the western side. This had been planned in 2006; and since then almost all of the lake lots were sold but only one interior. On the east side, there had been increased interest in townhome housing. The original layout had only about six lots for this kind of development, with the remainder being estate-size lots. In considering the next phase, the applicants had considered ways to redo this original layout and end up with something more likely to sell today.

Mr. Schlicht then displayed a map showing existing and proposed zoning. A blue line showed the original division of R-1 and RP zoning, with RP-3 zoning on the east side and R-1 to the west. The proposed new zoning boundary would run along a drive that was west of what had been Ralph Powell Road with the whole central area being RP-3. This would create a one-acre buffer of green space between the R-1 estate lots along the west side and the proposed RP-3 zoned property. Regarding density, the original plan had a total of 90 units; with 38 estate lots and 52 units of townhomes left. They were proposing to reduce the number of estate lots to 9, plus 39 townhome lots.

Some changes had been made to the updated design. Ralph Powell Road was originally planned to extend into the development, heading northeast until it exited at the outer road of Highway 291. The old outer road's right-of-way was State-owned and was not heavily used nor well maintained. An existing access off Lone Hill could be used for emergency vehicles and a general secondary access to the site. That made the north access unnecessary. Further, in the original layout the road curving to the northeast created a number of lots with dual frontages, with a road right-of-way on both the front and back sides of any houses. Eliminating this part of the road would make those lots the more standard type, with a road right-of-way to the front and a back yard facing green space or part of an existing subdivision. Three

cul-de-sacs in the original layout had also been eliminated, in order to have a road network with connections throughout the whole subdivision.

One issue the applicants had discussed with some of the Lakewood neighbors was the outer road, and specifically who was responsible for it. The applicants had discussed this with Mr. Park and with MoDOT; and had concluded that the highway was under State control. The Lone Elm access was required; and it was not likely that there would be much activity at the other access to the north. Another question asked at the meeting was the reason for their emphasizing the townhomes rather than the estate lots. The reason was that a typical unit of this kind of townhome product sold for \$295,000 to \$330,000. Everyone at this project would have rights of use of Lakewood amenities but maintenance of their home was provided. Items like snow removal and yard maintenance along with the exterior part of the home were included with the HOA dues. Estate lots did sell, but over a period of time.

Other questions were about the overall density, which would increase slightly with this development. However, the reduction in the road network and increase in green space did offset much of the increase as well as being an overall improvement. A question had been raised on the original preliminary development plan about a 30-foot landscape easement between the north side of the proposed development and the part of Lakewood directly to the north. The easement had been removed but was now added back to the preliminary plat. It was essentially for preservation of existing trees. One resident had asked about the existing ponds, and the developer did intend to take a look. The ponds had been part of the former golf course, and had since been converted to retention facilities. Mr. Schlicht then pointed out the green strip at the north indicating the landscape easement, as well as the green spaces next to the roadway between the R-1 and RP-3 zoning. Common elements including landscaping would be included.

Parking was an issue that came up regularly with applications involving multi-family housing. Staff recently discussed various scenarios about cars left for too long parked in a common area, especially if they were not operable. Some staff ordinances prohibited that kind of long-term parking. Mr. Schlicht displayed a street parking map, including a building parking layout, indicating sites for on-street parking. Each townhome would have a two-car garage and a driveway of two-car width, with maximum parking for 4 vehicles. The revised plan also included four off-street parking locations that were located so as to be accessible to all the units, rather than in one central location. Most of the on-street parking was restricted to one specified side of the street. The developer did want to limit any street parking on the buffer street between RP-3 and R-1 zoning. The plan would create a total 312 spaces, with an average of 4.7 spaces per living unit.

The proposed townhomes were three units. Some four-unit townhomes were possible; however, the two interior units in a row of four townhomes were more difficult to sell. Mr. Schlicht added that everything the applicant was proposing was similar in character and style to what was already built and what had been built over the past few years. The current homes in that area were \$295,000 without a finished basement and about \$330,000 with one. At least one of the estate homes was currently under construction, as indicated on a displayed elevation. The house under construction was on one of the last lake front lots.

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

Ms. Victoria Nelson entered Exhibit (A), list of exhibits 1-18 into the record. She confirmed that the current zoning was a mix of R-1 and RP-3, with commercial zoning to the south. In 2005, the City Council had approved the preliminary plat for the Chapel Ridge mixed use development, and approved the rezoning from AG to the current zoning mix in 2006. Nine acres would be rezoned to RP-3 for construction of the townhomes. Regarding the parking, staff had not counted the street parking but did count the various additional parking spaces. The four small areas indicated on the displayed map had a total 22 additional on-street spaces.

Displaying some colored elevations, Ms. Nelson stated that the exterior materials would be tile, stone and stucco. The lower photo was of one of the homes currently constructed on the site. Staff had determined that the RP-3 zoning would provide for medium-density mixed residential uses. It was compatible with surrounding land uses and was also compatible with the Comprehensive Plan's objectives including diversified housing stock. With the Conditions of Approval summarized in staff's letter, the application met the requirements of the UDO as well as the Design and Construction Manual. The architectural style and building materials for the townhomes was required to "be consistent with the building elevation date stamped October 11, 2019."

Mr. Lovell left the table, at 5:32 p.m. and returned at 5:36 p.m.

Following Ms. Nelson's comments, Chairperson Norbury asked if there was anyone present wishing to give testimony, either in support for or opposition to the application. Seeing none, he opened the hearing for questions from the Commissioners for the applicant or staff.

Mr. Loveless noted to Mr. Schlicht that the 'green' area was indicated as a buffer. He asked for some details including whether it would include a berm. Mr. Schlicht pointed out that a buffer was not actually required for this application. It was included by the developer as a central corridor of the development and would be a mixture of berms, trees and shrubs as a transition between the uses. The City was not specifically requiring a buffer.

Mr. Loveless then asked for some details about the water retention Mr. Schlicht related that the stormwater study indicated that the existing stormwater retention pond was functioning well. The neighbors' comments had centered around algae and overcrowded vegetation. The focus for the pond needed to be on improved and updated maintenance, with no changes indicated for its design, which was sufficient for this development. The applicants planned to build a new detention pond and facility at the property's northeast corner; but the existing pond had been designed to handle most of the water runoff. Mr. Loveless asked if the new facility would take the density of the development into account, and Mr. Schlicht replied that it would take a portion of it. He explained that the site had a ridge, which was an undetained area that the new facility would handle. Based on the stormwater study, the higher density would not create any change.

Mr. Loveless asked if it was correct that these homes would have basements and were not slab on grade, and Mr. Schlicht answered that it was. Mr. Loveless then asked if the residents who were buying houses and assuming that most of the development would be single-family homes had been notified of the change. Mr. Schlicht replied that about 30 people had attended the neighborhood meeting; with some residents of The Estates and others from the Townhomes. They had been notified, and liked the idea of getting the development done. Mr. Loveless then asked for some clarification about the prices per square foot for the townhomes vs. the single-family houses, and Mr. Schlicht explained that the figures were supplied by the current builder, Mr. Kevin Hagen. He was selling the three-unit townhomes for about \$14.50 per square foot. This builder was constructing a single-family house for about \$400,000. The basement was finished to some level, with the total square footage about 3,300 square feet.

Chairperson Norbury asked Mr. Atcheson for some detail about the market forces leading to this shift in the plan. Mr. Atcheson stated that this project was a total 300 acres, and he had been developing it since 1998. The mixed use had been to include retail, medical office, apartments, townhomes and single-family uses. Much of this had stopped after the economic downturn in 2008, with not much happening for several years. He was also developing the subdivisions east on Woods Chapel, with as much as 500 lots at one time including some maintained villa-type units. Since the late 1990s, demand for this kind of housing had increased. He emphasized that he had used high-quality materials including stone stucco on all

four sides, in addition to this being a more efficient use of land. This kind of attached housing had been out-performing detached single-family homes including those on estate-size lots. He added that Lakewood wanted this development built out; and he had looked for a way to add a few more units without infringing on current residents. Mr. Atcheson confirmed for Chairperson Norbury that the market had shifted away from single-family homes on relatively large lots; and that the proposed mixture was more compatible with the current market.

Mr. Funk asked if the HOA would allow a buyer to purchase homes for a rental property. Mr. Atcheson replied that this was a common concern; and provisions could be made to prohibit rentals. However, someone wanting to do that could realistically side-step these restrictions, which were often not easy to enforce. This often happened when the economics for selling did not work and in fact Lakewood probably did have a number of homes that were rented.

Concerning the MoDOT controlled road and the street realignment, Mr. Funk asked what the comments at the meeting had been. Mr. Schlicht answered that a number of Lakewood residents would like to see the outer road removed, as it was not a high priority for repairs and maintenance. He had discussed this with staff and MoDOT and the conclusion was that the access at Lone Hill was required for emergency access. The north entrance was not, which was why it was removed from the plan. Since the outer road was under State control, MoDOT would have to agree to remove it. Mr. Atcheson added that Mr. Mark Reed, who managed Lakewood, would like to take ownership of the road and convert it to a common area with a sidewalk and trails. In order to do that, they would have to go through the process with MoDOT to vacate it.

Mr. Trafton liked the general plan especially the three-unit townhome concept and the landscaping buffer. He wanted to know if the plan was to use one standard color scheme on all the buildings. Mr. Atcheson replied that the color scheme would be varied, but not much. He wanted the development to look visually like a unified area. They would require all the same roofing tile color and the same stone, though he would want to see the stucco vary somewhat in appearance. Mr. Trafton remarked that using the same color tended to yield a 'cookie cutter' look.

Mr. Lovell asked if any consideration had been given to some single-family homes elsewhere in the development, including a mix of townhomes and smaller single-family homes. Mr. Atcheson replied that the single-family homes were maintenance-provided, and the economics including land costs were better in keeping them in one area. Mr. Lovell then asked if the townhomes across the street on Woods Chapel were built out, and Mr. Atcheson answered that all these lots were sold. Mr. Lovell remarked that an increased emphasis on townhomes might appeal to both elder people and upwardly-mobile younger people. Mr. Atcheson confirmed that maintenance- provided housing was attracting a wide range of ages.

Chairperson Norbury asked if there were further questions for the applicant or staff. Hearing none, he closed the public hearing at 5:50 p.m. and asked for discussion among the Commission members or for a motion.

Mr. Funk agreed that maintenance-free housing was becoming more popular.

Mr. Funk made a motion to recommend approval of Application PL2019-352, Rezoning from R-1 to RP-3 and Preliminary Development Plan, The Estates of Chapel Ridge, Lots 23-31 and The Townhomes of Chapel Ridge, Lots 9-30 and Tracts A-F: Engineering Solutions, LLC, applicant. Mr. Sims seconded.

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

A motion was made by Vice Chair Funk, seconded by Board Member Sims, that this application

be recommended for approval to the City Council - Regular Session, due back on 1/7/2020. The motion carried unanimously.

**2019-3197** Public Hearing: Application #PL2019-383 - Vacation of Right-Of-Way - a portion of NE Ralph Powell Rd abutting 800 NE Lone Hill Dr; Engineering Solutions, LLC, applicant.

Chairperson Norbury opened the hearing at 5:52 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Mr. Schlicht stated that this right-of-way vacation pertained to the portion of Ralph Powell Road that extended into the subdivision and had been platted with the first phase.

Ms. Nelson entered Exhibit (A), list of exhibits 1-12 into the record. She pointed out on the displayed map where this segment was located. The Condition of Approval stated that "the vacation of right-of-way shall not go into effect until such time as the existing public infrastructure is removed and relocated in a manner acceptable to the City."

Chairperson Norbury asked if there was anyone present wishing to give testimony, either in support for or opposition to the application. Seeing none, he asked if the Commissioners had questions for the applicant or staff. As there were none, he closed the public hearing at 5:54 p.m. and asked for discussion among the Commission members, or for a motion.

Mr. Funk made a motion to recommend approval of Application PL2012-383, Vacation Of Right-Of-Way, a portion of Ralph Powell Rd abutting 800 NE Lone Hill Dr: Engineering Solutions, LLC, applicant. Mr. Sims seconded.

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

A motion was made by Vice Chair Funk, seconded by Board Member Sims, that this application be recommended for approval to the City Council - Regular Session, due back on 1/7/2020. The motion carried unanimously.

## Roundtable

Mr. Monter introduced the new staff engineer Mr. Loic Nguingiri. He is a recent new graduate from the University of Missouri (Science and Technology) at Rolla, Missouri.

Mr. Kitchens reported that 7 members of Boy Scout Troop 551 in Lee's Summit, including his son, had reached Eagle Scout status this week. It was a record for this troop.

Mr. Soto noted that the next Planning Commission meeting would be January 9, 2020. There would be no second meeting in December.

## Adjournment

There being no further business, Chairperson Norbury adjourned the meeting at 5:53 p.m.

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