

LEE'S SUMMIT PLANNING COMMISSION

Minutes of Tuesday, February 28, 2017

The Tuesday, February 28, 2017, Lee's Summit Planning Commission meeting was called to order by Chairperson Norbury at 5:00 p.m., at City Council Chambers, 220 SE Green Street, Lee's Summit, Missouri.

OPENING ROLL CALL:

| | | | |
|---------------------------|---------|--------------------|---------|
| Chairperson Jason Norbury | Present | Mr. Herman Watson | Present |
| Mr. Fred Delibero | Present | Mr. Beto Lopez | Present |
| Mr. Donnie Funk | Present | Ms. Colene Roberts | Present |
| Mr. Fred DeMoro | Present | Mr. Brandon Rader | Present |
| Mr. Don Gustafson | Present | | |

Also present were: Hector Soto, Jr., Planning Division Manager; Christina Stanton, Senior Staff Planner; Ryan Elam, Director of Development Center; Michael Weisenborn, Project Manager; Chris Hughey, Project Manager; Shannon McGuire, Staff Planner; Victoria Nelson, Staff Planner; Robert McKay, Director of Planning and Special Projects; Gene Williams, Senior Staff Engineer; Nancy Yendes, Chief Council of Infrastructure and Planning; Kim Brennan, Permit Tech; Jim Eden, Assistant Fire Chief II.

1. APPROVAL OF CONSENT AGENDA

- A. **Application #PL2017-028 - SIGN APPLICATION** - Strange Music, 201 NW Victoria Dr.; Travis O'Guin, applicant
- B. **Minutes** of the February 14, 2017 Planning Commission meeting

On the motion of Mr. Delibero, seconded by Ms. Roberts, the Planning Commission voted unanimously by voice vote to **APPROVE** the Consent Agenda, Item 1A-B as published.

APPROVAL OF AGENDA:

Chairperson Norbury asked for a motion to approve the agenda. On the motion of Mr. Delibero, seconded by Ms. Roberts, the Planning Commission voted unanimously by voice vote to **APPROVE** the agenda as published.

- 2. **Continued Application #PL2016-185 - SPECIAL USE PERMIT** renewal for a telecommunication tower - 2750 NW Clifford Rd; American Tower Asset Sub, LLC, applicant

Chairperson Norbury opened the hearing at 5:02 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Ms. Susanne Piccolo gave her address as 10 Presidential Way in Woburn, Massachusetts. She was representing American Tower. They were requesting a renewal of the Special Use Permit for the wireless communication tower at 2750 NW Clifford Road. The tower had originally been approved in 1996 and was constructed in 1997. The facility included a 340-foot guy tower with a lease area of 2,900 square feet. There were three guide wire anchors and an access road. A six-foot security fence topped with barbed wire surrounded the compound. It was lighted in compliance with FAA regulations.

The tower currently had Sprint and Cricket Communications carriers installed. It was adjacent to properties currently zoned AG and PI; and had a natural vegetation buffer including trees. If the facility was allowed to continue operating, it would eliminate a need for additional wireless communication towers as well as allow uninterrupted network coverage for the two carriers.

Chairperson Norbury asked if the applicants were requesting a 20-year term. Ms. Piccolo answered that they were. She did not object to the wording of the motion being amended.

Following Ms. Piccolo's presentation, Chairperson Norbury asked for staff comments.

Mr. Soto entered Exhibit (A), list of exhibits 1-17 into the record. He confirmed that this application was for the continued operation of a 350-foot tower at the Clifford Road's western terminus. The application did not request any increase in height or leaseable area nor any additional equipment. The SUP renewal would allow the facility to operate as it currently did. Staff supported renewal of the Special Use Permit for a 20-year term.

Following Mr. Soto'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 asked if the Commissioners had questions for the applicant or staff. There were none; and Chairperson Norbury closed the public hearing at 5:12 p.m. and called for a motion. He stated that it would need to be amended to include a 20-year term.

Mr. Delibero made a motion to recommend approval of continued Application PL2016-185, Special Use Permit renewal for a telecommunication tower: 2750 NW Clifford Rd.; American Tower Asset Sub, LLC, applicant; amending the recommendation to limit the duration of the Special Use Permit to a term of 20 years. Mr. Lopez seconded.

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

On the motion of Mr. Delibero, seconded by Mr. Radar, the Planning Commission members voted unanimously by voice vote to recommend **APPROVAL** of continued Application PL2016-185, Special Use Permit renewal for a telecommunication tower: 2750 NW Clifford Rd.; American Tower Asset Sub, LLC, applicant; with the recommendation amended as stated.

(The foregoing is a digest of the secretary's notes of the public hearing. The transcript may be obtained.)

3. **Continued Application #PL2016-190 - SPECIAL USE PERMIT** renewal for telecommunication towers - 2140 NW Lowenstein Dr.; American Tower Asset Sub II, LLC, applicant

Chairperson Norbury opened the hearing at 5:13 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Ms. Susanne Piccolo was present for this application on behalf of Telecom Tower, a subsidiary of American Tower. He gave her address as 10 Presidential Way in Woburn, Massachusetts. They were requesting renewal of a Special Use Permit for two wireless telecommunications towers at 2140 NW Lowenstein Drive. It would also be a 20-year term. The property was zoned AG. The first tower on the property was a 479-foot guy tower that was installed in 1986. It was surrounded by a six-foot chain link security fence topped with barbed wire. It was also lit, in compliance with FAA requirements. The tower had seven carriers: the US Justice Department, Spoke Holdings, Jade Alarm Company, Pixius Communications, Mobilefone, Sprint and Clearwire Corporate.

The second tower on the property was a 100-foot lattice tower that had been built in 1992 and had three carriers: Verizon, AT&T and T-Mobile. Both towers were in a forested area and were surrounded by natural vegetation and painted a neutral gray; so they were not visually intrusive. As with the first application, the City would eliminate the need for additional wireless communication towers by allowing these towers to continue operating.

Following Ms. Piccolo's presentation, Chairperson Norbury asked for staff comments.

Ms. Stanton entered Exhibit (A), list of exhibits 1-17 into the record. She stated that these two towers had been operating for several years, noting that their heights had actually changed slightly. Staff recommended approval of the Special Use Permit. Chairperson Norbury asked if staff had any objection to the applicant's request for a 20-year term, and Ms. Stanton replied that they did not.

Following Ms. Stanton'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 asked if the Commission had questions for the applicant or staff. There were none, and Chairperson Norbury closed the public hearing at 5:16 p.m. and asked for discussion among the Commission members, or for a motion.

Mr. Delibero made a motion to recommend approval of continued Application PL2016-190, Special Use Permit renewal for telecommunication towers: 2140 NW Lowenstein Dr.; American Tower Asset Sub II, LLC, applicant; amending the recommendation to limit the duration to a term of 20 years, at the applicant's request. Mr. Funk seconded.

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

On the motion of Mr. Delibero, seconded by Mr. Radar, the Planning Commission members voted unanimously by voice vote to recommend **APPROVAL** of continued Application PL2016-190, Special Use Permit renewal for telecommunication towers: 2140 NW Lowenstein Dr.; American Tower Asset Sub II, LLC, applicant; amending the recommendation as stated.

(The foregoing is a digest of the secretary's notes of the public hearing. The transcript may be obtained.)

4. **Continued Application #PL2016-209 - REZONING** from R-1 & CP-2 to PMIX and **PRELIMINARY DEVELOPMENT PLAN** - Pryor Lakes, approximately 32 acres located at the northwest corner of NW Chipman Rd and NW Pryor Rd; Christie Development Association, LLC, applicant

Chairperson Norbury opened the hearing at 5:18 p.m. and announced that Application PL2016-209 was continued to a date certain of April 25, 2017 at the applicant's request. He asked for a motion to continue.

Mr. Delibero made a motion to continue Application PL2016-209 to a date certain of April 25, 2017. Ms. Roberts seconded.

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

On the motion of Mr. Delibero, seconded by Ms. Roberts, the Planning Commission members voted unanimously by voice vote to **CONTINUE** Application PL2016-209 to a date certain of April 25, 2017.

(The foregoing is a digest of the secretary's notes of the public hearing. The transcript may be obtained.)

5. **Application #PL2017-005 - REZONING** from CP-2 to R-1 - approximately 16 acres located at the southeast corner of SW Raintree Dr. and SW Raintree Pkwy. for the proposed Creekside at Raintree; Landrock Development, LLC, applicant

Chairperson Norbury opened the hearing at 5:19 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Mr. William Nedds of HDR gave his address as 3741 NE Troon Drive in Lee's Summit. He was present on behalf of Landrock Development. The applicant, Mr. J.P. Roberts, wanted to rezone 16 acres at the southeast corner of Raintree Drive and Raintree Parkway from Planned Community Commercial (CP-2) to Single Family Residential (R-1). The development would be 31 single-family homes, with lot density and unit sizes comparable with the properties at Raintree, adjacent to the north and west. Some common area tracts, would include future boat parking, would be dedicated to the Raintree Property Owners Association. The Raintree Lake POA would develop the boat parking area in the future, and submit a final development plan for the area.

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

Mr. Soto entered Exhibit (A), list of exhibits 1-14 into the record. He related that the property was annexed to Lee's Summit in 1976, and was zoned commercial at that time. In 2001 it was converted to CP-2 zoning. The 2005 Comprehensive Plan showed this particular corner as low-

density residential, as the property was more suited to residential than commercial use. That same use already existed to the north, west and to the east to some extent. Staff had looked at the surrounding uses the Comprehensive Plan and supported the rezoning request. A residential compatibility table included in the packets provided statistics about this proposed development compared to the adjacent Raintree subdivisions. The density of the proposed project was slightly lower, about two units per acre, including the common area compared with 2.5 to 3 for the other subdivisions. Lot sizes were also a little larger, slightly under 14,000 square feet and the neighboring subdivisions were 10,000-12,000 square feet. The proposed rezoning was essentially consistent with other existing developments nearby.

Following Mr. Soto's comments, Chairperson Norbury asked if there was anyone present wishing to give testimony, either in support for or opposition to the application. As there were none, he then asked if the Commission had questions for the applicant or staff.

Ms. Roberts asked if it was correct that the property was zoned commercial chiefly because that was the zoning when it was annexed in 1976. Mr. Soto replied that it was. At that time, unless a specific development was proposed, the existing zoning would be retained. It had not been established by the City for any specific purpose. Ms. Roberts then asked if staff had a view of the property on a smaller scale than the one at the back of the packet. She wanted to know in particular where the city limits were in relation to the property. Mr. Soto displayed a map and pointed out the city limit at the property's east boundary. The large residential lots shown to the east were not within the city limits, but the parcel directly to the south was. The structure shown further south was a pump station, which was within the city limits.

Ms. Roberts observed that the packet mentioned large lot homes, but she could only find one. Mr. Soto explained that there were only two, and pointed out the location of both, including a driveway. He believed that both properties had direct access to M-291 but not Raintree Drive. He confirmed for Ms. Roberts that these properties to the east and south were zoned CP-2, a legacy of their annexation to Lee's Summit. None of them had actual commercial use.

Chairperson Norbury closed the hearing at 5:27 p.m. As there was further testimony, he reopened the hearing.

Mr. Paul Landis stated that he was the Raintree Lake Property Owners Association liaison to the CEDC, and gave his address as 825 SW Raintree Drive. They had been working with this developer, who had been very cooperative, for about two years; and believed that the proposed zoning was appropriate for this property, and the POA board had voted unanimously to support the rezoning. The POA had purchased the property to the south, which was zoned CP-2. They did not intend any kind of commercial development in that area, and everything around it was residential.

Chairperson Norbury asked if there was any further commentary. Hearing none, he closed the public hearing at 5:29 p.m. and asked for discussion among the Commission members, or for a motion.

Mr. Delibero made a motion to recommend approval of Application PL2017-005, Rezoning from CP-2 to R-1, approximately 16 acres located at the southeast corner of SW Raintree Dr. and SW Raintree Pkwy. for the proposed Creekside at Raintree; Landrock Development, LLC, applicant; subject to staff's letter of February 24, 2017. Mr. Lopez seconded.

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

On the motion of Mr. Delibero, seconded by Mr. Lopez, the Planning Commission members voted unanimously by voice vote to recommend **APPROVAL** of Application PL2017-005, Rezoning from CP-2 to R-1, approximately 16 acres located at the southeast corner of SW Raintree Dr. and SW Raintree Pkwy. for the proposed Creekside at Raintree; Landrock Development, LLC, applicant; subject to staff's letter of February 24, 2017.

(The foregoing is a digest of the secretary's notes of the public hearing. The transcript may be obtained.)

OTHER AGENDA ITEMS

| |
|--|
| 6. Application #PL2017-006 - PRELIMINARY PLAT - Creekside at Raintree, Lots 1-31 & Tracts A-F; Landrock Development, LLC, applicant |
|--|

Mr. William Nedds of HDR gave his address as 3741 NE Troon Drive in Lee's Summit. He was present on behalf of Landrock Development. He stated that the plat was for 31 proposed lots, on the property located at the southeast corner of SW Raintree Drive and SW Raintree Parkway.

Chairperson Norbury then asked for any questions or discussion.

Ms. Roberts had concerns about the layout cutting off access to the properties directly to the east. She did not see any way that a property owner there could get access off either Raintree Drive or Raintree Parkway. They would have access only off the highway, which was not generally something the City encouraged.

Mr. Paul Roberts Jr. gave his address as 21401 E. 34th Street South in Independence. His family had been the original developers at Raintree Lake. The properties to the east had always had direct access to M-291; and the owners had specifically wanted to be excluded from the Raintree project. Due to these property owners having direct access to M-291, there had been no need to include a road into Raintree. When the property was developed, County Line Road ran through a portion of the property indicated on the map by a red jog. County Line had been abandoned for a number of years and was no longer an access; and this was at the request of both Raintree and the property owners to the east.

Ms. Roberts pointed out that property often changed hands over the years; and this was a strip of property located right along the state highway. In the long term, this being the only access could be a problem if changes occurred such as the highway being widened and possibly then converted to limited access. Mr. Roberts related that around the late 1990s the property to the north that ran parallel to M-291 had been subject to a condemnation, and Raintree had been a part of that. The state had taken all the right-of-way it needed from the Raintree development. That was what had left the remaining properties with direct access only to M-291.

Mr. John Roberts, the owner of Landrock Development, gave his address as 21401 E. 34th Street South in Independence. Concerning future easement access, he related that the church on the northeast corner had land available for easement access on that side. Ms. Roberts responded that this still severely limited the potential future use of either parcel; and parcels of land with poor access often eventually became blighted areas. Mr. Roberts answered that he considered the easement access at the church's location would be more beneficial. A creek ran through that area and the duck pond shown at the north end of the plat had a spillover, with increased flow in heavy rains. It would be better to get the access from the side where the church was than to create an additional street that would not go anywhere.

Ms. Roberts asked Mr. Soto what was the distance between Raintree Drive and the proposed SW Meadowbrook Drive, noting that they looked rather close. Mr. Soto estimated that it was about 400 feet; with the minimum separation for collector roads being 300 feet. He added that staff would take a closer look at, since this was an estimation.

Mr. Gustafson asked about the width-to-depth ratio of lots 13-19. Mr. Soto explained that the City did not have minimum requirements for ratios. There was a minimum required lot width of 70 feet for single-family lots; and lots 13-19 all met that requirement. Mr. Gustafson then noted that he did not see a sidewalk on the east side of Raintree Parkway. Mr. Soto replied that the developers would construct a sidewalk for a portion of the frontage, ending at the connection to Raintree Parkway. It would extend one block south of the Meadowbrook Drive entrance. They would provide a segment on Raintree Drive as well.

Mr. DeMoro asked if the Raintree POA owned the property where the pump house was, adding that he did not see any access off Raintree Parkway. Mr. John Roberts answered that the pump house was on about 15 acres that the applicants had sold to the POA. He referred Mr. DeMoro to the listing for Tract F, "Future Boat Parking", which would be the access point to the pump station. The pump house was on level ground in relation to the dam. Mr. DeMoro then asked which lake the creek that Mr. Roberts had mentioned ran into, and Mr. Roberts answered that it ran into Winnebago Lake.

Mr. DeMoro asked about a possible situation, such as some future construction where the creek could not get to Winnebago, and asked if there was enough land to channel the water somewhere else. Mr. Nedds explained that this was not likely to be feasible. The Missouri Department of Natural Resources required a permit for that kind of thing; and one of the requirements was no impacts upstream. It would be difficult to get a project approved that would restrict the flow of the creek.

Mr. Delibero added that he lived in the area, Mr. Roberts had been correct about the creek that flowed to the duck pond. That could also create issues with the DNR.

As there were no more questions, Chairperson Norbury called for a motion.

Mr. Delibero made a motion to approve Application PL2017-006, Preliminary Plat, Creekside at Raintree, Lots 1-31 & Tracts A-F; Landrock Development, LLC, applicant; subject to staff's letter of February 24, 2017. Mr. DeMoro seconded.

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

On the motion of Mr. Mr. Delibero, seconded by Mr. Radar, the Planning Commission members voted unanimously by voice vote to **APPROVE** Application PL2017-006, Preliminary Plat, Creekside at Raintree, Lots 1-31 & Tracts A-F; Landrock Development, LLC, applicant; subject to staff's letter of February 24, 2017.

PUBLIC COMMENTS

There were no public comments at the meeting.

ROUNDTABLE

Chairperson Norbury stated that there had been an increasing number of questions and issues that the Commission had needed to discuss or cover in a work session. He had been talking with Mr. McKay about setting this up; but wanted to know from the Commissioners if there were any topics or questions in particular they wanted included. Mr. Delibero suggested bringing back the training session that new Commission members formerly had. Mr. Funk wanted some discussion about the PMIX zoning designation. Chairperson Norbury was interested in a discussion about the future of housing and how development patterns might change.

ADJOURNMENT

There being no further business, Chairperson Norbury adjourned the meeting at 5:48 p.m.

PC 022417