

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

Thursday, April 28, 2022

5:00 PM

City Council Chambers and videoconference

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Notice is hereby given that the Planning Commission for the City of Lee's Summit will meet on Thursday, April 28, 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, April 27, 2022, to the City Clerk at [clerk@cityofls.net](mailto: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:** 7 - Chairperson Donnie Funk  
Vice Chair Dana Arth  
Board Member Randy Benbrook  
Board Member Tanya Jana-Ford  
Board Member Mark Kitchens  
Board Member Chip Touzinsky  
Board Member Terry Trafton

**Absent:** 2 - Board Member Jake Loveless  
Board Member Cynda Rader

Approval of Agenda

Chairperson Funk announced that there were no changes to the agenda, and asked for a motion to approve.

A motion was made by Board Member Kitchens, seconded by Board Member Trafton, that the agenda be approved. The motion carried unanimously.

Public Comments

1. Approval of Consent Agenda

There were no public comments at the meeting.

- A. [BILL NO. 22-97](#) An Ordinance accepting Final Plat entitled, "Pergola Park, 5th Plat, Lots 119 thru 133 and Tracts Q thru S and 11-5", 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 5/10/2022. The motion carried unanimously.

- B. [2022-4880](#) Approval of the April 14, 2022 Planning Commission minutes.

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

## Public Hearings

2. **2022-4884** Public Hearing: Application #PL2022-066 - Preliminary Development Plan and Application #2022-067 - Special Use Permit for major automotive repair; Gerber Collision, 575 NW Blue Parkway; Burman Companies, applicant.

Chairperson Funk opened the hearing at 5:10 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Mr. Matthew Weber, part of the design team with Anderson Engineering located at 941 W 141st Ter. Ste A, Kansas City, MO introduced himself.

Shannon McGuire, City Planner entered Exhibits 1-15 into the record.

Subject site is located at the east side of NW Blue Pkwy, bordered by CP-2 properties on the north and south. Adjacent to the east is RP-4, to the West is 50 Highway.

The applicant proposes a PDP and SUP to construct & operate a new 14,200 sq. ft. Collision Repair Center, with a 20-year period proposed special use permit.

Proposed building materials include a combination of concrete block and cultured stone. Proposed materials are compatible with the design and construction of existing commercial buildings within the surrounding community.

The applicant has submitted a minor plat to split the subject site into two lots.

There is a requested modification of a requested 6 ft. set back for a 3 ft. set back on the existing parking lot and a 4 ft. set back on the proposed new parking lot driveway. Staff supports the modification request.

The proposed project meets the 4 conditions placed on automotive repair services by UDO Sec. 6.440.

Chairperson Funk ask for public comment on the application.

Cyril Warbec gave his address as 10203 E. US Hwy 24, Independence, MO – Attorney representing client Michelle Stoffer, owner of the properties to the north of the proposed development. Mr. Warbec had several questions about construction traffic and the impact of his client. The applicant stated they will work with the neighboring properties regarding construction flow throughout the project.

With no further questions from the public Chairperson Funk moved to the Commission.

Commissioner Kitchens asked what lighting studies have been done for the parking lot. The applicant stated the architect has put together a lighting study that will be submitted with the final development plan.

Commissioner Benbrook asked the staff about the proposed 46 parking spots and what was the allowable amount. Josh Johnson, Assistant Director of Development Services responded 33

spaces are required, there is no maximum. Commissioner Benbrook asked if changing the drive would impact the Fire Department, staff assured there was plenty of access. Commissioner Benbrook asked the applicant what screening will there be for the screening for the vehicle storage lot. Michelle Angline, Gerber Collision representative stated there will be a 6 ft. vinyl fence around the SE parking lot.

Commissioner Trafton inquired about detention area. Mr. Weber stated revisions have been made to increase the detention basin.

Chairperson Funk asked if there were further questions for the applicant or staff. Hearing none, he closed the public hearing at 5:37 p.m. and asked for discussion among the Commission members.

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

Mr. Kitchens made a motion to recommend approval of Application PL2022-066, Preliminary Development Plan and Application PL2022-067, Special Use Permit for major automotive repair; Gerber Collision, 575 NW Blue Parkway; Berman Companies, applicant. Mr. Trafton seconded.

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

On a motion of Mr. Kitchens, seconded by Mr. Trafton, the Planning Commission members voted unanimously by roll call vote to recommend APPROVAL of Application PL 2022-066, Preliminary Development Plan and Application 2022-067, Special Use Permit: major automotive repair, Gerber Collision, 575 NW Blue Pkwy; Burman Companies, applicant.

Mr. Benbrook made a motion to amend the motion. The motion will amend condition # 2 to state a 6ft. vinyl fence will enclose the SE portion of the parking lot. Mr. Kitchens seconded. The Planning Commission members voted unanimously by roll call vote to recommend APPROVAL of the amendment.

- a. **TMP-2271** An Ordinance approving a Preliminary Development Plan for Gerber Collision on land located at 575 NW Blue Parkway, 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.
- b. **TMP-2272** An Ordinance granting a Special Use Permit for a major automotive repair facility in District CP-2 on land located at 575 NW Blue Parkway, for a period of twenty (20) years, all in accordance with Article 6 of the Unified Development Ordinance, for the City of Lee's Summit, Missouri.
3. **2022-4887** Public Hearing: Application #PL2022-079 - Rezoning from AG to CP-2 and Preliminary Development Plan - Whataburger, 204 SW M-150 Hwy; Whatabrands, Inc., applicant.

Chairperson Funk opened the hearing at 5:40 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Pat DeNardo of MS Consultants gave his address as 300 Corporate Center Dr. Ste. 200, Moon Township, PA. on behalf of Whataburger. Mr. DeNardo gave his presentation.

The location proposed is the second location in Lee's Summit, located at the north side of M-150 Hwy at the corner of SW Hollywood Dr.

Shannon McGuire, City Planner entered Exhibits 1-17 into the record. This application is proposed for a 3,751 sq. ft. fast food restaurant on existing Agricultural zoning proposed to CP-2. Reduced parking spaces proposed are 45 from 53. For alternate parking plans the UDO does establish two methods to determine the required amount of parking. The applicant has chosen for the City Council to allow for an alternate parking plan that tailors the amount of required spaces to the specific conditions of the particular development. Staff does find the request for an alternate parking plan to be reasonable.

The applicant has requested the use of architectural metal panels which is restricted by the UDO.

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 discussion among the Commission members.

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

Mr. Touzinsky made a motion to recommend approval of Application PL2022-079, Rezoning from AG to CP-2 and Preliminary Development Plan: Whataburger, 204 SW M-150 Hwy.; Whatabrands, Inc., applicant. Mr. Kitchens 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 Touzinsky, seconded by Board Member Kitchens, that this application be recommended for approval to the City Council - Regular Session, due back on 5/24/2022. The motion carried unanimously.

- a. **TMP-2273** An Ordinance approving a rezoning from AG (Agricultural) to District CP-2 (Planned Community Commercial) and Preliminary Development Plan for Whataburger on land located at 204 SW M-150 Hwy, 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.
4. **2022-4889** Public Hearing: Application #PL2022-074 - Rezoning from AG to RP-4 and Preliminary Development Plan - Tristar at Lee's Summit, approximately 54 acres located on the east side of Old 291 Hwy approximately 1/2 north M-150 Hwy; Engineering Solutions, LLC, applicant.

Chairperson Funk opened the hearing at 6:03 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 located to the east of Old 291 Hwy and north of M-150 Hwy. It is a 54 acres parcel with Shamrock Hills Golf Club to the north and Colby Creek Development to the southeast. The proposed site has two different types of units, 4-plexes and courtyard style ranch homes. There will be a mixture of 2 and 3 bedrooms with two car garages. A total of 268 units. 156 courtyard style ranches and 112 townhomes. The townhomes will be market driven to determine the number of 2 or 3 bedrooms as the continuation of the project moves along.

There will be an access road to the west to help move traffic off the outer road and a proposed access road to the north of the Colby Creek Development.

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Rental rates for the townhomes will be in the neighborhood of \$2,400.00 and \$2,000.00 for the courtyard ranches. The courtyard ranches will have a new urbanism living concept with active front yard living, garages all in the rear.

The proposed project will have a clubhouse with a rental activity space, pool, gym, playground, fire pits, dog park, pickle ball court, and trail systems. The leasing office will be located in the clubhouse.

Matt Seagull with Tristar out of St. Louis, MO introduced himself to the Commission giving a description of himself, the company, and the proposed project.

Shannon McGuire, City Planner entered Exhibits 1-20 into the record. The applicant is requesting the property to be rezoned from Agricultural to RP-4. It will have 5 residential lots and 5 common area tracts.

Proposed materials for the project are compatible and similar to nearby residential areas and the city as a whole

The proposed plan is consistent with the Ignite Comprehensive Plan's established goals of creating & maintaining a variety of housing options, styles, and price ranges within the community.

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

Commissioner Kitchens asked if the intent of the project was to be completely maintenance free. Mr. Schlicht responded, yes, it is.

Commissioner Trafton asked if there was concern with the access for the fire department. Assistant Chief Jim Eden addressed the commission. The applicant will either need two access points established or each unit will need to be sprinklered. Mr. Schlicht confirmed if the second access point isn't established the units will be sprinklered. Commissioner Trafton also inquired about HOA fees. Mr. Schlicht stated the HOA fees are included in the monthly rent.

Chairperson Funk addressed concerns about the elevation for the courtyard style ranches. He has requested the applicant use a higher end quality of siding and break up the façade with different materials and colors.

Chairperson Funk asked if there were further questions for the applicant or staff. Hearing none, he closed the public hearing at 6:43 p.m. and asked for discussion among the Commission members.

The commission members echoed Chairperson Funks concerns regarding the elevation of the courtyard ranch style units and they will be adding conditions for approval.

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

Mr. Kitchens made a motion to recommend approval of Application PL2022-074, Rezoning from AG to RP-4 and Preliminary Development Plan: Tristar at Lee's Summit, approximately 1/2 north M-150 Hwy; Engineering Solutions, LLC, applicant. Mr. Benbrook seconded.

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

On the motion of Mr. Kitchens, seconded by Mr. Benbrook, the Planning Commission members voted unanimously by roll call cote to recommend APPROVAL of Application PL2022-074, Preliminary Development Plan; Rezoning from AG to PR-4 and Preliminary Development Plan:

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Tristar at Lee's Summit, approximately ½ north M-150 Hwy.; Engineering Solutions, LLC, applicant.

Mr. Trafton made a motion to amend the motion. The motion will add 2 conditions of approval.

- 1) Adding a requirement of .47 mm to .52mm siding be used for the project.
- 2) The courtyard ranch style façade shall be broken up through a combination of color and material changes.

Mr. Kitchens seconded. The Planning Commission members voted unanimously by roll call vote to recommend APPROVAL of the amendment.

- a. **TMP-2274** An Ordinance approving a rezoning from AG (Agricultural) to District RP-4 (Planned Apartment Residential District) and Preliminary Development Plan for Tristar at Lee's Summit on approximately 54 acres located on the east side of Old 291 Hwy approximately 1/2 north M-150 Hwy, 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.

Roundtable

Chairperson Funk thanked Mayor Baird for attending tonight's meeting.

Josh Johnson asked the commission to think of ideas for the next training meeting.

Adjournment

There being no further business Chairperson Fund adjourned the meeting at 6:52 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"