

The City of Lee's Summit

Action Letter

Planning Commission

Thursday, October 22, 2020

5:00 PM

City Council Chambers

City Hall

220 SE Green Street

Lee's Summit, MO 64063

Notice is hereby given that the Planning Commission of the City of Lee's Summit will meet in regular session on October 22, 2020 at 5:00 pm in person and 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 October 21, 2020, 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 October 22, 2020, 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 October 21, 2020 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

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Present: 8 - Chairperson Donnie Funk
Vice Chair Carla Dial
Board Member Dana Arth
Board Member Tanya Jana-Ford
Board Member Mark Kitchens
Board Member Jake Loveless
Board Member John Lovell
Board Member Matt Sanning

Absent: 1 - Board Member Terry Trafton

Approval of Agenda

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

Public Comments

Mr. Soto confirmed that there were no public comments other than those related to specific agenda items.

1. Approval of Consent Agenda

- A. [TMP-1722](#)** An Ordinance approving Application #PL2020-222 - VACATION OF EASEMENT - 1721 SW Napa Valley Dr; Engineering Solutions, LLC, applicant

A motion was made by Vice Chair Dial, seconded by Board Member Sanning, that this application be recommended for approval to the City Council - Regular Session. The motion carried unanimously.

- B. [2020-3752](#)** Appl. #PL2020-282 - SIGN APPLICATION - Starbucks, 155 SW M-150 Hwy; Midwest Sign, applicant

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

- C. [2020-3748](#)** Approval of the October 08, 2020 Planning Commission Minutes

A motion was made by Vice Chair Dial, seconded by Board Member Sanning, that these minutes be approved. The motion carried unanimously.

Public Hearings

- 2. [2020-3742](#)** Public Hearing: Application #2020-219-Rezoning from AG and R-1 to R-1 and PRELIMINARY DEVELOPMENT PLAN-The Ridge at Winterset Summit, Lots 1-5 & Tract A, 2550 SW 3rd St, Engineering Solutions, LLC, applicant

Chairperson Funk opened the hearing at 5:09 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Mr. Matt Schlicht gave his business address as Engineering Solutions at 50 SE 30th Street in Lee's Summit. He stated that Mr. David Gale and his son Mr. Cutter Gale were present and could answer questions. This was actually an extension of the first phase of the Winterset development. Mr. Gale exhibited an aerial map, showing the subject property in yellow. It was on the northwest side of Winterset Summit, formerly called Winter Park; and northeast of Cedar Creek Elementary School.

The Ridge at Winterset Summit consisted of five single-family residential lots on 3.5 acres, including some common area around the north side of Cedar Creek. This common area was

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about 17.5 acres, and would be deeded to the Winterset communities' HOA. It would include several miles of walking trails within Winterset. A waterfall and Missouri glade were also on the site. Mr. Gale had met with the closest neighbors, and briefed them on the schedule for the project and potential impacts to neighbors. A later meeting via Zoom had many more residents from Winterset Valley and Winterset Summit attending. Some questions raised included (1) whether Winter Park Road would extend through Winterset Valley. It was actually a cul-de-sac for this first phase; (2) how close the lots would be and what they would look like. They would be a little larger than those in Winterset Summit; and (3) where the trails would go and how they would connect to the existing facility.

A few neighbors had asked the applicant to reach out to the school district to see if a haul road or secondary road could go into the project but not go through Winterset Summit. Mr. Schlicht replied that they had received a letter from the school district affirming that they had no interest in removing more trees than was necessary; and Gale Communities would work with the nearby residents to minimize any impacts.

The applicants were requesting two modifications. The UDO required that no more than 10 percent of lots in a development be on a cul-de-sac; however, that would not be possible for this development due to its location on a ridge. The other modification was for setbacks. Usually in an R-1 residential development, front setbacks were 30 feet. But again due to the topography Lots 1602 and 1603 would be 25 feet, in order to locate the house closer to the road than two the ridge dropoff in the back of the lots. Lot 1604 would have a front setback of 25 feet that would be reduced to about 20 feet at the bulb of the cul-de-sac. Lot 1605, however, would actually have an increase to 40 feet in order to utilize the ridge space.

The Winterset communities had a consistent history for being nature-friendly, utilizing the existing natural areas and adding features such as ponds, butterfly gardens and trails; even utilizing native plants and soil material in an open ditch channel to provide better water quality. They were asking the City to waive the usual requirements for stormwater detention and stormwater quality. This project was on 3.69 acres in an existing watershed of about 5,000 acres; and it would be difficult to develop the Master Drainage Plan (MDP) referenced in Condition 4 that would satisfy the City's requirements due to location and topography. It was less than one percent of the watershed and would create less than .5 percent of overall stormwater flow. Accordingly, the applicants were asking the City Engineer to work toward waiving stormwater quality improvements for this project.

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

Ms. Nelson entered Exhibit (A), list of exhibits 1-16 into the record. She displayed an aerial map of the subject property and surrounding area, with Winterset Valley and Cedar Creek Elementary School identified. The application was for construction of five single-family homes, with the proposed site having portions of a common area tract in Winterset Valley and the elementary school. She gave a summary of the area's history. A preliminary plat for Winterset Park, Phase One, lots 1-43 was approved by the Planning Commission on April 9, 1990. Two months later the City Council approved the final plat, for lots 1-45. A final development plan was approved on March 19, 1996 for Lee's Summit West elementary school. In December of the following year, a minor plat was approved for Cedar Creek Elementary School, Lot 1.

The proposed rezoning was from AG and R-1 zoning to R-1, for about 19 acres. This was to ensure compatibility with the neighboring Winterset Park subdivision, and to continue the existing R-1 zoning along SW 3rd Street. An exhibited site plan showed the layout of the five lots. In addition to the modification for cul-de-sac lots, with a total of 50 lots for Winterset Park and the Ridge At Winterset Summit combined. Of these lots, 13 would be around a cul-de-dac, for 26 percent of the lots. That would exceed the 10 percent allowed by the UDO, so it was one of the two modifications requested. They were also requesting modifications to the 30 foot setbacks required in the UDO. Staff supported these two modification requests,

due to the gullies and ravines on the property.

One of the public comments had been a request for a second and temporary access point for the heavy construction equipment. This would be difficult, again due to the topography; and another access added on 3rd Street would be in conflict with the city's Access Management Code. These modifications would enable the project to meet the requirements of the Design and Construction Manual. Conditions 1 and 2 addressed the percentage of cul-de-sac lots and the modifications to the front yard setbacks. The standard condition added today stated that "certain aspects of the development plan related to stormwater management will be further reviewed during the final plat phase of the project."

Following Ms. Nelson's comments, Chairperson Funk asked there was any testimony from the public either in support for or opposition to the application. Seeing none, he then opened the hearing for Commissioners' questions for the applicant or staff.

Mr. Lovell asked staff what was the purpose of the idea for limiting the number of cul-de-sac lots. Mr. Soto explained that the reason behind the cul-de-sac limitation in subdivisions was establishing a grid street system, that would provide some connectivity between, and within, subdivisions. The UDO allowed for some increase from the 10 percent of streets in cases where topography was a limiting factor. In some of the lake developments, such as Raintree, the streets were basically cul-de-sacs surrounding the lake.

Mr. Lovell asked if the number of cul-de-sacs that were mentioned in staff's report had taken Winterset Park across the street into account. He mentioned that he had not seen many cul-de-sacs on that side. Mr. Soto answered that staff had limited that calculation to the proposed five-lot development, plus Winterset Park. He added that these two smaller developments were somewhat isolated from the rest. The existing development was one large loop, with one cul-de-sac north of Winter Road. One more cul-de-sac would be added with this development, and that would be the 26 percent of the lots mentioned earlier. The percentage was based on the two cul-de-sacs and the number of homes in the north portion of Winterset.

Mr. Lovell stated that he had seen an extension in that loop road, and asked if this was just an add on. Mr. Gale explained that the elevation difference from east to west was about 80 feet. A woman named Susan van Penton had been the planning director when this phase went in; initially with 43 lots, and the cul-de-sac, effectively a dead-end road, did not exist at that point. Ms. Van Penton had thought that the street could potentially continue, but the topography was clearly that of a ridge. There was no way to physically move the two cul-de-sacs. Mr. Lovell asked if the dead end at the north point was a cul-de-sac, and Mr. Gale answered that it was. He added that it was in a 100-year flood plain, with Cedar Creek just to the north. He was doubtful about residential construction in a flood plain.

Mr. Kitchens remarked that in looking at the application and the letter from the residents, he was aware that City staff had done their best with the Lee's Summit R7 school district in getting a right-of-way. He asked Mr. Schlicht if he had an approach in mind. Mr. Schlicht remarked that Mr. Gale already worked in that environment, and had a good history of working with residents during projects. Much of the construction would be to the back of Winterset Valley; consequently, most of the construction and construction vehicles would go through there. They intended to pick very specific routes and times and limit construction movements as much as possible. He acknowledged that some residents' homes were right at that entrance and they would be inconvenienced by the project; and emphasized that he and Mr. Gale would do everything necessary to work with them. The most useful specific actions would be controlling and limiting both the times and the routes used during construction.

Mr. Gale stated that several long-term residents had asked him to look into a haul road through the school property. For this particular phase Gale Communities was doing something

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they had never done before. They were both the developer and builder, with Mr. Matt Faulkner building the five homes for the non-refundable options. That gave them entire control over both the heavy equipment for the development phase and the staging for the home building phase. They would make the process as clean and efficient as possible, controlling factors such as hours; but it was inevitable that there would be a certain amount of noise and dust.

Mr. Lovell asked if it was correct at Cedar Creek was developed at about the same time as this general neighborhood. Mr. Gale responded that the Cedar Creek plat was done in 1996. The property was in two parcels: one was a gift from Ms. Victoria Berbiglia. The other, immediately adjacent to the Summit, was an expropriation from the previous owner who lived in Independence. The home on that property was on about 4 or 5 acres and could be called a "shack", but the owner had not wanted to sell.

Mr. Matt Sanning stated to Mr. Bushek that Mr. Gale was a member of a civic group that in the past had been supportive of [Mr. Sanning's] employer. He wanted to know if he should abstain from the vote in view of that association. Mr. Bushek replied that he had been looking into the various business connections; and he believed that this did meet one of the situations that would create a conflict under Chapter 105 of the Missouri statutes. In view of that he believed that Mr. Sanning should abstain from voting on this application.

Mr. Loveless asked staff for some details about water management, including what would be necessary to fit this project into UDO requirements. Mr. Monter replies that when staff started looking at a preliminary plan, the applicant was required to submit a preliminary stormwater report. This applicant's engineer had done that, and had asked for two waivers. One would be for the overall detention on this project and specifically for the different release rate requirements for various intensities of storms. The second was for a waiver for the BMP, which was 40-hour extended detention. In both the commentary in staff's letter and the Conditions of Approval, the City acknowledged the information the applicant had submitted. Staff would support a waiver for the overall detention for the release rates, based on the information they had received. This was a process typically done at the final stage. Waiver requests had to be either approved or denied by the City Engineer.

Ms. Jana-Ford joined the meeting, at 5:40 p.m.

The 40-hour extended detention, best management practices, was a water quality event. It was usually less likely to be waived, although he had talked with Mr. Schlicht and considered this something that could be done. However, the standard condition staff had put in had called for additional discussion.

Chairperson Funk asked if there were further questions for the applicant or staff. Hearing none, he closed the public hearing at 5:42 p.m. and asked for discussion among the Commission members, or for a motion.

Ms. Dial made a motion to recommend approval of Application 2020-219, Rezoning from AG and R-1 to R-1 and Preliminary Development Plan: The Ridge at Winterset Summit, Lots 1-5 & Tract A, 2550 SW 3rd Street, Engineering Solutions, LLC, applicant. Mr. Loveless seconded.

Chairperson Funk asked if the motion would have to be amended if the applicant did not agree with the conditions. Mr. Bushek answered the applicant's agreement or opposition did not change the nature of the Commission's recommendation.

A motion was made by Vice Chair Dial, seconded by Board Member Loveless, that this application be recommended for approval to the City Council - Regular Session. The motion carried by the following vote:

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Aye: 7 - Chairperson Funk
Vice Chair Dial
Board Member Arth
Board Member Jana-Ford
Board Member Kitchens
Board Member Loveless
Board Member Lovell

Absent: 1 - Board Member Trafton

Abstain: 1 - Board Member Sanning

- a. [TMP-1721](#) An Ordinance approving a rezoning from Agricultural (AG) to District R-1 and preliminary development plan approximately 19.02 acres to be rezoned and 3.55 acres for the residential site, located at 2550 SW 3rd St, proposed The Ridge at Winterset Summit (formerly known as Winterset Cedar Creek), Lots 1-5 and Tract A, 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.
3. [2020-3753](#) Public Hearing: Application #PL2020-221 - VACATION OF RIGHT-OF-WAY - an approximately 110' segment of SW Flintrock Dr adjacent to 1713 SW Napa Valley Dr; Engineering Solutions, LLC, applicant

Chairperson Funk opened the hearing at 5:45 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Mr. Matt Schlicht gave his business address as Engineering Solutions at 50 SE 30th Street in Lee's Summit. He stated that this application was primarily some cleanup for the existing phase of Napa Valley. He displayed a minor plat that had been submitted to City staff for administrative review and approval. He pointed out one piece of Flintlock Drive that had been taken out some time ago. It was now a dirt track, and the applicants had wanted to vacate the entire right-of-way. However, the owner of the next lot to the east at 713 SW Napa Valley Drive did not want to participate. Tonight's application was for vacation of 25 feet of road on the west side of Flintrock Road. The easement had been vacated via the Consent Agenda's Item A. The purpose was to convert one large lot into two more standard-sized lots.

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

Mr. Soto entered Exhibit (A), list of exhibits 1-12 into the record. He confirmed that this application would vacate half of Flintrock Drive's right-of-way, which was just south of Napa Valley Drive and east of Stoney Brook Drive in the Napa Valley subdivision. The graphic on the left side of the displayed slide showed the right-of-way as it currently existed as well as the existing infrastructure.. An existing sanitary sewer line ran through the entire width of Flintrock Drive, and a water line ran parallel to Napa Valley Drive on the north side. Other stormwater lines ran parallel at the north end and a few inlets were within the right-of-way.. The blue area in the drawing on the right was a 25-foot right-of-way on the west side. This was the right-of-way requested to be vacated.

The one Condition of Approval stated that "the vacation of right-of-way shall not go into effect until such time as a new general utility easement is dedicated to cover existing infrastructure along the subject right-of-way." It was part of the plat that Mr. Schlicht had shown, and easement were dedicated as part of that plat; consequently, the condition was consistent with what had been agreed to in the plat currently in process.

Following Mr. Soto's comments, Chairperson Funk asked if there was any testimony either in support for or opposition to the application. Seeing none, he opened the hearing for Commissioners' questions for the applicant or staff. There were no questions, and Chairperson Funk closed the public hearing at 5:50 p.m. He asked for discussion among the Commission members, or for a motion.

Ms. Dial made a motion to recommend approval of Application PL2020-221, Vacation of Right-Of-Way: an approximately 110 foot segment of SW Flintrock Drive adjacent to 1713 SW Napa Valley Dr; Engineering Solutions, LLC, applicant. 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 Vice Chair Dial, seconded by Board Member Loveless, that this application be recommended for approval to the City Council - Regular Session. The motion carried unanimously.

4. [2020-3754](#) Public Hearing: Application #PL2020-240 - REZONING from AG to RLL - Pine Tree Farm Estates, 1050 NE Todd George Rd; Keith Foster, applicant

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

Mr. Keith Foster gave his address as 1051 NE Todd George Road. The subject property was across the street from his home. It had been 10 acres and was being used as a Christmas tree farm when he had purchased it. This had originally been 100 acres but Scruggs Road and North Park Village, the subdivision to the south, had reduced it to a little under 8 acres. He was asking for a zoning change to RLL, and planned to develop six lots. Three would be half acre lots, a fourth would be a little under a full acre and the fifth would be 1-1/4 acres. The rest of the land would include a pond on the east side.

Following Mr. Foster's' presentation, Chairperson Funk asked for staff comments.

Mr. Soto entered Exhibit (A), list of exhibits 1-14 into the record. He stated that the subject property was at the corner of Scruggs and Todd George roads. Single-family use R-1 subdivisions were directly to the west and south, and larger acreage tracts to the north, east, and northeast, some of which had single-family homes. Some City owned property at a pump station was due north of the property's northwest corner. A displayed slide showed a large gray area that represented the entire limits of the 7.8 acres.

The other image gave a layout of the six-lot single-family subdivision the owner planned to develop in the future. It would be brought to the Commission as a preliminary plat application in the future. The eastern four acres included the pond and fronted on Todd George, and these would be a separate Lot 6. Access to Lot 6 would be off Todd George Road and the other five lots would be accessed off two existing streets off North Park Village Road. Tonight's application concerned only the change in land use to Residential Large Lot zoning (RLL), which had a minimum half acre lot size. The smallest of the proposed six lots was over a half acre.

In terms of how the proposed rezoning fit into the Comprehensive Plan, a displayed map showed the property in light yellow, which indicated low-density residential. The red star indicated the pond's location. The proposed zoning change was consistent with uses to the north, south and west. The blue area shown to the northwest indicated City-owned property and the location of the pump station.

The application had two Standard Conditions of Approval. Standard conditions would not be

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attached to the ordinance. Condition 1 required a plat to be approved and recorded before a building permit was issued. Condition 2 reflected the City's policy that with AG zoning, the portion of the property that was within the public right-of-way was maintained by the City. After the change from AG to RLL, the applicant was responsible for right-of-way maintenance including mowing. Staff supported the zoning change from AG to RLL.

Following comments, Chairperson Funk asked there was any testimony either in support for or opposition to the application. Seeing none, he opened the hearing for Commissioners' questions for the applicant or staff.

Mr. Loveless remarked that unlike most applications for rezoning, this one did not include a preliminary development plan. He considered the use appropriate, but wanted to know at what point the Commission would have the opportunity to evaluate building size, design and materials used. Mr. Soto acknowledged that most requests for rezoning did include a PDP or plat. The UDO specified that a PDP or preliminary plat would be attached to a rezoning for R-1 or any planned zoning designation. The request for RLL zoning was neither R-1 nor any kind of planned zoning. It was essentially between AG and R-1, and so did not activate the requirement for a plat. That would apply to this application, though a plat would be brought in later in the process. Mr. Soto added that the intention had been to bring the zoning request and plat together; however, some items on the plat needed to be discussed first.

Mr. Loveless remarked that they were doing this without any plan. The applicant could theoretically come back with the land divided into 15 or 16 lots instead of the six being considered tonight. He asked if, should the applicant not request any modifications, that would trigger some of the City's other requirements such as water management and the number of points of access. Mr. Soto clarified that evaluating and approving items like materials and architecture applied basically to planned zoning districts but not to a standard single-family home development. Mr. Loveless then asked what criteria the City would consider in terms of what kind of homes a builder would build. Mr. Soto answered that a builder would not be tied to any specific architectural style, although the builder would be required to adhere to safety standards and building codes. That would also include setbacks or height restrictions.

Mr. Loveless asked if this approach applied to zoning designations other than RLL. Mr. Soto replied that RLL and RDR would be in the same category. The UDO required that R-1 had to be on the same agenda as a rezoning request. It would still not be possible to regulate the architectural standards, materials or other aspects.

Mr. Loveless remarked that he had driven by the site and had noticed what looked like an agricultural fence. He asked what would happen with the fence after development started, and Mr. Soto referred the question to Mr. Foster. He mentioned that there would be no direct access onto Scruggs Road from the first five lots. Lot 6 did have access to both Scruggs and Todd George Road would eventually be restricted to access only to Todd George. Access for the other lots would be to the south, where they abutted some existing streets that came through the North Park Village subdivision. Whether the fence stayed or not would be the decision of the developer and future property owners.

Mr. Loveless asked whether the Commission and the City Council would be able to make that a Condition of Approval when they submitted the final plat. He also wanted to know if the applicant would still have to submit a final plat in the event of no modifications being requested. Mr. Soto asked if the reference to a Condition of Approval was specifically about the fence and its maintenance and Mr. Loveless answered that it was. Mr. Soto stated that since the applicant was proposing more than three lots, the plat would have to come through the Planning Commission and City Council for approval.

Ms. Jana-Ford said she assumed that some of the RLL homes would be accessed via Brookfield

or Copperwood. She asked what would be the impact on the lots in view of no direct access to Scruggs. These larger lot sizes would most likely have a larger and more upscale home. Mr. Soto answered that from a traffic perspective, the lot sizes would not affect the number of vehicle trips. The existing major roads could handle traffic generated by the development. Ms. Jana remarked that with these lot sizes, the neighborhood would be more upscale and not tied to the adjacent neighborhood to the south, and asked if that would affect the value of the proposed homes. Mr. Soto was not sure if Mr. Foster planned any covenants establishing a minimum house size or certain material requirements.

Mr. Foster stated that he did anticipate somewhat larger houses to be on these larger sized lots. It was not likely that someone would build a 1,200 square foot home on that size lot. Initially only three of the lots would be for sale and the rest would remain farmland for the time being. He added that while he probably would establish some covenants, he did not want them to be as restrictive as some others were. The subdivision to the south, for example, did not allow privacy fences, which residents along a busy road like Todd George might want to have. He did want to set a standard for attractive and well-maintained houses. He did not anticipate any problem selling these lots at a price point consistent with the surrounding neighborhoods.

Ms. Jana-Ford asked what the reasoning was for not having access to the lots from Scruggs, and Mr. Foster explained that the UDO did not allow it. Mr. Soto clarified that the ordinance required that if there was access from more than one right-of-way, the access had to be off the road with the lower classification. In this case, the five lots would have to get access from the local residential streets.

Mr. Kitchens asked if the UDO had any requirement for contacting nearby residents when the preliminary development plan had a public hearing. Mr. Soto answered that it would be a preliminary plat application that would go to the Commission and City Council. Preliminary plats did not have a notification requirement. Notification of surrounding property owners would be part of this rezoning application but would not occur with the final plat. Mr. Kitchens asked if anyone responded, and Mr. Soto said he got one phone call from a neighbor wanting information. The caller did not express any support or opposition. Mr. Foster remarked that he had heard from a North Park Village resident that many people were not happy about driveways going into the cul-de-sac. Their children often played in the cul-de-sac, but it was for the development, not a playground.

Mr. Lovell remarked that something felt 'off' with the RLL zoning. He had the impression that it would potentially enable a developer to go ahead without following the steps developers typically were required to in order to build a subdivision. He asked if some kind of loophole was involved. Mr. Soto responded that this development would be subject to all the requirements of any other subdivision. The rezoning could be compared to a train engine, and in an R-1 or planned district the 'engine' would have attached 'passenger cars'. The train engine and passenger cars would technically not arrive at the same time but would follow the same path.

Mr. Soto added that the applicant had the option to continue the rezoning to a later meeting, where a plat could be considered at the same time. This was allowed but not required by ordinance.

Mr. Bushek commented that there was a difference between 'standard' and 'planned' zoning. Standard zoning had been used through the 1970s and into the 1990s. With standard zoning, a city would establish a number of districts with uses allowed or not allowed. A public hearing would basically just be a determination of whether the property should be in a particular district. In Lee's Summit, the change to planned zoning happened when the UDO was created in 2000. At that time most of the zoning districts went to planned zoning; however, some did stay in the standard zoning category. At that time, the City Council had decided to not attach

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the planning review process to this district. RLL was one of the few districts subject to the older standard zoning, where the decision was whether a piece of land should be in that district, without considering all the planning items. The RLL district seemed 'different' because it was, in the sense of being the older type of zoning.

Chairperson Funk remarked that Mr. Foster's reference to cul-de-sacs being for the driveways and not as a playground did not sound like the remark of a good neighbor. He noted that if the Commission approved the application tonight the only other thing they would see would be the plat of the six lots. There would not likely be a preliminary development plan, like with the development to the south; and the City would have less control. Mr. Soto said that was correct. Once the zoning for the property was established, requirements such as setbacks were also established, subject to approval of the plat. The North Park Village subdivision was zoned the standard R-1, and that also had only a preliminary plat because no modifications were requested.

Chairperson Funk asked if there were further questions for the applicant or staff. Hearing none, he closed the public hearing at 6:20 p.m. and asked for discussion among the Commission members.

Mr. Sanning left the meeting.

Mr. Lovell remarked that he might prefer seeing the rezoning and plan presented together. He still felt like something was off. Mr. Kitchens agreed, remarking that there would be no harm done in continuing the application and later considering the rezoning at the same time as the plat.

Ms. Jana-Ford also stated that she did not feel comfortable voting on approval or denial for this application tonight.

As there was no further discussion, Chairperson Funk called for a motion.

Ms. Dial made a motion to continue Application PL2020-240, Rezoning from AG to RLL - Pine Tree Farm Estates, 1050 NE Todd George Road; Keith Foster, applicant, until such time as it could be brought forward along with a plat or preliminary development plan. Mr. Soto noted that staff did not have a specific date for the preliminary plat. If it was continued to an uncertain date, that would trigger the notification process again. He suggested continuing it to a date certain. The next meetings would be on November 12, with the next meeting on December 10. He suggested a date certain of November 12, 2020.

Ms. Dial stated that she wanted to leave the motion as is, and Mr. Kitchens seconded. Chairperson Funk then called for a vote.

A motion was made by Vice Chair Dial, seconded by Board Member Kitchens, that this application be continued to the Planning Commission on a date uncertain. The motion carried by the following vote:

Aye: 7 - Chairperson Funk
Vice Chair Dial
Board Member Arth
Board Member Jana-Ford
Board Member Kitchens
Board Member Loveless
Board Member Lovell

Absent: 2 - Board Member Sanning
Board Member Trafton

Other Agenda Items

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5. [2020-3755](#) Amended Appl. #PL2020-134 - PRELIMINARY DEVELOPMENT PLAN - Lee's Summit R-7 Middle School #4, 1001 SE Bailey Rd; DLR Group, applicant

A motion was made by Board Member Kitchens, seconded by Board Member Lovell, that this amendmentNo. was denied. The motion carried by the following vote:

Aye: 5 - Chairperson Funk
Board Member Arth
Board Member Jana-Ford
Board Member Kitchens
Board Member Lovell

Nay: 2 - Vice Chair Dial
Board Member Loveless

Absent: 2 - Board Member Sanning
Board Member Trafton

Roundtable

There were no roundtable items presented at the meeting.

Adjournment

There being no further business, Chairperson Funk adjourned the meeting at 6:54 PM.

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"