

The City of Lee's Summit
Action Letter
Planning Commission

Thursday, August 22, 2019

5:00 PM

City Council Chambers

City Hall

220 SE Green Street

Lee's Summit, MO 64063

Call to Order

Roll Call

Present: 6 - Board Member Carla Dial
Board Member Jason Norbury
Board Member Donnie Funk
Board Member Jeff Sims
Board Member Jake Loveless
Board Member John Lovell

Absent: 3 - Board Member Dana Arth
Board Member Don Gustafson
Board Member Mark Kitchens

Approval of Agenda

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

A motion was made by Board Member Funk, seconded by Board Member Sims, that this agenda be approved. The motion carried unanimously.

Public Comments

Ms. Stacey Gibbons, accompanied by her father Mr. Kevin Hustable, gave her address as 106 SE Summit Avenue in Lee's Summit. She stated that there were duplexes planned next to their home, and she had just heard about plans to move the construction away from the wooded area where there was a drainage ditch. She wanted to know if that was updated, as she was concerned that it would drain back onto their property and was over a sewer line.

Chairperson Norbury replied that this was an issue to be covered in tonight's public hearing, so the applicant could be asked to clarify.

Approval of Consent Agenda

[TMP-1337](#) An Ordinance approving Application #PL2019-148 - Vacation of Easement, 2024 NW Lowenstein Dr, 906 NW Pryor Rd and 930 NW Pryor Rd; Levy Craig Law Firm, applicant.

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

[TMP-1338](#) Appl. #PL2019-211 - FINAL PLAT - Princeton, Lots 1 and 2; Lee's Summit Senior

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Community, LLC, applicant

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

TMP-1339 An Ordinance approving an ordinance vacating certain utility easements located at 2700 NE McBaine Drive, 2720 NE McBaine Drive, 2700 NE Independence Avenue and 2721 NE Independence Avenue in the City of Lee's Summit, Missouri.

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

[2019-2988](#) Minutes of the August 8, 2019, Planning Commission meeting

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

Public Hearings

[2019-2987](#) Public Hearing: Application #PL2019-121 - Preliminary Development Plan - Summit Avenue Addition, Lots 1 & 2, 114 & 200 SE Summit Ave; George and Peggy Nie, applicant.

(NOTE: This Public Hearing is to be continued to September 17, 2019 per the applicant's request.)

Chairperson Norbury opened the hearing at 5:03 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Ms. Peggy Nie gave her address as 30 NE Shoreview Drive in Lee's Summit. She and her husband were seeking approval of the preliminary development plan for the duplexes to be constructed at the Summit Avenue address.

Chairperson Norbury asked for staff comments.

Ms. Thompson entered Exhibit (A), list of exhibits 1-18 into the record. She described the planned development as two duplexes, located on separate lots, at 114 and 200 SE Summit Avenue. The property had a wooded portion at the back and was surrounded by a mixture of duplexes and small single-family homes. It was currently zoned RP-2, as was the property and duplex to the north. An office complex was adjacent to the west, with the property zoned CP-1. Zoning to the south was R-1, with a single-family home. Another existing duplex with RP-2 zoning, plus some vacant lots, were to the east across Summit Avenue. The displayed site plan

showed the two duplexes as being parallel but not directly adjacent to each other. These two lots were a total .71 acres, with a density of 5.63 units per acre, with 7.5 units per acre being the maximum allowed density in RP-2. Ms. Thompson added that this was a correction to the density mentioned in staff's report.

The landscape plan included a required medium-impact landscape buffer on the west, abutting CP-1 property; and a low-impact buffer to the south between the duplexes and R-1. The applicants' landscape plan met all the requirements cited in the UDO. Displayed elevations showed two-story structures with front-entry garages, front covered porches and side patios. Proposed materials were a combination of lap siding, stone veneer accents and architectural shingles, with a mixture of gray, white and 'weathered wood' colors. Each unit was a little under 1,200 square feet. A side elevation showed the material palette and colors. A displayed

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floor plan showed the covered porch extending about 5 feet out toward the street, and Ms. Thompson pointed out its location on the front elevation.

The applicants requested a modification to the lot width requirements of a minimum 80 feet in RP-2 zoning; specifically 60 feet for lot 1 and 64.44 feet for lot 2. Staff supported this request, as it was an infill development located in the designated Old Lee's Summit neighborhood. The Comprehensive Plan's land use category encouraged increasing the housing stock, specifically multi-family, medium- to high-density single-family, and townhomes. The applicant had submitted a compatibility plan, the the lot size was comparable to other residential lots in the neighborhood. She displayed photos of of homes in the surrounding neighborhood, including the duplexes near the Gamber Center, which had about the same lot size.

Staff had two Conditions of Approval. Condition 1 referenced the modification requested, and Condition 2 required the developer to pay the City for construction cost of a sidewalk in lieu of constructing one along Summit Avenue, which was an unimproved road.

Mr. Monter then addressed the earlier comment from a neighbor. The wooded area was at the west side of the property, and had existing drainage. He pointed out the boundary, indicated in yellow, with arrows pointing to the drainage locations. A drainage channel around this area was proposed to take the stormwater around the lot, and was intended to flow up to the Gamber Center; so the applicants needed a drainage easement, which the applicants were currently negotiating. The problem was inadequate grading and drainage, though he had not heard of any structures in the neighborhood being flooded.

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 for the applicant or staff.

Noting the reference to flooding issues in staff's letter, Mr. Sims asked if the property to the north currently had floods. Mr. Monter replied that a fair amount of drainage area existed upstream; and neither property was adequately graded. In heavy rains the water drained in 'sheets' onto 2nd Street, but he had not heard of any structures being flooded.

Mr. Funk asked if the duplexes were for rent or for sale. Ms. Nie replied that most likely they would be rentals. Noting the unimproved road, Mr. Funk remarked that he hoped the Commission would not get into the same issue with Olive and Orchard Streets at a recent meeting. Ms. Thompson explained that this would not be an issue, since this would be such a small infill development that would have little to no impact on surrounding roads. She noted in the "Public Services" part of staff's report that SE Summit Avenue had "sufficient capacity to accommodate the proposed use. No improvements to SE Summit Avenue are required as part of the proposed development. The total trip generation is two vehicles during the peak hour, making traffic impact negligible and unmeasurable."

Mr. Loveless asked for some clarification of the second Condition of Approval. Ms. Thompson answered that since this was an unimproved road, it did not make sense to build a sidewalk for this size development. In the future, the road might be improved as part of a CIP project and a sidewalk would be built at that point. At present, the required payment would be used to build a sidewalk elsewhere in Lee's Summit where one was needed. Mr. Loveless than asked if the site was in a flood plain, and Mr. Monter replied that it was not. The issue was the grading. Mr. Loveless noted the grading plan included removing trees, and asked about possible erosion. Mr. Monter answered that applicants were required to submit erosion control plans, and that would include keeping as many trees as possible.

Chairperson Norbury asked if there were further questions for the applicant or staff. Hearing none, he closed the public hearing at 5:27 p.m. and asked for discussion among the

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Commission members or for a motion.

Mr. Funk made a motion to recommend approval of continued Application. PL2019-121, Preliminary Development Plan: Summit Avenue Addition, Lots 1 & 2, 114 & 200 SE Summit Ave; George and Peggy Nie, applicant; subject to staff's letter of August 16, 2019, specifically Conditions of Approval 1 and 2. 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 Board Member Funk, seconded by Board Member Loveless, that this application be recommended for approval to the City Council - Regular Session. The motion carried unanimously.

2019-2985

Public Hearing: Application #PL2019-247 - Preliminary Development Plan - City of Lee's Summit ground-mounted solar arrays, 1971 SE Hamblen Road, 701 NW Main Street, 1751 NE Tudor Road and 1399 SW Ward Road; City of Lee's Summit, applicant.

Chairperson Norbury opened the hearing at 5:28 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Mr. Soto entered Exhibit (A), list of exhibits 1-12 into the record. He first gave some information about the project. The City of Lee's Summit had a project for roof- or ground-mounted solar installations; and the City Council had recently approved the contract with M.C. Power. Of the 15 identified sites, 4 of which could not accommodate ground-mounted arrays; and the UDO required mounting them in a rear yard. These sites were the Public Works maintenance facility (Hamblen Road), the High Service water pump station, or "Sled Hill" (northwest corner of Chipman and Douglas), the Tudor Road wastewater pump station and the south terminal water pump station (northeast corner of Scherer and Ward Roads). The preliminary development plan was for specifically for the purpose of requesting a modification to the rear yard requirement for these 4 sites. The other 11 sites could meet the UDO requirements, so approval would go through the normal building permit process. An aerial map showed the project locations.

A displayed site plan for Hamblen Road showed the approximate proposed side yard location on the north side, plus some roof-mounted arrays. The other setback requirements would be met, including at least 12 feet away from any property line. A site plan for the Main Street location showed no above-ground structures, so what the "rear yard" was not identifiable. The best location for the array at this site was toward the front. The Tudor Road location showed some arrays in the side yard, but most in the front. The south terminal station also showed the arrays as being in the side yard. The modification request was to "allow ground-mounted arrays to be located in the front and/or side yards as depicted on the accompanying site plans".

For Hamblen Road, two salt domes and material storage occupied the rear yard. The Main Street water pump station property had no buildings, and so had no defined yard. For the Tudor Road pump station, the rear yard had a creek running through it with a floodway alongside. For the Ward Road pump station, the year yard had a water tank and a treed area just outside the fence. With the Conditions of Approval, the application met the requirements of both the UDO and the Design and Construction Manual.

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 opened the hearing for questions pr comments from the Commission.

Mr. Funk asked if staff was satisfied that these approximate locations would work for the four sites. Mr. Lauren Williamson of M.C. Power Company stated that they had looked at the

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setbacks and orientation of buildings, taking factors such as shading from trees into consideration. When they did the final survey they would have to make some adjustments but they would be minor ones, with not significant change.

Chairperson Norbury asked about security for the process, especially at Sled Hill. Mr. Soto noted that there had been some discussion of this at the City Council. The sites, would have vinyl coated chain link fences, including Sled Hill, which would still be accessible. Mr. Monter acknowledged that there could be some adjustment for drainage or floodways.

Chairperson Norbury 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.

Mr. Funk made a motion to recommend approval of Application PL2019-247, Preliminary Development Plan: City of Lee's Summit ground-mounted solar arrays, 1971 SE Hamblen Rd, 701 NW Main St, 1751 NE Tudor Rd and 1399 SW Ward Rd; City of Lee's Summit, applicant; subject to staff's letter of August 16, 2019, specifically Recommendation Conditions of Approval 1 through 4. Mr. Sims seconded.

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

On the motion of Mr. Funk, seconded by Mr. Sims, the Planning Commission members voted unanimously by voice vote to recommend APPROVAL of Application PL2019-247, Preliminary Development Plan: City of Lee's Summit ground-mounted solar arrays, 1971 SE Hamblen Rd, 701 NW Main St, 1751 NE Tudor Rd and 1399 SW Ward Rd; City of Lee's Summit, applicant; subject to staff's letter of August 16, 2019, specifically Recommendation Conditions of Approval 1 through 4.

Roundtable

There were no roundtable items presented at the meeting.

T Adjournment

There being no further business, Chairperson Norbury adjourned the meeting at 5:40 P.M.

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