

**LEE'S SUMMIT PLANNING COMMISSION**

**Minutes of Tuesday, April 12, 2016**

The Tuesday, April 12, 2016, 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. Nate Larson    | Present |
| Mr. Fred Delibero         | Absent  | Mr. Beto Lopez     | Absent  |
| Mr. Donnie Funk           | Present | Ms. Colene Roberts | Present |
| Mr. Fred DeMoro           | Present | Mr. Brandon Rader  | Present |
| Mr. Frank White III       | Absent  |                    |         |

Also present were Chris Hughey, Project Manager, Development Center; Hector Soto, Planning Division Manager; Christina Stanton, Senior Planner; Jennifer Thompson, Staff Planner; Kent Monter, Development Engineering Manager; Michael Park, City Traffic Engineer; Jim Eden, Assistant Fire Chief I, Fire Department; and Kim Brennan, Administrative Assistant.

**1. APPROVAL OF CONSENT AGENDA**

- A. Application #PL2016-032 – VACATION OF EASEMENT – 400 NE Colbern Rd; SML Acquisitions, LLC, applicant**
- B. Application #PL2016-033 – VACATION OF EASEMENT – 400 NE Colbern Rd; SML Acquisitions, LLC, applicant**
- C. Minutes of the March 22, 2016, Planning Commission meeting**

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

**APPROVAL OF AGENDA:**

Chairperson Norbury announced that there were no changes to the agenda, and asked for a motion to approve. On the motion of Mr. DeMoro, seconded by Ms. Roberts, the Planning Commission voted unanimously by voice vote to **APPROVE** the agenda as published.

**2. Application #PL2016-021 – VACATION OF RIGHT-OF-WAY – all of SE Oldham Ct and a portion of SE Oldham Pkwy located at its intersection with SE Oldham Ct; City of Lee's Summit, applicant**

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. Stanton entered Exhibit (A), list of exhibits 1-13 into the record. She stated that the right-of-way to be vacated was at the intersection of SE Oldham Parkway and SE Oldham Court. It was basically surplus property that the City had obtained from MoDOT in 2002. The City had sent out the necessary information to utilities; and had received two objections: one from AT&T as referenced in staff's letter and the other received the previous day. Staff advised moving forward, with Recommendation Item 1 stating that "*the vacation shall not become effective until a new easement is dedicated for the existing infrastructure.*" Ms Stanton emphasized that staff would address the objections before the application went to the City Council.

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. Hearing none, he called for a vote.

On the motion of Mr. DeMoro, seconded by Ms. Roberts, the Planning Commission members voted unanimously by voice vote to recommend **APPROVAL** of Application **#PL2016-021 – VACATION OF RIGHT-OF-WAY** – all of SE Oldham Ct. and a portion of SE Oldham Pkwy located at its intersection with SE Oldham Ct; City of Lee's Summit, applicant.

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

3. **Application #PL2016-030 – SPECIAL USE PERMIT for outdoor recreational facility lighting** – Summit Christian Academy, 1500 SW Jefferson St; Guenther Mills Keating Architects., applicant

Chairperson Norbury opened the hearing at 5:05 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Mr. Keating stated that the facility was 112 feet from the nearest residential property, with the closest light pole to that property being about 224 feet away. That was well within the UDO requirements for setback distance. The poles were 70 feet high; and footcandle levels were noted on the plan. Mr. Keating noted that the allowable level was 80 footcandles these were at about 40. The remaining area was the school property itself, which extended to the north and east. The Lee's Summit Community Church occupied the property immediately to the north.

Chairperson Norbury asked Mr. Keating if the applicants agreed with staff's one Recommendation Item, limiting the SUP to a period of ten years. Mr. Keating answered that he did. Chairperson Norbury then asked for staff's comments.

Ms. Stanton entered Exhibit (A), list of exhibits 1-15 into the record. She stated that this application pertained to an existing soccer/football facility. The facility met all setback requirements, and staff recommended approval subject to their recommendation that the term be for ten years.

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.

Ms. Roberts asked Mr. Keating if it was correct that the lights would be on only when the field was being used and would not be used for additional security lighting. Mr. Keating replied that this was correct.

Chairperson Norbury asked if there were further questions for the applicant or staff. Hearing none, he closed the public hearing at 5:11 p.m. and asked for discussion among the Commission members, or for a motion.

Mr. DeMoro made a motion to recommend approval of Application PL2016-030, Special Use Permit for outdoor recreational facility lighting: Summit Christian Academy, 500 SW Jefferson St; Guenther Mills Keating Architects, applicant; subject to staff's letter of April 8, 2016, specifically Recommendation Item 1. 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. DeMoro, seconded by Ms. Roberts, the Planning Commission members voted unanimously by voice vote to recommend **APPROVAL** of Application PL2016-030, Special Use Permit for outdoor recreational facility lighting: Summit Christian Academy, 500 SW Jefferson St; Guenther Mills Keating Architects, applicant; subject to staff's letter of April 8, 2016, specifically Recommendation Item 1.

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

|  |
|--|
| 4. <b>Application #PL2016-052 – PRELIMINARY DEVELOPMENT PLAN – SiteOne Landscape Supply, 109 NW Victoria Dr; SiteOne Landscape Supply, applicant</b> |
|--|

Chairperson Norbury opened the hearing at 5:12 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Mr. Jeff Sechline gave his business address as 109 NW Victoria in Lee's Summit. He related that SiteOne was a landscape distribution business, with 500 locations in the US. These supplies included products related to irrigation and fertilizers. They were asking for approval to install a fence on the north side of their building. This side of the building would become an outdoor storage area, and was the preferred space since the ground had less slope than on the other sides. Items stored would include irrigation and drainage pipes and activity there would include a forklift, so the fence was intended for both privacy and security. They agreed with the City's recommendations.

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

Mr. Soto entered Exhibit (A), list of exhibits 1-14 into the record. He explained that this application asked for a modification to the PI zoning district's outdoor storage requirements; specifically storage in the front yard between the building and its street frontage. The UDO restricted outdoor storage in this zoning district to side and rear yards. Mr. Soto pointed out an existing multi-tenant office/warehouse building. The south side of this building was occupied, and had an outdoor storage area on the south side at the back. The applicants had considered putting the storage on the west side; however, they wanted to avoid the slope on that part of the

property. Staff's concern was that in this location the required screening would cause a visual as well as a physical obstruction for traffic in the parking lot; and this was a significant safety issue. Staff had found that previous tenants had already used this north part of the parking for a similar type of outdoor storage. The City had not been aware of this until tonight's application had come in, as there had been no complaints from surrounding properties. Staff did not anticipate receiving any about this storage location, as it would have a six-foot screen that would block views including those from Victoria Street, which was at a somewhat higher elevation. Mr. Soto pointed out on the plan the location of evergreen shrubs and trees used to block views from the street.

Staff recommended approval subject to their Recommendation Items 1 through 3. Item 1 referred to the modification for outdoor storage requirements that the applicants were requesting. Item 2 required that the outdoor storage area "*comply with all other requirements of an outdoor area listed under Article 8 of the UDO.*" Item 3 required that the applicant work with staff on the exact location of the fence and keep a distance from City infrastructure including the connection for the Fire Department and the water main just east of the property.

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.

Mr. James McIntosh gave his address as 420 SE Main Street in Lee's Summit. He asked how close the Fire code would allow material to be to the fence, or if material could be stacked very close to the fence. Chief Eden replied that this would depend on what type of material they were storing, and the Fire Department would be paying attention to that. He added that in view of Mr. McIntosh's address, some questions might come up about lumber yards vs. storage lots, and this would be assessed at the time of inspection.

Mr. McIntosh asked for a clarification, and Chairperson Norbury replied that how close the stored items could be might depend on the nature of the materials. Mr. McIntosh wanted to know if the material stored was flammable. Mr. Sechline clarified that most of the material would be plastic drain and stormwater boxes and PVC pipe. Mr. McIntosh asked where he could get a copy of the regulations, and Chairperson Norbury answered that they should be available on the City's website.

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

Mr. DeMoro remarked that he had also wanted to know if any fuels or corrosive materials would be stored. Mr. Sechline confirmed that nothing like that would be stored in the area. Mr. DeMoro then asked if the screened area would include a gate, and Mr. Sechline answered that they would have a 20-foot rolling gate on the fence's west side. It would be open during business hours and closed at the end of the day.

Chairperson Norbury asked if there were further questions for the applicant or staff. Hearing none, he closed the public hearing at 5:24 p.m. and asked for discussion among the Commission members, or for a motion.

Ms. Roberts made a motion to recommend approval of Application PL2016-052, Preliminary Development Plan: SiteOne Landscape Supply, 109 NW Victoria Dr; SiteOne Landscape

Supply, applicant; subject to staff's letter of April 8, 2016, specifically Recommendation Items 1 through 3. 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 Ms. Roberts, seconded by Mr. Funk, the Planning Commission members voted unanimously by voice vote to recommend **APPROVAL** of Application PL2016-052, Preliminary Development Plan: SiteOne Landscape Supply, 109 NW Victoria Dr; SiteOne Landscape Supply, applicant; subject to staff's letter of April 8, 2016, specifically Recommendation Items 1 through 3.

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

|   |
|---|
| <p>5. <b>Application #PL2016-055 – REZONING from CP-2 and TNZ to PMIX and CONCEPTUAL DEVELOPMENT PLAN – Strother Lofts, 204-210 SW Market St and 211 SW Jefferson St; Yarco-Devco, LLC, applicant</b></p> |
|---|

Chairperson Norbury opened the hearing at 5:25 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Mr. Jim Harpool, of Evergreen Real Estate Services, related that he had teamed with Yarco when he was looking for an experienced development partner, after having the project under contract. He had formerly owned Dial Realty in Kansas City and had been involved in a number of projects over the years including the Hartman Heritage Center at I-70 and Little Blue Parkway, a complex that included a hotel, offices, restaurants and shopping; as well as the redevelopment project for the downtown district of Manhattan, Kansas. The most recent project was the Promontory at 91st at Metcalf in Overland Park, which would include residential development. This had formerly been the Loehmann's shopping center. The InterUrban Art House Project in Overland Park would develop the Post Office space into exhibit space and space for artists' studios.

Mr. Harpool recalled that there had been considerable discussion of residential development Downtown when it was redeveloped a decade ago. More recently, he had acquired the Post Office property, and a due diligence period, which was fairly short, had been a condition of the sale. That period ended on April 25th. Yarco was a well-known local company that had been in business for several decades. Mr. Mike Grube and Mr. Matt Coates, both with Yarco as well as Mr. Paul Stark of SWD Architects, were present at the meeting and could answer questions. SWD Architects had been in business for over 75 years.

Mr. Harpool observed that although residential development Downtown had been discussed when the master plan was put together and the area was redeveloped, there had not actually been much residential development since then. However, even before redevelopment Downtown Lee's Summit had been very suitable for that, being rather compact and very walkable. It was still an unproven market from a lender's perspective. He had been looking for a project with an appropriate size, with 100 to 150 units. With its walkability, character and variety of activities Downtown could be a natural attraction for the younger millennial group in

particular. The development might also be suitable for older people who were thinking of downsizing. In addition to reading the City's housing study, he'd commissioned a private housing analysis for the property, and this report indicated that residential development at that site would perform well.

Mr. Michael Grube, director of development for Yarco, confirmed that they had done a market study had had been considering this area for the past 6 months. They proposed a contemporary urban building, since the Post Office site was at the west edge of town; and wanted to move away from garden-style apartments as they did not fit into the urban fabric. They planned four stories with 125 units, with the idea of getting more people into Downtown to access the services it had. This would break down to 67 one-bedroom units of 680 square feet, another 27 one-bedroom luxury apartments of 800 square feet, and 30 two-bedroom units of 1,100 square feet. The units would have stainless steel appliances, smooth finish on the walls and high quality cabinet work; all typical of what would be found at an urban market-rate property.

The property was bordered by Market Street on the east and Jefferson Street on the west; and the Market Street elevation would be all brick material. The first floor would have office space for the property but would also have a fitness room and club/meeting room. They intended to give the first floor an appearance that would look commercial from the street. The other exterior elevations would meet the design guidelines for Downtown. The courtyard would have an outdoor pool, lawn and outdoor club areas adjacent to the indoor club room, which would have a full kitchen. The first floor would also have a screening room.

The applicants were considering ways to add parking spaces to the lot north of the property, and had commissioned a group to design a parking garage. An alley ran about 20 feet to the west of the building and if that was included the garage could have as many as 325 spaces; 290 spaces if the alley was not included. They would be required to replace the public parking that currently existed in that location. A market-rate property would have covered parking where people could walk directly to their homes so they would have to figure out how to share private and public parking as well.

Following this presentation, Chairperson Norbury asked for staff comments.

Ms. Thompson entered Exhibit (A), list of exhibits 1-16 into the record. At Chairperson Norbury's request, she displayed renderings of the proposed elevations, pointing out the sides facing Jefferson Street and Market Street. She related that the applicant proposed to rezone the former Post Office property and adjacent parking lot from CP-2 and TNZ to PMIX. Along with this rezoning they were submitting a conceptual development plan for 125 apartments and a parking structure. The Downtown core was considered a mixed-use urban setting that had office, residential and retail; and the 2004 Old Lee's Summit master plan recommended using the PMIX zoning and specifically increasing the housing stock in this part of town.

Ms. Thompson explained that this conceptual plan would not replace a preliminary development plan. It would rather illustrate the framework in which the development would happen. Staff's one Recommendation Item required a preliminary development plan for every phases as well as a parking feasibility study.

Following Ms. Thompson's comments, Chairperson Norbury asked if there was anyone present wishing to give testimony, either in support for or opposition to the application.

Mr. Don Patterson gave his address as 200 SW 3rd, and noted that this was a single-use office building. It was designed to look like an older house in order to blend in with the neighborhood and in fact this had been required. The proposed project would leave little for anyone at this property to see other than buildings that resembled a renovated warehouse. He considered this high-density proposal the wrong use for the property. He had been required to put in parking related to the square footage of his building, and the proposed parking was not even on site but rather would be on property currently owned by the City. Mr. Patterson considered the density and warehouse look of the proposed buildings to be inappropriate for Downtown's character and ambiance.

Mr. Tom Ryan gave his address as 2205 Waterfall in Lee's Summit. He owned the building at 213 Market, next door to the former City Hall location. He had heard the same kind of proposal, for condominiums and retail for 216 Market five years ago. At that time, while he had not opposed the plan, he had questioned how many people would want to live across from a railroad track. In this plan, the density was excessive. Mr. Ryan remarked that the Post Office site might be a nice place for a post office. At any rate, that high density entailed employment in the area for the people living there and he did not know of any major employer in or close to Downtown. It could be a mixed use of retail and apartments, but the current plan also looked to him like a warehouse.

Mr. Donnie Rogers, executive director of Downtown Lee's Summit Main Street, gave his address as 416 SE Corder. He and the Main Street board were in favor of the rezoning and conceptual plan. They saw a need Downtown for more residential product. In both the 2004 Old Lee's Summit development master plan and the 2015 Downtown master plan task force, additional housing was seen as creating a stronger Downtown. A 2014 study conducted by the North Carolina Department of Commerce and the national Main Street Center for North Carolina Main Street communities had looked at the impact of people living in Downtown areas with adequate goods and services available. One couple living in an upstairs unit renting for \$80-\$1,200 a month would spend about \$18,000 annually. Another more local housing study done by the Lee's Summit Economic Development Council indicated a huge demand from both young professionals and empty-nesters for living in a walkable, safe urban environment. Main Street weekly got phone calls with questions about apartment rentals; and there were not many Downtown. The page on their website for apartment rentals got about 2,400 hits a year.

The project being considered tonight met all these needs. The project fulfilled the requirements of the design standards passed in 2013. The buildings did not exceed the maximum of four stories or 50 feet in elevation and the brick facade on Market Street with transitional materials on the other three sides were consistent with the standards. They also had the urban characteristic of extending to the edge of the street as opposed to the Post Office building which had a large setback in the form of a parking lot. Additionally, the development could stimulate additional development west of the railroad line and Main Street consistently heard from businesses that there was not a lot going on in that part of Downtown. An extra 125 units would bring at least 125 people into the neighborhood. There was a huge demand in the community as young professionals were looking for places to live and Cerner, a 15-minute drive away, was adding 16,000 jobs. Mr. Rogers believed it would not be a problem to attract a good percentage of that work force.

Ms. Denise McIntosh stated that she owned the property at 100 SW 3rd Street, at the corner of 3rd and Market. She remarked that she had not received a map along with the notice that was mailed out, and asked if she could get one tonight. She noted that the former Hartley's furniture store building on 3rd and Douglas was redeveloped in 2006-2007 for apartments, and had remained mostly empty. That was not consistent with the argument that demand was so high; and that building was only two stories. Moreover, she felt that the appearance of the proposed buildings amounted to an insult. She noted that the buildings along Douglas and parts of 3rd were all historical buildings, while her building and most of Langsford's properties were of a vaguely Colonial style that was out of sync with Downtown's historical appearance. When the Hartley building was redeveloped, a lot of effort had gone into blending it in with that appearance. It certainly did not resemble a warehouse, as the proposed apartment buildings did. If this development went in, it needed to fit in with Downtown Lee's Summit and that did not include four-story buildings.

Ms. McIntosh also wanted to hear some details about the deal the City was apparently making with the parking with a private developer, specifically if the City was donating or selling the public parking lot for private development, with an assurance of public parking spaces being included. Chairperson Norbury replied that this was not part of tonight's application, and asked Mr. Soto for clarification. Mr. Soto answered that the conceptual plan did include parking; and the property to be rezoned included the parking lot.

Ms. McIntosh asked if it was correct that the City had agreed to donate public property to a private business for the business to build over. Chairperson Norbury stated that City staff would have an opportunity to answer that question during the public hearing.

Ms. McIntosh then asked if any TIF funds were involved in the project. Mr. Hughey responded that there was no formal TIF application. There had been a preliminary request for some assistance but no formal request. Lee's Summit worked with the Land Clearance Redevelopment Authority and the request had involved mitigating the cost of clearing the site. At present the applicants were under a tight deadline with the Post Office.

Ms. McIntosh remarked that she was skeptical that a building that blended in with Downtown had not worked for housing but four-story buildings that looked like warehouses would. Mr. Hughey explained that the Hartley project had not actually received its full Certificate of Occupancy until a few months ago. It had switched property holdings during the economic downturn and had also had some construction problems. Mr. Hughey added that this was a conceptual plan, so it would go through a preliminary development plan hearing that would be much more detailed. Tonight's hearing was to look at the rezoning and determine if this use was feasible on the site.

Ms. McIntosh wanted to know about setbacks and how close the buildings would be to the street. Mr. Hughey explained that Downtown's design standards included a zero setback, with buildings reaching to the sidewalk.

Mr. Daniel van Petten stated that he and his wife had lived at 400 SW Market Street for 40 years. They had seen a number of changes over the years, including major businesses moving out and some very good ones moving in. It was overall a great place to live. He wanted to address the designs proposed. Article 7 of the UDO mentioned development in the Downtown



core as two or three stories; and scale and proportion were very important to Downtown. Businesses and homes alike were mostly one or two stories and most of the land use around this proposed development was one story. He understood about zero setbacks; however, the buildings in the vicinity with zero setbacks were much smaller than four stories. The UDO did provide that if four stories were allowed, the existing surroundings needed to be considered; and the facade should be recessed on the third and fourth stories. That would keep the buildings from being so overwhelming in comparison to those nearby. These were not only four stories high, they would stretch for almost 400 feet with an uninterrupted facade. Adjacent businesses would have a four-story building longer than a football field right on their lot line.

Mr. van Petten added that he had looked up details about the PMIX zoning designation, and the UDO specified that rezoning to PMIX required a minimum of five acres. The subject property was 1.6 acres. He had also seen a reference to a different types of residential units and all he saw on this plan was apartments, with little variation other than square footage. He did not believe that this project fit the intent of a mixed-use zoning designation.

Mr. van Petten continued that he had worked for the HNTB Corporation, an architectural, civil engineering consulting and construction management firm, for over 35 years. They worked with many private development clients and it often happened that the first thing a potential developer thought of was how much could they build on the site they'd chosen. They generally got an answer from HNTB and Mr. van Petten suggested that this was that kind of situation. In this case, that priority included giving no attention to the context of Downtown's historic nature, or of adjacent neighbors in a single-family neighborhood. The proposed buildings might be appropriate for the River Market area or other neighborhoods in Kansas City but not for this one. The phrase "highest and best use" often referred to the highest use only and not to the best. He was opposed to this type of development on this scale in this setting although he could support a proposal with a lesser density that was not outside Downtown's historical context.

Mr. Dave Eames gave his home address as 601 SE Miller in downtown Lee's Summit. He was also the owner of the businesses at 315 and 317 SE Main. He was in favor of the plan. The only way Lee's Summit would be able to improve and grow would be to offer things like this. Lee's Summit could not stay static like an old black-and-white photograph. It needed to move forward this this sort of project. He currently had adult children and was looking toward a time when a single-family home was not the sort of thing he would want. This might also be the kind of housing his adult children would look for. One of his businesses actually was a restored warehouse, so he liked the look of the buildings and they did follow the design standards. City staff had worked on them for several years and this product was a nice conclusion. It would fit in well in Downtown Lee's Summit. The location at the former Post Office site would bring in people and possibilities on that side of the tracks. As a business owner, he looked forward to having an additional few hundred people in the neighborhood.

Ms. Rebecca Patterson stated that she also owned the property at 200 SW 3rd that Mr. Don Patterson had identified, although they resided in Pleasant Hill. She stated that it would be wonderful if all these apartments were filled and Downtown Lee's Summit had a sudden injection of a hundred or more residents. However, she wanted to know what would happen if the units did not rent, and how people could be enticed to rent if the vacancy rate was high. Public subsidies might be the response, and there was no guarantee that tenants in that case would be patronizing the higher-end restaurants and stores the Downtown had. She felt that 125 units was over-reaching.

The proposal of such a high density also brought up the question of a sudden increase in traffic. In view of the fact that many households had two cars, this could mean as many as 200 additional vehicles on Downtown streets, and it was sometimes difficult to find a place to park even now.

Ms. Marian Zajic gave her address as 603 NW Ashley Avenue in Lee's Summit. She said that she was an 'empty-nester' and they had recently sold their home and downsized. They had looked for a place close to Downtown and nothing was available. The condominiums at the Hartley building were on a third story, and there was no elevator. She would still love to live Downtown and did not think 125 units was even enough to support Downtown businesses. Concerning the height of the buildings, she observed that Downtown's parking decks were three or four stories. It was not likely people even noticed that. The neighbor whose business was in a building designed to look like a residence was in a residential quadrant of that corner and this was a commercial area. She added that the Hartley building was no longer vacant and most or all of the units were now occupied.

Mr. Camron Hoorfar stated that he owned the business at 202 SW Market, next to the site of the proposed parking garage. He agreed with the issues raised by the people opposed to the development. He also noted that there was nothing in the vicinity with this proposed zoning, and the plans showed a building that reminded him of a UMKC dormitory or a River Market loft. However, Downtown Lee's Summit had a very different look and feel from UMKC or the River Market area. He had worked in this part of town for 10 years, and had seen nothing in the area that was four stories. In his opinion, the building would be an eyesore.

Concerning Lee's Summit's master plan, Mr. Hoorfar noted that it was done in 2004, and this was a problem. A great deal had changed since then. He cited MySpace, the TV show *Friends*, and celebrity couples as examples of things that had a high profile in 2004. It was time for Lee's Summit to update that plan. Mr. Hoorfar noted that staff had compared the plan's density to that of the Residences at New Longview, the New Longview's Apartments and the Fairways at Lakewood. Tonight's conceptual plan showed 92 units per acre in comparison to the existing three developments, which had densities of 19.9, 25.43 and 12.97 units per acre respectively. That was overall about five times the density for this proposed project. That suggested that there was nothing in the region that could adequately compare and it was proposed for Downtown Lee's Summit.

Mr. Hoorfar emphasized that he definitely considered the parking garage an issue. He did not think it was possible for the proposed development to generate no change in traffic levels compared to the former post office use. Neighbors would be seeing a concrete, four-story parking garage every day, and it was not compatible with the neighborhood. In his own situation, it would block much of his building and his signage. He would lose half the signs for which he had obtained permits from the City. That plus only part of his building being visible would not be helpful to him as a local business owner. He agreed with Ms. Patterson's observation that many of the tenants would have more than one vehicle, and vehicles driven by visitors to tenants had to be figured in as well. The trip generation chart in the City's Transportation Impact form indicated that the apartments would generate 65 trips in the morning peak hour, 86 in the afternoon peak hour and 880 altogether on weekdays. In view of this, he disagreed with the City's conclusion that a transportation impact study would not be needed. Lee's Summit had never had a residential development with a density of 92 housing units per

acre, and Mr. Hoorfar believed that this precedent would be reason enough for a study. Additional difficulties would come up every time a tenant moved in or moved out.

Mr. Jamshid Hoorfar gave his business address as 202 SW Market, stating that his son had given the previous testimony. He stated that part of his business provided retirement plans for seniors. Most of his clients were 65 or older and he had a large clientele. He had not heard them saying that they wanted to live in Downtown Lee's Summit. Younger people who rented apartments while they were single tended to move when they started families; and traffic associated with tenants moving would not be likely to benefit local businesses. With restaurants in particular, the wait in most Downtown restaurants during peak meal hours was already long so he did not see this would be beneficial to them. Many of the services that seniors would want in a walkable community, especially grocery stores, were not there. They would have to drive to get to a supermarket, like they would in many suburban settings. All this meant that there would be frequent moves in and out of apartments and these might not appeal to seniors as much as the applicants might expect.

Mr. Dusty Dahmer gave his address as 12650 Phlumm in Olathe, Kansas. He owned two lots, including one former City property across Market Street. He supported the project, and liked the way it looked. The density meant that there could be increased support for Downtown businesses, and those revenues could benefit everyone. Concerning parking, the spaces in the parking garage would make two per unit plus 66 public spaces to replace the existing public parking lot, so he did not think this would be a problem. He was less concerned about the amount of parking the project would create than the shortage that currently existed. There were a number of buildings Downtown that had no parking spaces at all, which was one reason for people often parking in one of his lots. Mr. Dahmer believed that this was a valuable opportunity for Downtown and for Lee's Summit.

Chairperson Norbury then asked if the applicant wanted to give replies to the testimony.

Mr. Harpool clarified that the closing of the Post Office had been the decision of the USPS. They had released requests for proposals on the property, and SiteOne had been one of three companies submitting proposals. Displaying a rendering of the site plan, he pointed out the courtyard in the center, with adjacent space for a pool plus game and cookout areas. In addition to the outdoor common areas, each unit would have a balcony or a ground floor terrace.

The parking garage would enable tenants to park on the level of their homes and eliminate the need to walk up stairs. This was still in the planning stage, however. They were discussing design, number of spaces and legal details with City staff. Chairperson Norbury confirmed that this part would be approved before anything could be started on the buildings.

Chairperson Norbury then brought up the issues and questions the testimony had mentioned. First, there had been questions about the nature of the PMIX zoning. Mr. Grube acknowledged that a mix was what they originally had in mind; however, it was not possible to put any commercial use on Jefferson Street, only Market. By the time they put in the fitness room, club room and office there was little space left over for commercial use. It was not feasible to have commercial uses on the south side either, as it would have no access.

Mr. Harpool displayed the current parking structure design. The entry would be off Market, and there might be some opportunity for commercial use on the ground floor.

Chairperson Norbury asked what the contingency plan would be, should the projections not turn out as expected. Mr. Harpool acknowledged that a certain amount of risk was part of the development business; however, they did try to cover all the bases and look at appropriate studies including, in this case, the City's housing study. Additionally, they hired property advisers to do a detailed Downtown housing analysis, considering all aspects including what sizes the units should be, the demographic details of the people who would live there, rent structures and types of units. The recommendation had been for studio, one- and two-bedroom units, and no three-bedroom units.

Regarding the questions raised about employment, Mr. Grube stated that they did not anticipate most of the tenants moving there to work in Downtown Lee's Summit. Most would be working elsewhere in Lee's Summit or elsewhere in the metro area; but Downtown being a walkable community would be a very attractive draw for evenings and weekends.

A number of remarks had been made about the design. Mr. Harpool acknowledged that a rendering of the project would be more useful than just the elevations. The site did not have much street frontage and they had tried to give every tenant a view and to use the brick material to break up the elevations on both Market and Jefferson. Much of the project on the north side would be directly next to the parking garage; and the south side, because of its "U" shape, looked very different in an elevation than it would in a rendering.

Mr. Grube added that one reason they had decided on four stories was because the property across the street had already been approved for four-story housing. It appeared that this was the direction the west end of town was going with housing.

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

Mr. Funk asked for clarification of the terms "affordable housing", "market rate housing" and "luxury housing." Mr. Harpool answered that what they were planning was market rate housing, at the upper end of that designation. Specifics included hard surface counter tops, quality inside finishes, elevators to all the floors and plenty of amenities including a storage and pick-up space for items tenants ordered online.

Mr. DeMoro noted that the report in his packet referred to the parking structure as having 430 spaces "*to meet all of these public and private parking conditions*" at full buildout. He asked if it might be necessary to do some underground parking in order to have the full number of spaces and not go over four stories. Mr. Harpool answered that they had submitted two conceptual plans. At present, part of the Post Office building was built over the alley; and if that alley space was included in the plan they could get to 325 spaces for all four stories. If it was not, it would be 289. They had looked at going down one level, and that would add about 60 spaces. The City's projection for that part of town showed 115 additional spaces and they would see how many of those they could get.

Mr. Park emphasized that this was a conceptual plan, and any details would be discussed and reviewed by City staff. This would have to be done when a preliminary development plan was submitted. At this time, staff was projecting 250 spaces for tenant parking. The references to

replacing the current 64 public spaces plus an additional 115 spaces were based on a 2003 Downtown parking and traffic analysis that projected 115 spaces on the west side needed for Downtown's long-term viability. The 2004 and 2010 studies had confirmed these numbers and the City Council had identified this site as appropriate for a parking structure. The conceptual plan explored the possibilities for a preliminary development plan and he felt that it was feasible to meet the full demand with the garage, perhaps with a subterranean level.

Chairperson Norbury asked for some details about the traffic numbers cited in the Transportation Impact report. Mr. Park answered that these numbers came from national publications on trip generation. They looked at commuter peaks of 7:00-8:00 a.m. and 5:00-6:00 p.m. For an apartment building, they applied these average rates based on the number of units. These numbers had to take into account some of the tenants being retirees, unemployed, or traveling to and from work at non-peak hours. This approach was a standard practice. He added that the former Post Office had generated more traffic than the numbers associated with the apartments. He confirmed for Chairperson Norbury that the figures were for just the specified peak hour, adding that an urban area like Downtown was constricted by the difficulty of widening existing streets and any project had to fit into those restrictions. The concern was parking rather than road capacity.

Ms. Roberts noted that her packet said the proposed building materials complied with the Downtown design standard. It did not mention the design itself complying with those standards. She added that she was aware of it being a conceptual plan. Ms. Thompson answered that it was a conceptual plan and the concept was for an apartment building and parking garage. Staff had not done a detailed review of that aspect at this point. The material complied with the design standards because it was brick.

Chairperson Norbury asked why staff was recommending a change to PMIX instead of CBD. Ms. Thompson answered that the PMIX was just for the unusually high density, since they could set their own standards with this designation. Chairperson Norbury noted that the comparable apartments were different, especially in density, from this proposed complex. Mr. Harpool answered that these were garden-style suburban apartments and these would be 12 to 20 units per acre. With surface parking, they needed much more area for that and suburban landscape setbacks tended to be much larger. This would be an urban infill apartment development, and they had done this type of project with 91st and Metcalf, The View and a half block in downtown Overland Park. A density of 80 to 110 units per acre and up was typical. Additionally, urban neighborhoods tended to have zero setbacks.

Ms. Roberts asked about the transfer of the City parking lot. Mr. Harpool replied that they had proposed to build a garage on the existing City lot and the City would continue to own it. Their lender would want a long-term lease for the lot, and they would have to work through the details during the process.

Chairperson Norbury asked if there were further questions for the applicant or staff. Hearing none, he closed the public hearing at 6:45 p.m. and asked for discussion among the Commission members.

Mr. DeMoro remarked that this was a new concept for Downtown Lee's Summit. The density was high but in keeping with that of lofts and apartment houses around the Kansas City area. It was similar to many of the urban settings that had been transplanted to suburbia. Concerning

design, he remembered disparaging remarks about the City Hall building they were currently in. One of these was that it looked like a warehouse. He did not see much difference between what he could see at City Hall and the proposed apartment buildings. He had not heard the comment that City Hall looked like a warehouse for a long time. He knew several people of the millennial generation who were born and raised in Lee's Summit and had attended Lee's Summit North High School. All had moved away from Lee's Summit and had no desire to move back to buy a three- or four-bedroom house. He had been asked when would there be an apartment building Downtown. He was convinced that there was a demand for this kind of development.

Ms. Roberts commented that she had looked into availability of rental units Downtown and had not found anything. The Vogue building was full so nothing was for sale there. Moreover, household sizes in general and households with children had continued to decrease and demand for the kind of homes that had been going up in Lee's Summit over the past few decades was decreasing accordingly. Rentals might be on the upswing since so many millennials had come of age during the economic downturn and did not want to make long term commitments of this type. She had also read of a possible decrease in the number of cars due to the popularity of alternatives like Uber. There were major shifts happening, and Lee's Summit needed to plan for that. She did want to meet design standards and see something that was appropriate for Downtown.

Chairperson Norbury said he had long been in favor of more housing in the Downtown store. It was a very large suburban environment surrounding a comparatively small Downtown and it needed more people to make it grow. In this small environment some choices had to be made to attract more people. A recent study from the LSEDC advocated 140 units of housing in the Downtown core and this would meet that demand. He speculated that the need might be more than 140 units and did not think that a modern four-story building would be much taller than the older renovated buildings with high ceilings. Concerning design, he added that Downtown Lee's Summit did not have a signature architectural style other than the use of brick. The buildings had been built during various decades and there was no unique style like the Plaza or Downtown Kansas City had. While aesthetic opinions would vary, he felt the design concept was sound. Parking was a concern, although the parking garage next to City Hall was rarely full. He emphasized that this was a conceptual plan that would come back as a preliminary development plan, and acknowledged that this project would affect the neighbors in ways other Downtown developments had not.

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

Mr. DeMoro made a motion to recommend approval of Application PL2016-055, Rezoning from CP-2 and TNZ to PMIX and Conceptual Development Plan: Strother Lofts, 204-210 SW Market St and 211 SW Jefferson St; Yarco-Devco, LLC, applicant; subject to staff's letter of April 8, 2016, specifically Recommendation Item 1. Mr. Larson seconded.

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

On the motion of Mr. DeMoro, seconded by Mr. Larson, the Planning Commission members voted unanimously by voice vote to recommend **APPROVAL** of Application PL2016-055, Rezoning from CP-2 and TNZ to PMIX and Conceptual Development Plan: Strother Lofts, 204-

210 SW Market St and 211 SW Jefferson St; Yarco-Devco, LLC, applicant; subject to staff's letter of April 8, 2016, specifically Recommendation Item 1.

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

### **PUBLIC COMMENTS**

There were no public comments at the meeting.

### **ROUNDTABLE**

Mr. DeMoro thanked the public for attending and speaking.

Mr. Soto noted that MARC had scheduled a planning commission training session on April 20th and April 15th was the RSVP deadline. He would follow up with an email tomorrow and asked the Commissioners to respond.

Chairperson Norbury reminded that the Strother Lofts application would be heard by the City Council on Thursday.

### **ADJOURNMENT**

There being no further business, Chairperson Norbury adjourned the meeting at 7:00 p.m.

PC 041216