

LEE'S SUMMIT PLANNING COMMISSION

Minutes of Tuesday, June 26, 2018

The Tuesday, June 26, 2018, Lee's Summit Planning Commission meeting was called to order by Chairperson Norbury at 5:07 p.m., at City Council Chambers, 220 SE Green Street, Lee's Summit, Missouri.

OPENING ROLL CALL:

Chairperson Jason Norbury	Present	Mr. Herman Watson	Absent
Mr. Donnie Funk, Vice Chair	Present	Ms. Colene Roberts	Present
Ms. Carla Dial	Present	Ms. Dana Arth	Present
Mr. Don Gustafson	Present	Mr. Jeffrey Sims	Present
Mr. Jake Loveless	Present		

Also present were Hector Soto, Planning Division Manager; Jennifer Thompson, Staff Planner; Shannon McGuire, Staff Planner; Nancy Yendes, Chief Counsel Infrastructure and Zoning; Kent Monter, Development Engineering Manager; Ryan Elam, Director Development Services; Bob McKay, Director Long Range Planning/Special Projects; Mike Weisenborn, Project Manager; Jim Eden, Assistant Fire Chief I, Fire Department; Sara Beck, Development Services Secretary, and Jeanne Nixon, Development Services Secretary.

APPROVAL OF AGENDA:

Chairperson Norbury announced that as the applicant for agenda item 3 was running late, this item would be moved down to follow Item 4. He then asked for a motion to approve. On the motion of Mr. Funk, seconded by Ms. Roberts, the Planning Commission voted unanimously by voice vote to **APPROVE** the agenda as amended.

1. APPROVAL OF CONSENT AGENDA

- A. **Application #PL2018-060 -- FINAL PLAT --** Eagle Creek 16th Plat, Lots 708-747 and Tract R; Hunt Midwest Real Estate Development, Inc., applicant
- B. **Minutes** of the June 12, 2018 Planning Commission meeting

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

PUBLIC COMMENTS

There were no public comments at the meeting.

2. **Application #PL2018-078 -- SPECIAL USE PERMIT** renewal for automotive sales -- Fenton Motors, 1001 SE Oldham Parkway.; Farchmin Dicus, PC, applicant

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

Mr. Doug Farchman, of Farchmin Dicus, PC, gave his address as 801 W. 47th Street in Kansas City. The application was a renewal of a current Special Use Permit. It would not expire for another five years; and the early renewal was to bring the SUP status in line with new financing. There was no construction or changes involved in the application.

Chairperson Norbury then asked for staff comments.

Mr. Soto entered Exhibit (A), list of exhibits 1-14 into the record. Displaying an aerial map of the property, he pointed out the Fenton Nissan dealership on the east and by Mazda on the west. A development of four-plex townhomes was on the other side of US 50, and a single-family subdivision was to the south of the subject property. In 2003 a high-impact buffer was required between the dealerships and residential use; with landscaping and a wood fence already providing a visual and physical barrier. A zoning map showed the commercial zoning along this stretch of the highway.

The existing building was 17,700 square feet with 274 parking spaces used for vehicle display as well as customer and employee parking. The site had two driveways onto Oldham Parkway, A shared access with the Nissan dealership was to the east, and the western access served that site alone. The US 50 Highway corridor was primarily commercial, and the stretch between Hamblen and Ranson Roads had five auto dealerships including the subject property, plus auto parts and repair businesses. The applicant was requesting another 20-year term for the renewal, which was the same as the original permit as well as consistent with other auto dealerships' SUPs. Staff recommended approval, subject to Recommendation Item that the SUP have a term of 20 years.

Following Mr. Soto's comments, Chairperson Norbury asked if there was anyone present wishing to give testimony, either in support for or opposition to the application. Seeing none, he then asked if the Commission had questions for the applicant or staff. As there were none, he closed the public hearing at 5:10 p.m. and asked for discussion among the Commission members, or for a motion.

Mr. Funk made a motion to recommend approval of Application PL2018-078, Special Use Permit renewal for automotive sales: Fenton Motors, 1001 SE Oldham Parkway.; Farchmin Dicus, PC, applicant; subject to staff's letter of June 23, 2018, 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. Funk, seconded by Ms. Roberts, the Planning Commission members voted unanimously by voice vote to recommend **APPROVAL** of Application PL2018-078, Special Use Permit renewal for automotive sales: Fenton Motors, 1001 SE Oldham Parkway.;

Farchmin Dicus, PC, applicant; subject to staff's letter of June 23, 2018, specifically Recommendation Item 1.

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

4. Application #PL2018-093 -- PRELIMINARY DEVELOPMENT PLAN -- Hearne's Addition, Lots 18A, 18B and 18C; located at the SW corner of NE Main Street and NW Orchard Street; Dymon Wood, applicant

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. Dymon Wood, the applicant, gave his address as 732 SW Wintergarden Drive in Lee's Summit. He related that there was a section of land at the corner of Orchard and Main Streets that had not been built on in about 90 years. The application involved one of five separate lots. He proposed to build new single-family homes, in the \$275,000-\$325,000 price range. The builder, Bill Stomberg, had built in several different subdivisions and his home had won the Dream Award during the last Parade of Homes.

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

Ms. Thompson entered Exhibit (A), list of exhibits 1-15 into the record. She stated that the applicant's preliminary development plan was for Lots 18A, 18B and 18C in Hearne's Addition. The approximately one-acre property was platted but undeveloped and was zoned RP-2, "Planned Single-family Residential." Adjacent properties in all four directions were the same zoning, and were single-family residential except for a vacant lot to the north. The applicant was proposing three single-family homes on the lot, and the UDO required a preliminary development plan for "planned" zoning, including RP-2. Ms. Thompson displayed proposed elevations for the three houses, as well as the minor plat with the boundaries of the three homes indicated. The property was in the Old Lee's Summit neighborhood, which was defined by the Old Lee's Summit Development Master Plan approved in 2004. It identified the subject property as a location for residential infill opportunities and suggested that this be accomplished with a variety of housing types including single-family homes. Staff believed that this application was consistent with the master plan.

Concerning sidewalks, the property was on an unimproved street that could be part of future CIP projects. Staff anticipated that sidewalks should be on the south side of Orchard Street and the east side of Main Street, which took the presence of water lines on Orchard's north side and Main Street's west side into consideration; and staff were aware of the unimproved roads and the possibility of future CIP projects on both streets. Additionally, the proposed residential density was low enough that sidewalks on both sides of the road were not required. Consequently, construction of the sidewalk would not be immediate. The City and the applicant had entered into a development agreement "*to satisfy certain provisions of the Unified Development Ordinance and Design and Construction Manual to allow the developer to make a payment in lieu of constructing the required sidewalk improvements along NW Orchard.*" [staff letter, "Sidewalk Construction", page 3]. Ms. Thompson concluded that staff

found the proposed project appropriate for the site and recommended approval of the preliminary development plan.

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.

Ms. Powell stated that she lived on the northwest corner of Forest, and asked if the houses would face Orchard Street or Main Street. Mr. Wood answered that all three would face Main Street. He added that the sidewalks would be on Orchard, not in front of the homes.

Mr. Michael Kislowe gave his address as 203 SE Claremont Street and stated that he was appearing on behalf of his mother, who lived at 9 NW Orchard. He asked if nearby residents on Orchard would have to move during the project. Chairperson Norbury stated that this application was only for a residential project on the property defined in Ms. Thompson's presentation. There were no existing structures on the property.

Chairperson Norbury asked Ms. Thompson if it was correct that there were currently no plans to construct sidewalks along Orchard or Main; but the applicant would put funds in escrow to offset the cost when it was done. Ms. Thompson clarified that the agreement applied only to the Orchard Street portion.

Ms. Roberts asked if the setbacks would be the same as the rest of the neighborhood. Ms. Thompson replied that the setbacks would be what was required in RP-2 zoning. Lot width was a minimum 60 feet, and the plan indicated 69. Front and rear yards had 20-foot setbacks, and side setbacks were 5 feet. She would need a site evaluation to determine how that compared to other lots in the neighborhood. Mr. Wood stated that the other houses were over 300 feet on Forest and on Orchard but were not part of this application.

Chairperson Norbury remarked that he had lived in that area previously and knew that many setbacks were similar to what Ms. Thompson had described. However, they did vary widely due to the neighborhood's age. Mr. Wood added that the lots for the houses were 70 feet by 200 feet, so there was plenty of room regardless of setbacks. Ms. Roberts responded that this area already had lots that gave it a 'missing teeth' appearance. Homes that had noticeably bigger setbacks than others nearby would add to that.

Ms. Thompson noted that it looked on the aerial view that setbacks were about 20 feet. As some of the homes in the neighborhood were as much as 90 years old, there was considerable variation, and Mr. Soto gave some estimates. The house directly to the south at Forest and Main Streets was about 30 feet from Main. The houses on the other side of Main had setbacks about 30 to 35 feet. Ms. Roberts agreed that there was not a large, visible difference in surrounding setbacks.

Mr. Loveless asked for some details from staff concerning the decision to position the lots. Some of the houses across the street looked like they faced Main, but these appeared to be facing Orchard Street. Ms. Thompson replied that this was a plat submitted by the applicant. Mr. Wood clarified that all three houses would face Main Street; and Mr. Loveless said that he was referring to the neighboring houses, which faced Orchard. Mr. Monter stated that some of this was based on existing infrastructure. Displaying a map, he pointed out the green line

indicating the sanitary sewer line that ran up Main Street. This had influenced how the houses were oriented.

Ms. Roberts noted that the elevations the Commission had just viewed had a definite 'modern' look than other nearby houses. Some of the designs did not look like they would be a very good match for this particular neighborhood. Mr. Wood stated that all the houses that were within 200 feet or so were 70- or 80-year-old buildings. It would be impossible for him to make his new houses look 70 or 80 years old. This was more about a redevelopment that would be not exactly like across the street. About 8 homes had been built in the Downtown Lee's Summit area since late 2016 and some of the elevations were of these homes. He did have a custom builder who could use any style; and it would be impossible to make these houses look anything but brand new. He acknowledged that the designs reflected only a general idea of what would attract buyers in the area; however, it had become a trend in Lee's Summit to give new houses built next door to much less expensive ones. None of the eight new homes had sold for less than \$316,000 and the adjoining houses had sold for \$100,000 or less. In an infill situation that was just the way it was going to be. The houses on that property would not look like the 90-year-old houses.

Chairperson Norbury acknowledged that some of the pictures Mr. Wood had shown reflected styles in the neighborhood, including one house on Douglas. While that house was visibly a new home, much of its design referenced the older styles in the Downtown neighborhood; and this was the context of the questions about design; not an expectation that the builder make any house look older than it was. Some of the elevations looked like homes commonly seen in newer subdivisions, with the wide driveway and three-car garage; but others had detached garages, front porches and other traditional features. Mr. Wood replied that he knew this property was in an historic district. Accordingly, he had not tried to choose a specific style home other than the builder's design and what was already approved. They could build any design; however, features such as a detached garage in back would be more expensive although the corner lot would have good access to the back of the lot. He had tried to arrive at a cost estimate that would fit into a neighborhood with \$125,000 homes so he had looked for the designs that would be the least expensive.

Chairperson Norbury asked if there were further questions for the applicant or staff. Hearing none, he closed the public hearing at 5:31 p.m. and asked for discussion among the Commission members.

Ms. Roberts noted that in newer subdivisions further out, lots were developed basically at the same time and HOAs put in place so that every feature blended with the rest of the neighborhood. Older neighborhoods like this one were not all developed within a span of a few years; and the residents did not typically have HOAs to represent them. She did not think that putting homes along Main Street with features such as garages on the front side was in the best interest of the neighborhood overall.

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

Mr. Funk made a motion to recommend approval of Application PL2018-093, Preliminary Development Plan: Hearne's Addition, Lots 18A, 18B and 18C; located at the SW corner of NE Main Street and NW Orchard Street; Dymon Wood, applicant; subject to staff's letter of June 23, 2018. Mr. Gustafson 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. Gustafson, the Planning Commission members voted unanimously by voice vote to recommend **APPROVAL** of Application PL2018-093, Preliminary Development Plan: Hearne's Addition, Lots 18A, 18B and 18C; located at the SW corner of NE Main Street and NW Orchard Street; Dymon Wood, applicant; subject to staff's letter of June 23, 2018.

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

<p>3. Application #PL2018-080 -- PRELIMINARY DEVELOPMENT PLAN -- Spira Care -- 760 NW Blue Parkway; Drake Development, LLC, applicant</p>
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Chairperson Norbury opened the hearing at 5:33 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Mr. Dave Olson, present representing Drake Development, gave his address as 3501 W. 147th in Leawood, Kansas. Spira Care was part of Blue Cross/Blue Shield's primary care program and the proposed use would be the first Spira Care location in Missouri. Its prototype had been developed over the past several months. The building area had been approved as part of the final development plan for the Texas Roadhouse restaurant, planned to open in mid-July. The applicant planned to pave the parking lot as soon as the weather cleared; however, the landscaping and site lighting for the parking area would include both the restaurant and Lot 2. The building would be constructed within the current curb limits; with the final deadline for the opening to be January 1, 2019. They hoped to open it in late 2018, if winter weather conditions allowed.

Chairperson Norbury asked if the applicant agreed with staff's one Recommendation Item requiring horizontal and vertical architectural features, and Mr. Olson replied that they did. Chairperson Norbury then asked for staff comments.

Mr. McGuire entered Exhibit (A), list of exhibits 1-12 into the record. He related that this preliminary development plan was for a proposed medical/office building located at 760 NW Blue Parkway, the site of the former Bank of the West building. The Texas Roadhouse restaurant was being developed on the same site; and these two businesses were the final phase of the site's redevelopment. The Planning Commission and City Council had previously approved a preliminary development plan for redeveloping this site in two lots with restaurant uses. Lot 1 specifically showed a Texas Roadhouse restaurant but Lot 2 had only a parking lot area and building layout without including elevations or proposed materials. The preliminary development plan being considered tonight was for the Spira Care building only, as the parking lot and parking layout for the entire lot had been previously along with Lot 1.

A displayed zoning map showed the surrounding CP-2 zoning as consistent. The Summit Fair shopping center was adjacent to the north and east, Summit Woods shopping center across US 50 to the west, and the Texas Roadhouse on Lot 1 to the south. Materials for all elevations

included brick, glass and EIFS. Staff considered the east and west elevations made good use of varying wall heights and contrasting materials; however, the north and south elevations did not feature any horizontal breaks to the roofline and only minimal vertical breaks. The rear section was a wall over 70 feet long with no vertical or horizontal breaks. Because the building would be so visible from the US 50 corridor, staff recommended that 's one Recommendation Item required that *“additional architectural elements be incorporated on the north and south elevations in order to break up the long expanse of wall and provide additional human scale to the building elevations”* [“Architectural Characteristics”, page 3] This was reflected in staff's one Recommendation Item. Staff recommended approval of the application, subject to Recommendation Item 1.

Following Mr. McGuire'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. McGuire for some details about the shared parking. Mr. McGuire explained that when the original preliminary development plan was submitted, it was for the highest and most intense use. This was a common practice, as it was easier to get a more intense use approved and then scale it back. If at some later time Spira was no longer a tenant, there would still be plenty of parking for another use. Ms. Roberts commented that the best parking scenario would be a predominantly nighttime use next to one that was most day use, as the peak parking demand would be at different times. In this case, it was just adding more pavement.

Mr. Loveless asked for some details about staff's recommendation for this usage in contrast to what was originally proposed. Mr. McGuire stated that medical use was permitted in the zoning district.

Mr. Soto answered that there was no specific use for the north lot when the plan originally came through the approval process. They had indicated a very intense use to see if the infrastructure could support that type of use. Spira Care would have a less intense use.

Ms. Arth recalled an issue with the impervious coverage percentage in the original application. Mr. McGuire stated that the request had been for impervious surface to be no more than 85%. The UDO requirement of 80% had been removed from the ordinance; and the City Council had approved the higher impervious coverage. Chairperson Norbury related that the previously approved plan was for the entire site; but at the time no specific plans were brought in for the second lot. The 85% impervious coverage was granted on the basis of the intensity of uses presented by the applicant at that time. The impression might be that the Commission and Council had approved 85% for the entire lot; and there was no mention of impervious coverage now that the rest of the site had been brought in for approval. He asked staff and the applicant for a little more clarity about what was already approved and what the Commission might have some flexibility with.

Mr. McGuire responded that the original PDP included the site as a whole, and only general information about plans for Lot 2 was available at the time. The site and all the parking was originally approved with the condition that when Lot 2 was developed, the building on it would have to have a PDP. The final development plan for Lot 1 included the parking and impervious surface for Lot 2; and what was being considered tonight only covered the area within the curb

limits of Lot 2's proposed building, not the impervious surface around it. That was the dark outline indicated on the site plan.

Ms. Dial asked if this meant the City was now stuck with 85% impervious coverage, and Mr. McGuire answered that it was. Ms. Roberts commented that this looked like a bait-and-switch. She indicated that she would not vote in favor of another project presented on that basis. Shared parking was basic to shared uses; and piling up restaurants in one corner of that development was not a good idea in any event. But now another use was thrown in that seemed suited for reducing impervious cover and the amount of parking needed, with other benefits such as less stormwater runoff. Nevertheless the Commission was being told there would be no benefits of that kind because the entire process had been conducted backwards.

Mr. Soto stated that the parking lot had not been completed at this stage; and the developer might be asked to remove some of the parking if there was more than needed. Chairperson Norbury asked if Lot 1 had enough parking for the required ratio for the restaurant or if that ratio depended on the development of the entire property. Mr. Olson pointed out that the property had a retaining wall on the north and east perimeters. There was a segment that was 6 or 8 feet lower than the rest of the land with 43 spaces; and these spaces were shown on the plan. Texas Roadhouse had wanted access to 200 spaces without customers having to use stairs. The City's requirement was 14 per thousand; but Texas Roadhouse had wanted 200 spaces. Mr. Olson added that the applicant had actually decreased the impervious coverage. Head-in parking was possible at the northwest corner of the building but they had used that and the rest of the building's perimeter for landscaping and green space. He emphasized that Spira Care was a new program for Blue Cross/Blue Shield and if they should decide to not continue it, the building could readily be converted to restaurant use. They were aware of the loss of CID funding reimbursement. The applicant expected Spira Care to be an asset to the community.

Chairperson Norbury noted that Mr. Olson had described a commitment to Texas Roadhouse for 200 spaces; all on the same level, which excluded the 43 sub-grade spaces. If the requirement for the second building was 31 spaces, that would be 231 spaces for a total of 274. This suggested that the 43 spaces were not needed. Mr. Olson clarified that 40 of these sub-grade spaces were shared with Dick's and the rest of the shopping center. Chairperson Norbury asked if these were off-site spaces or part of the development being discussed at this hearing. He remarked that as a medical facility, Spira Care would have many clients they did not want climbing stairs. Part of the situation was transitioning to a less intensive use than originally intended. Mr. McGuire clarified that these 43 spaces already existed. They were constructed and were maintained by RED, so were not part of the application.

Ms. Arth asked if any services at Spira would be taxable for sales tax purposes, and Mr. Olson answered that there were not.

Mr. Loveless noted that a second restaurant user might not be feasible, if 200 spaces were committed to the first restaurant. Mr. Olson answered that it would conform to City zoning requirements; however, in terms of lease negotiation, it could be difficult.

Ms. Roberts asked if it was correct that the 274 spaces did not include the below-grade. Mr. Olson replied that it did include these spaces, which were already installed.

Chairperson Norbury asked if there were further questions for the applicant or staff. Hearing none, he closed the public hearing at 6:03 p.m. and asked for discussion among the Commission members.

Chairperson Norbury stated that while he understood what was being done, he did not like it. In the future he would not be inclined to follow the pattern of the original approval, which basically left a large hole in the process. While the development itself was probably a good one, especially since Lee's Summit did not need another chain restaurant, he did not think that the process here had worked very well. He also asked Mr. Olson to be more careful about interrupting at future hearings.

Ms. Roberts emphasized that she did not like a crowded field of restaurants, which tended to generate more parking needs; but did understand the logic of initially coming forward with a more intensive use. The oversupply of parking spaces essentially ruled out the advantage of the other lot not having a restaurant tenant.

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

Mr. Funk made a motion to recommend approval of Application PL2018-080, Preliminary Development Plan: Spira Care, 760 NW Blue Parkway; Drake Development, LLC, applicant; subject to staff's letter of June 23, 2018; 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. Funk, seconded by Ms. Roberts, the Planning Commission members voted unanimously by voice vote to recommend **APPROVAL** of Application PL2018-080, Preliminary Development Plan: Spira Care, 760 NW Blue Parkway; Drake Development, LLC, applicant; subject to staff's letter of June 23, 2018; specifically Recommendation Item 1.

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

OTHER AGENDA ITEMS

5. Election of Officers

Chairperson Norbury reviewed that he was Chair, Mr. Funk was Vice Chair, Ms. Arth was Secretary and Ms. Dial was Assistant Secretary. He opened the floor for nominations. Mr. Funk nominated Chairperson Norbury to be retained as Chair. Ms. Roberts seconded. The Planning Commission members voted unanimously by voice vote to retain Mr. Jason Norbury as Chair.

Ms. Dial nominated Mr. Funk to be retained as Vice Chair. Ms. Roberts seconded. The Planning Commission members voted unanimously by voice vote to retain Mr. Donnie Funk as Vice Chair.

Mr. Funk nominated Ms. Arth to be retained as Secretary. Ms. Roberts seconded. The Planning Commission members voted unanimously by voice vote to retain Ms. Dana Arth as Secretary.

Mr. Funk nominated Ms. Dial to be retained as Assistant Secretary. Ms. Roberts seconded. The Planning Commission members voted unanimously by voice vote to retain Ms. Carla Dial as Assistant Secretary.

ROUNDTABLE

Mr. Norbury stated that he would announce the liaison appointments until the next meeting.

Mr. Monter stated that staff's intent was to give information but also to anticipate questions. Chairperson Norbury emphasized that he knew staff consistently acted in good faith.

Ms. Arth requested that her signature line as Secretary be changed to include her middle initial, "R".

ADJOURNMENT

There being no further business, Chairperson Norbury adjourned the meeting at 6:15 p.m.

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