

On the motion of Mr. DeMoro, seconded by Mr. Lopez, the Planning Commission members voted by roll call vote of three "yes" (Mr. DeMoro, Mr. Lopez, Mr. Gustafson) and three "no" (Chairperson Norbury, Ms. Roberts, Mr. Funk) to recommend **APPROVAL** of continued Application PL2016-114, Preliminary Development Plan: approximately 7.11 acres located at the southeast corner of NW Blue Pkwy. and NW Colbern Rd. for the proposed Summit Village; Newmark Grubb Zimmer, applicant; subject to staff's letter of January 6, 2017, specifically Recommendation Items 1 through 3.

Ms. Heanue confirmed that since the vote was tied, the matter would go to the City Council. She added that the Legal Department had confirmed the title of the applicant in the motion, since the agenda had given something different.

Chairperson Norbury stated for the record that he had not been expressing disapproval of the project's concept in requesting the changes.

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

3. Continued Application #PL2016-184 - SPECIAL USE PERMIT renewal for outdoor storage of temporary storage containers - Walmart, 1000 NE Sam Walton Lane, Walmart Real Estate Business Trust, applicant

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.

Ms. Callie Butts stated that she was a co-manager at the Walmart retail store at 1000 NE Sam Walton Lane in Lee's Summit. They were requesting renewal of the ten-year Special Use Permit that allowed the use of the temporary storage containers during the entire month of December. They also wanted to expand the time period for holiday season storage to 12 weeks: from October 1st through December 31st. The containers were used for overflow inventory for holiday sales.

Chairperson Norbury noted that staff's letter included four Recommendation Items and asked Ms. Butts if the applicant agreed with these, and Ms. Butts answered that they did.

Following Ms. Butts' presentation, Chairperson Norbury asked for staff comments.

Mr. Soto entered Exhibit (A), list of exhibits 1-15 into the record. He stated that the requested SUP renewal would be the second one, as it had been originally approved in October of 1996. The proposed location of the storage containers, along the west (back) side of the store, were shown on the displayed site plan in yellow. A solid masonry fence spanned the entire Independence Avenue frontage, from Tudor Road to the back driveway, on that side. That part of the property also sat below the roadway. The containers were only used during the holiday period, from the first of October through the end of the year. Temporary storage containers needed for projects like remodeling were allowed by the ordinance. The request was for an additional ten years, and up to 25 containers.

Staff had not received any complaints from nearby property owners including any complaints about noise, trash or debris. A residential neighborhood existed directly to the west of the store's back lot. Staff recommended approval of the Special Use Permit renewal, subject to Recommendation Items 1 through 4.

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.

Ms. Roberts asked if anyone else had an SUP for storage containers. Mr. Soto replied that Walmart was the only one at present. They had not needed them during the holiday season that just ended; but had in recent years. He confirmed for Ms. Roberts that no one had complained about the containers being a nuisance or eyesore.

Mr. DeMoro asked if the containers had merchandise in them when they were delivered and set up. Ms. Butts answered that they were not. The merchandise was transferred from the store to the containers. While the store might use all 25, the containers were only ordered as needed. They were kept locked and only members of management had keys. Mr. DeMoro then asked if the containers arrived in good condition and if store management had the right of refusal if they were not. Ms. Butts answered that they did, and could require the company leasing them to pick them back up.

Chairperson Norbury noted that this application was continued from the December 13, 2016 meeting, at which the applicant had not shown up. Ms. Butts answered that she was new to this store and had not been aware of the previous meeting. Mr. Soto related that there had been a misunderstanding on the part of the store manager, who had thought they would need to be present for the City Council hearing but not for the Planning Commission.

Mr. Gustafson asked about the setbacks in the back of the Walmart lot. He also wanted to know if it was a paved area and if it had parking. Mr. Soto answered that it was paved, and no parking was available on that part of the lot, as it was a loading dock area. The setback would apply only to a permanent structure, not for a temporary use. Mr. Gustafson then asked if the containers were needed because of a shortage of storage space in the store, or because the building was too small; and Ms. Butts answered that they were not. The freight overflow peaked sharply on high-volume days like Black Friday. It was a common practice at every Walmart.

Mr. Funk asked if the temporary storage would have any impact on fire lanes, and Fire Chief Eden answered that it would not. Fire lanes were maintained any time they brought stock on site; and they had to have access to their shipping containers not only for stocking shelves but also adequate circulation for fire access.

Chairperson Norbury asked if there were further questions for the applicant or staff. Hearing none, he closed the public hearing at 5:43 p.m. and asked for discussion among the Commission members.

Ms. Roberts noted that these storage methods had been used since October of 1996 and so Walmart had 20 years to come up with a better solution. She did not like the idea of 30 years of storage containers. Chairperson Norbury pointed out that they were actually building a solution on M-150. He added that he drove by on Independence Avenue every day and really could not

see the containers. Moreover, there had been no complaints and one of the near neighbors was a senior living center. Mr. Lopez said that he worked nearby as well, and he did not think the containers would be a problem.

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

Mr. DeMoro made a motion to recommend approval of continued Application PL2016-184, Special Use Permit renewal for outdoor storage of temporary storage containers: Walmart, 1000 NE Sam Walton Lane; Walmart Real Estate Business Trust, applicant; subject to staff's letter of January 6, 2017, specifically Recommendation Items 1 through 4. 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 Mr. DeMoro seconded by Mr. Funk, the Planning Commission members voted by roll call vote of four "yes" (Chairperson Norbury, Mr. DeMoro, Mr. Lopez, Mr. Funk) and two "no" (Ms. Roberts, Mr. Gustafson) to recommend **APPROVAL** of continued Application PL2016-184, Special Use Permit renewal for outdoor storage of temporary storage containers: Walmart, 1000 NE Sam Walton Lane; Walmart Real Estate Business Trust, applicant; subject to staff's letter of January 6, 2017, specifically Recommendation Items 1 through 4.

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4. Application #PL2016-206 - REZONING from R-1 & CP-2 to PMIX and CONCEPTUAL DEVELOPMENT PLAN - West Pryor Village, approximately 70 acres generally bounded by I-470 on the north, NW Pryor Rd on the east and NW Lowenstein Dr. on the southwest, City of Lee's Summit, applicant

Chairperson Norbury opened the hearing at 5:48 p.m. and stated that Application PL 2016-206 was being continued to a date certain of January 24, 2017, at the applicant's request. He asked for a motion to continue.

Ms. Roberts made a motion to continue Application PL2016-206 to a date certain of January 10, 2017. 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 Ms. Roberts, seconded by Mr. Gustafson, the Planning Commission members voted unanimously by voice vote to **CONTINUE** Application PL2016-206 to a date certain of January 10, 2017.

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