

**LEE'S SUMMIT PLANNING COMMISSION**

**Minutes of Tuesday, January 24, 2017**

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The Tuesday, January 24, 2017, 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. Herman Watson	Present
Mr. Fred Delibero	Absent	Mr. Beto Lopez	Absent
Mr. Donnie Funk	Present	Ms. Colene Roberts	Present
Mr. Fred DeMoro	Absent	Mr. Brandon Rader	Present
Mr. Don Gustafson	Present		

Also present were: Christina Stanton, Staff Planner; Ryan Elam, Director of Development Center; Dawn Bell, Project Manager; Victoria Nelson, Staff Planner; Robert McKay, Director of Planning and Special Projects; Kent Monter, Development Engineering Manager; Michael Park, City Traffic Engineer; Nancy Yendes, Law; Jeanne Nixon, Secretary; and Jim Eden, Assistant Fire Chief II.

**1. APPROVAL OF CONSENT AGENDA**

- A. Application #PL2016-211 – VACATION OF EASEMENT – 20 SW M-150 Hwy., Quik Trip No. 200R; Quik Trip Corporation, applicant (*moved to yet to be determined agenda date at the applicant's request*)**
- B. Application #PL2016-215 – FINAL PLAT – Quik Trip No. 0191, Lots 1-3 & Tracts A-C, Quik Trip Corporation, applicant**
- C. Application #PL2016-221 – VACATION OF EASEMENT – 1740 NE Aberdeen Dr., JFE Construction, Inc., applicant**
- D. Minutes of the January 10, 2016 Planning Commission meeting**

Ms. Stanton pointed out that the date of the minutes in Item D was "January 10, 2017", not "January 10, 2016".

On the motion of Ms. Roberts, seconded by Mr. Funk, the Planning Commission voted unanimously by voice vote to **APPROVE** the Consent Agenda, Item, 1A-D as published, with the date in Item D amended from "January 10, 2016" to "January 10, 2017."

**APPROVAL OF AGENDA:**

Chairperson Norbury announced that an amended agenda had been published earlier that day, moving a few items to later meetings. He asked for a motion to approve the amended agenda. On the motion of Ms. Roberts, seconded by Mr. Funk, the Planning Commission voted unanimously by voice vote to **APPROVE** the agenda as amended.

**2. Continued Application #PL2016-185 – SPECIAL USE PERMIT renewal for a telecommunication tower – 2750 NW Clifford Rd.; American Tower Asset Sub, LLC,, applicant**

Chairperson Norbury opened the hearing at 5:04 p.m. and stated that the applicant had requested that this application be continued to a date certain of February 14, 2017. He asked for a motion to continue.

Ms. Roberts made a motion to continue continued Application PL2016-185, Special Use Permit renewal for a telecommunication tower: 2750 NW Clifford Rd., American Tower Asset Sub, LLC, applicant to a date certain of February 14, 2017. Mr. Rader 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. Rader, the Planning Commission members voted unanimously by voice vote to **CONTINUE** continued Application PL2016-185, Special Use Permit renewal for a telecommunication tower: 2750 NW Clifford Rd., American Tower Asset Sub, LLC, applicant to a date certain of February 14, 2017.

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

**3. Continued Application #PL2016-190 – SPECIAL USE PERMIT renewal for telecommunication towers – 2140 NW Lowenstein Dr., American Tower Asset Sub, LLC, applicant**

Chairperson Norbury opened the hearing at 5:06 p.m. and and stated that the applicant had requested that this application be continued to a date certain of February 14, 2017. He asked for a motion to continue.

Ms. Roberts made a motion to continue continued Application PL2016-190, Special Use Permit renewal for a telecommunication tower: 2140 NW Lowenstein Dr., American Tower Asset Sub, LLC, applicant to a date certain of February 14, 2017. Mr. Rader 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. Rader the Planning Commission members voted unanimously by voice vote to **CONTINUE** continued Application PL2016-190, Special Use Permit renewal for a telecommunication tower: 2140 NW Lowenstein Dr., American Tower Asset Sub, LLC, applicant to a date certain of February 14, 2017

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

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

Chairperson Norbury opened the hearing at 5:08 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in, including any members of the public present who were present and wished to speak.

Mr. McKay entered Exhibit (A), list of exhibits 1-12 into the record. He stated that this application was a City initiated rezoning to a Planned Mixed Use [PMIX] district, and the project's conceptual development plan. Mr. McKay described the plan as a guide that the City would like to follow. He explained that when Summit Woods Crossing was planned and constructed, Pryor Road was moved to the east, so that the southern and northern portions of Pryor Road could come together. Pryor Road had subsequently become a connector that went from M-150 on the south to I-470 at the north end. The City had some of the property at the southwest corner of I-470 and Pryor Road; and after the construction and installation of the off ramp, there was still some developable property. This conceptual plan was a prelude to a preliminary development plan by a different applicant, probably at the February 28th meeting. The conceptual plan that this applicant had shown the City would be included but the actual PDP would be presented next month. Tonight's conceptual plan would just establish a guide for when the applicant brought their PDP forward. If that plan was not approved, staff would bring an amended conceptual plan forward.

Displaying an aerial view of the area, Mr. McKay related that the City Council had directed staff to develop a master development plan for the properties west of Pryor Road and between I-470 and Chipman. The view showed the existing transportation network including the interchange of US 50, M-350 and I-470 highways. The rezoning area, highlighted in blue, was a mixture of CP-2 (General Commercial) and R-1 (single family) zoning. It was bounded on the north by I-470 and on the east by Pryor Road; and the slide indicated developments nearby including Summit Fair, Lowenstein Park, John Knox Village and Summit Woods Crossing. The Summerfield subdivision was directly to the west. The next color-coded slide showed current land use, and Mr. McKay noted that much of the land was vacant, with some former large home sites. A slide showing current zoning displayed the CP-2 portion at the north, with two of these commercial lots owned by the City. A small part was owned by RED Development.

The next slides showed this part of the Comprehensive Plan in detail, as well as property ownership. Mr. McKay noted that most of it had been shown as commercial, office and retail. Much of the property shown in yellow had been undermined by previous users. The subject property was outlined in purple, with the City owned portions at the northeast and southeast corners highlighted in green. Portions owned by the Ericksons and RED were directly south of the northeast City property. The rest of the subject property was owned by Pryor Crossings, LLC, who would be the developer.

Mr. McKay then displayed some images of projected scenes at the development, noting that some of them might look familiar as they had been used for "Envision LS" at the new US

50/south M-291 interchange. What they had in common was showing destination points with a sense of place and which were both walkable and attractive, thus giving people easy access and encouraging them to spend some time there; which was what the term “sticky” referred to. Outdoor public spaces and a human scale of construction were essential, with 4-sided architecture and attractive materials that were also durable and a 'themed' look with not only materials but landscaping and colors. Buildings would be brought close to the street and surface and on-street parking reduced. Mr. McKay added that the City wanted to avoid competition with the same or similar businesses existing Downtown.

The concept was for a true mixed use, where people could live close enough to walk to shopping, work and entertainment. That would be a “vertical mix” of uses, with development going 'up' as well as 'out' and residential uses, including multiple housing choices, integrated with the others. Much of this had been shown in an open house setting, with the surrounding neighborhoods included. Staff had sent out notices in the same way they would for any proposed rezoning, to nearby property owners and every resident within 185 feet. Some people had attended the open house from outside that area.

“Sustainability elements” included utilizing solar energy, including street trees in landscaping, and integrating stormwater management to produce attractive landscaping features such as fountains. This project, like all others, would need financing, and was one of the concepts in the conceptual plan. The plan could be changed as the elements and opportunities changed. Mr. McKay then pointed out, on the current traffic network, the road off Chipman through Lowenstein that accessed the property, as well as the existing KCP&L transmission line that went through the property. The City was recommending that these lines be relocated. Part of the undermined property was at the northwest corner. The stretch of Pryor near the Jack Stack restaurant and Summit Woods already had a traffic signal, as did the stretch between the Kohl's and Lowe's stores. These locations would be the main entries to the development. The slide also displayed the relocation of Lowenstein and the internal traffic circulation including a right-in-right-out access.

The next color-coded image showed locations of the various proposed uses, as well as the proposed new locations for the power lines. The City had proposed locating the hotel and conference center at the northeast edge, where it would be close to the interchange. The mixture of offices and public space would be directly adjacent to the southwest, close to both signaled entry points. Mr. McKay clarified that this area, shown in blue, was separate from the preliminary development plan that the Commission would see next month. Also shown on the map was the retail use, to the south and east, and the multi-family residential element on the west side. Finally, Mr. McKay showed more of the conceptual drawings showing various public spaces and uses. He clarified that due to space limitations, some of the drawings showed a more intense use than was likely.

Staff was requesting tonight that the Commission recommend sending this to the City Council for a public hearing. If the conceptual plan and rezoning were approved, staff would bring the design standards to the Commission, probably on February 14th.

Following Mr. McKay's presentation, Chairperson Norbury asked if there was anyone present wishing to give testimony, either in support for or opposition to the application. Remarks would initially be limited to three minutes, and there could be further discussion if time permitted.

Mr. Nick Naylor gave his address as 2369 NW Summerfield Drive. His property backed up to Lowenstein Road and he had lived there since 1991. He and his neighbors had been told, consistently and for several years, that the ground behind them could not be developed. He had spoken with Mr. McKay as recently as last July, and had been told that there would be no building behind their subdivision; and now he was hearing about plans to put up a solid wall behind his and his neighbors' houses, in the form of three-story apartment buildings. That was not satisfactory, and Mr. Naylor remarked that perhaps the Commissioners would like to have three-story buildings right behind their own homes, within about 20 feet of their back property lines. The City had lied to nearby residents about this property for 30 years. Mr. Naylor noted that he had actually tried to buy the property directly behind the Summerfield subdivision in the 1990s, intending to put in some acre lots. The City had told him at that time that this property had been undermined and could not be built on safely; but now they wanted to change the zoning and enable the City to build a long wall of apartments on that same land. He'd had vacant ground behind his home for a couple of decades and would not have lived there if he had known about these development plan; and the cost of replacing the home he had at this point would probably be in six figures.

Ms. Sandra Gardner gave her address as 2373 NW Summerfield, next door to Mr. Naylor, 1 within 185 feet of the subject property. The apartment complexes would be about 20 feet from her back yard. She had purchased the house two years ago, and had also been told that the neighboring property would not be zoned for commercial use. This had influenced her decision to invest in her home, and had valued the sense of security and privacy; and this was her major concern, especially in view of her children playing in the back yard. She and her family would not feel comfortable or secure in the back yard with those apartments only 20 or 30 feet away. The apartments would be large enough to produce a great deal of traffic and light pollution; which would also severely impact her family's quality of life. She would never have purchased her home if she had known that such extensive development would happen so close by.

Mr. Craig Alumbaugh gave his address as 2365 NW Summerfield Drive, at the corner of Lowenstein and Autumn Lane. He was also concerned about the apartment complex going in behind his property. He understood that the City needed a bigger tax base and did not object to the retail and office developments close to Pryor Road. However, building these apartments directly behind residents who had invested in their homes and had lived there for some time, he did not think this was right.

Mr. Al Doty gave his address as 2361 NW Summerfield Drive, on the other side of Autumn Lane. His house would back up to the entrance. He had understood that the two buildings shown would be senior housing, with 80-100 units. He had also been told that the buildings close to Pryor, shown in orange on the map, would be about 463 apartment units. He did not object to the development about Pryor, but did object to the apartments. A number of similar projects were being built multi-family housing, shopping and other businesses, with single-family residential in the mix. He noted that with most developments, it was a matter of the owner of the land developing it; and he felt that the project would take unfair advantage of the existing neighborhood. Proximity to that kind of neighborhood might be a selling point for the apartments; but the situation would be exactly opposite for owners of single-family homes that backed up very close to multi-story apartments. The intrusion on privacy would be enough that he would no longer be able to enjoy the outdoor space on his own property, due to the increase in traffic, and possible increase in crime. Mr. Doty added that the neighbors had been told at an initial meeting that the apartments would never be Section 8 housing. He was aware that this

was a promise that would not be kept in the event the apartments were not filled quickly enough.

Mr. Merrill Drake gave his address as 2250 and 2270 NW Lowenstein Drive. His property was close to the highway and had utility lines running across it, so he wanted some details about relocation. Mr. Drake also pointed out that the former mine beneath the undermined area was flooded and the water was causing the mine itself to deteriorate. He also wanted to know what the land indicated in green at the northwest corner of the map would be used for.

Ms. Karen Homan gave her address as 2337 NW Summerfield Drive. She remarked that this was an established neighborhood where residents tended to stay for a long time. There had been horses in the nearby field when she and her family had moved there. Over the years some development had happened, and the increase in population and activity had inevitably made crime more common. That had been reflected in more burglaries and theft or vandalizing of cars but overall it was still a nice neighborhood, and the park was in effect a neighborhood center. However, senior housing meant more medical emergencies and emergency traffic; and this area did not have any easy access and traffic at that level would bring in more crime. She noted that at one of the meetings the neighborhoods had been told that the green space was for soccer fields; and this was another situation where the entrances and exits were narrow. Ms. Homan shared the other neighbors' concerns about how close the apartments were and the impacts on privacy and quality of life.

Mr. David Phillips gave his address as 1001 NW Springdale Street. He had attended the open house events, with both the City and the developer, and the feedback had been consistent that if the apartments were taken out they did not have any major objections. The developer had told them that the City was promoting this development; and the senior apartments in particular due to the tax base and revenue. The developer had also told them that this was actually Phase 2. The starting date for Phase 1 had been in March. In the City's open house, the apartments had been four stories but the developer had changed that to two stories. They had been told that the apartments would be built 20 feet off the road after that road was widened, because they had to stay away from the undermined area. It looked to him like it was mostly the City that was advocating for the apartments, not the developer or the neighbors. The property was going to be developed sooner or later, and even if the neighbors did not like it, most of the objections would most likely go away if the apartment plans did.

Chairperson Norbury then opened the hearing for questions from the Commission for the applicant or staff.

Chairperson Norbury asked Mr. McKay to address the assertion that the City was the main advocate for the apartments in the plan. Mr. McKay replied that this was not the case, emphasizing that the conceptual plan was not a City-driven piece, and it was intended for discussion. The apartments were among the plans the property owners had brought in; and the City's vision of this area was for retail-commercial-office development with enough residential to satisfy the mixed use requirement. Nothing was being decided at this point. The development plan would come to the Commission in a public hearing and the residents have an opportunity to come and speak.

Chairperson Norbury then asked what the options were for the undermined area. Mr. McKay answered that it would just have to be left alone, as there was not much anyone could do with

undermined land. Tonight's conceptual plan was only approximate in terms of the boundaries. The City had some URS maps but core drillings would be necessary to be sure. Chairperson Norbury asked how the potential danger of water infiltration further weakening the ground could be managed, and Mr. McKay replied that he would need to ask an engineer. He knew that some of the underground mined area was flooded, although there was more sealing on the south side of I-470 than to the north.

Chairperson Norbury asked if the conceptual plan as presented tonight had any detail beyond just showing multi-family residential development in that location, specifically the number of stories and whether this would be a senior living center. Mr. McKay replied that it did not, and this would have to be part of the preliminary development plan.

Ms. Roberts asked if it was accurate that no drilling or other exploration done to establish the boundaries of the undermined area. Mr. McKay answered that some studies had been done; however, he did not know what other steps the developer had taken as yet. The boundaries used for the plan, and the types of development shown, were approximate. Anything on the western boundary close to the undermined area would have to be studied in detail. Ms. Roberts asked how the surface of the undeveloped ground would be maintained, such as removing diseased trees. Mr. McKay answered that this would have to be part of any further study done, adding that the ground had been stabilized. As with any land, maintenance would be the property owner's responsibility.

Ms. Roberts then asked if it was correct that the mix of uses on the plan came from the developer. Mr. McKay stated that all the residential shown on the plan as well as the big-box retail at the south end and the smaller retail near the lake and at the roundabout were the developer's concept.

Mr. McKay explained to Mr. Gustafson that many of the questions being asked tonight related more to the preliminary development plan than to this conceptual plan. That would be a separate submission entirely. What they had tonight was the rezoning and a conceptual plan. Mr. Gustafson asked what the requirements regarding streets would be and Mr. McKay replied that the applicant would have to do a traffic analysis, which would be reviewed by the City's traffic engineer. If the applicant would be required to do improvements, that would be determined at this stage.

Mr. Gustafson asked what the street's current classification was, and Mr. Park answered that the City would consider it a collector, although at present it served a mostly residential function. Depending on what a traffic impact study showed, the City would require the developer to make improvements such as turn lanes, curbs and sidewalks.

Mr. Gustafson asked if the meetings the developer had hosted included discussion of the frontage where the apartments were planned, including single-family homes as an alternative. Mr. McKay answered that he had not been present at the meetings and did not know.

Mr. Funk recalled that Pryor Road narrowed to two lanes after crossing I-470 and asked if, in a complete build out, it would continue to cross I-470 or if that would change. Mr. Park answered that staff would not expect this development to have that big an impact; and that whenever Pryor Road was widened, it would likely be in response to development north of I-470. He added that the city of Kansas City would also have some review.

Chairperson Norbury noted the testimony from residents about the planned apartments forming a solid wall along the road. It was a drastic change in scale, and he asked if there was a way to rework the design or relocate the buildings so that they did not run parallel to Lowenstein in a long straight line. Mr. McKay said those options could be considered by the developer. They might have put the apartments parallel to the road in order to avoid the undermined area.

Chairperson Norbury then stated that this plan barely met the concept of "mixed use". There were a mix of uses on the property overall; but the uses were assigned to different parts of the property and all the buildings had a single intended use. The mixed use public space did not include any multi-use facility. If one of the goals was to have a certain residential density on the whole tract, some of that could be achieved with multiple uses on particular plots of ground. Chairperson Norbury noted that the development north of Chipman and just off the Summit Tech campus had followed a similar 'multi-piece' pattern; and the Commission had complained about that at the time. While he would not expect one of the big box stores at the southern end to have apartments over the store, many of the images displayed tonight of mixed use development showed buildings that could have a mixture of uses. What he was seeing in the plan was a series of detached buildings with only one use.

Chairperson Norbury summarized that he would be more likely to support a development plan if it addressed this anomaly and mitigated the drastic change of scale and the layout of the apartments. Concerning the latter, the neighbors had not been living next to land whose zoning earmarked it for more intense use. The land had been zoned R-1 and was now being rezoned as R-4. He also wanted in general to see more of the land planned for actual mixed use rather than single uses close to each other. The office park, for example, might be walkable on its own but its design was the familiar office park design of detached buildings surrounded by parking lots and parking structures. He was not sure he could vote for approval of the conceptual plan as presented tonight.

Chairperson Norbury then asked what the terrain difference was across Lowenstein and behind the subdivision. Mr. McKay estimated the high point was the middle of the bend at Pryor Road, running along the east side of the property. He acknowledged that the apartments in their proposed location were at a considerably higher elevation than Lowenstein Road. Regarding Chairperson Norbury's comments about mixed use, he pointed out an orange strip to the north of the two structured parking buildings shown in gray. This part was for multi-family residential. Referring to Envision LS at M-291 and US 50, Mr. McKay noted that there was a lot of second, third and fourth stories with multi-family housing on top of commercial uses in that instance. That had not been done in the commercial and office portion of this plan because there was already considerable residential proposed in the form of the apartment buildings.

Chairperson Norbury clarified that he was not suggesting putting residential uses on top of every piece of commercial or office use. What the Commission would have to address was the drastic change in scale and use between the existing subdivision and the apartment buildings. He repeated that he wanted to see this project with more actual mixed use, although he understood that the developer wanted a high residential density because that would make financial sense.

Chairperson Norbury then noted that the subject of tonight's hearing was rezoning and a conceptual development plan. It was not the usual kind of application that included staff's



recommendations and for which the Commission would recommend approval or denial. He asked what would be the means for the Commission to recommend a change in this situation. Mr. McKay stated that the proposed PMIX rezoning, which would apply to all the subject property, would give the City basic control of what was done with the land. With the conceptual plan, the Commission could recommend the plan and exclude certain portions of it. He added that even if the apartment units were removed, the developer could still request that they be left where they were. The conceptual plan did not come with any requirements.

Ms. Roberts also did not see this plan as mixed use. It was a bit like drawing a large circle around the intersection of Tudor and Independence and pronouncing the result "mixed use" since the circle would include a big box store, multi-family housing, senior living and a church. She also considered the uses in the conceptual plan to be segregated. The multi-family housing even had a separate entrance, and the design did not look particularly walkable. There were no clear connections for a resident to walk from home to work or shopping. The only thing she saw resembling mixed use was the small orange portion near the north end.

Ms. Roberts added that there was nothing wrong with a grid pattern for routes within the development, and what she was seeing was basically a maze of twists and turns. She did like the use of roundabouts but the design on the plan did not match the displayed images with clear sight lines. In short, the plan did not look functional for someone who wanted to actually live, work and shop in the same area. She added that she would not have a problem approving the conceptual plan, since the Commission had seen conceptual plans before and as often as not they bore no resemblance to the preliminary development plans the Commission eventually saw. She had no issue with the rezoning but hoped that the developer would bring a mixed use plan back. She also wanted to see solid evidence that the boundaries of the undermined area were clear and the buildings were going up on land that was safe to build on.. If it was not, the developer would make the profit this year but the consequences might take years to appear.

Mr. McKay related that the design standards developed for this property would bring it into mixed use. By the City's standards, this was not much different from EnvisionLS, due to the topography and length of the roadway.

Mr. Gustafson shared the concerns about whether this was actually mixed use. The conceptual plan did not look like mixed use as much as various uses set near or next to each other. He also had a general concern about concept plans that were very detailed, as they could encourage a developer to bring back an near-identical version with the PDP and argue that they were being consistent with the earlier, approved conceptual plan. He wanted to see a more clear relationship between the various uses. Mr. McKay responded that staff was dealing with a conceptual plan with a potential developer who had a plan of their own they would be bringing through. Staff's hands were tied in terms of doing all the things the Commissioners wanted due to the connectivity the City wanted to see. Obviously the developer had a plan in mind and they were going to pursue that plan, which was reflected in what the Commission saw tonight. He acknowledged that this general plan did not include details such as sizes of buildings, the number of apartment units or heights of structures. All of that would be included in the preliminary development plan. Staff had taken the concept and attached as much to it as would make it work, such as the parking and connectivity.

Mr. Funk stated that the Commissioners seemed to be in agreement about the rezoning. He asked if the Commission could exclude the conceptual plan or ask for a different one.

Chairperson Norbury answered that they could recommend approval of the rezoning and denial, or continuance, of the conceptual plan. He then stated that he was not comfortable with just approving a 70-acre PMIX rezoning without more detail about exactly what he was approving. He was aware that it would be subject to the development plan; however, preliminary development plans sometimes dealt with only one phase and at this point the Commission had no way of knowing what they were going to get with that PDP. They could ask for parceled or platted rezoning, with commercial along Pryor Road and residential zoning for the residential portion and still have a PDP and a master plan. They would be granting a lot of latitude with the rezoning; and in this case they were being asked to approve a rezoning without having a full picture, including a PDP or supporting information such as elevations or stormwater plans.

Mr. McKay pointed out that in this case, four different property owners were involved. The City-initiated rezoning was to bring together these different parts of the property. That meant the property owners would all have to work within the same framework in terms of what they could and could not do. The purpose of the PMIX was to give the City the design standards and the control for the development to go forward.

Mr. Gustafson asked if a rezoning required a concept plan, and Mr. McKay answered that if it was a City-initiated rezoning a degree of control was already there. The Council did want to see a conceptual plan as a guide along with the rezoning, although the development might not happen exactly as that plan showed.

Mr. Naylor stated that the neighbors also had traffic concerns, noting that there was already a spike in local traffic during soccer season. He added that the street might need to be widened due to the development, and that would be a good reason to not set the apartment buildings too close to it. Chairperson Norbury assured him that the City's required traffic studies for this kind of development, and trip generation would be part of that. Developers were required to put in any necessary improvements such as curbs and sidewalks.

Mr. Naylor suggested that there might need to be more access points. Chief Eden explained that access into commercial area was determined primarily by square footage, and with apartments the number of units was factored in along with square footage. The Fire Department could require additional accesses as needed. Mr. Naylor expressed concern over the way the apartment buildings looked, and Chairperson Norbury answered that design standards would be applied and that the Commission did consider the aesthetic component.

Mr. Josh Gibbs gave his address as 711 NW Black Twig Lane. He and his wife had moved there from Downtown Lee's Summit, and they had lived near apartment complexes that caused them to have concerns about crime. They were on a septic tank and Black Twig already had heavier traffic; and he wanted to know when the street would be widened and when city sewers would be available as well as where the fire station for the residential would be. Mr. McKay stated that many of the questions being raised tonight did not have anything to do with the proposed rezoning or conceptual plan. They had to do with the preliminary development plan, and various studies had to be done. They would be required to answer the kinds of questions raised tonight, but these questions could not be addressed at this point. Mr. Park added that at this point answers to most transportation-related questions would be speculative. Generally, City standards did not allow this kind of development on unimproved roads; and that included Lowenstein and Black Twig. He listed some of the improvements that might be required.

Chief Eden stated that at present this area was being serviced by Fire Station 3, which would be relocated about 1,000 feet to the north at Pryor and Shamrock.

Chairperson Norbury asked if there were further questions for the applicant or staff. Hearing none, he closed the public hearing at 6:23 p.m. and asked for discussion among the Commission members, including whether the rezoning and plan should be voted on separately.

Mr. Gustafson did not think a rezoning was appropriate at this time, since there was no detailed plan or clear picture of what the uses would be. Mr. Watson agreed.

Chairperson Norbury noted that a PMIX zoning could mean an increased level of control and influence, since a PMIX project had to have a plan and design standards. By contrast, if the eastern portion was zoned commercial and the western portion residential, the City would have less control.

Ms. Roberts added that PMIX did not require a mixture of uses in one building, such as commercial use on the first floor and residential on the second. The idea was more to integrate the commercial, residential and office uses into a cohesive neighborhood; and a piecemeal approach would not do that. It also gave the Commission the ability to set design standards, and a conceptual plan was not necessarily required for rezoning. She did not have any problem with voting on the two separately.

Chairperson Norbury disclosed that he wanted to encourage an amendment to the plan removing the two buildings on the west side. Mr. Gustafson asked if they wanted to rezone the undermined area as PMIX, since nothing would be developed there. Chairperson Norbury said that since this area was part of the subject property it would likely get the same zoning. Ms. Roberts specifically did not want it separated out, since she wanted to hear from the developer how the area would be maintained. Open space would be an acceptable use.

Concerning the two buildings on the west side, Chairperson Norbury stated that his usual point of view was that a neighbor did not get to dictate what went in next door if the use was legally permitted. However, in this instance the original zoning was R-1, and that had been the case when the neighbors purchased their homes. He did oppose a change to R-4 as presented in this plan. Ms. Roberts said that she did not necessarily object to some kind of residential development at that location.

Mr. Rader did not have a problem with a zoning and he understood that the plan was conceptual. He shared Chairperson Norbury's objection to the multi-family residential as presented.

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

Ms. Roberts made a motion to recommend approval of the rezoning from R-1 and CP-2 to PMIX in continued Application PL2016-206. Mr. Rader seconded.

Chairperson Norbury asked if there was any discussion of the motion. He confirmed for Mr. Gustafson that the conceptual development plan would be voted on in the next motion. He then called for a vote.

On the motion of Ms. Roberts, seconded by Mr. Rader, the Planning Commission members voted by voice vote of five “yes” and one “no” (Mr. Gustafson) to recommend **APPROVAL** of the rezoning from R-1 and CP-2 to PMIX in continued Application PL2016-206.

Chairperson Norbury then asked for a motion for the conceptual development plan.

Ms. Funk made a motion to recommend approval of the Conceptual Plan in continued Application PL2016-206, with the two multi-family buildings at the westernmost side removed. Mr. Rader seconded.

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

On the motion of Mr. Funk, seconded by Mr. Rader, the Planning Commission members voted by voice vote of five “yes” and one “no” (Mr. Gustafson) to recommend **APPROVAL** of the Conceptual Plan in continued Application PL2016-206, with the two multi-family buildings at the westernmost side removed.

Chairperson Norbury reminded the neighbors present that this project would go through a public hearing process, and they would have an opportunity to give testimony to both the Commission and the City Council.

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

<p><b>5. Application #PL2016-217 – PRELIMINARY DEVELOPMENT PLAN – Kansas City Motors, 704 and 708 Oldham Ct., Kansas City Motors, LLC, applicant</b></p>
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Chairperson Norbury opened the hearing at 6:42 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Mr. Martin McFarland, owner of Kansas City Motors, LLC, gave his address as 2107 Grand Boulevard in Kansas City (MO). He had been the owner since 1975, and the business offered both sales and service. He was willing to answer any questions about the preliminary development plan.

Chairperson Norbury then asked for staff comments.

Ms. Stanton entered Exhibit (A), list of exhibits 1-14 into the record. She related that this would be a 4,200 square feet automotive sales and service facility, with some outside display. Staff recommended approval subject to their report of January 20, 2017, including Recommendation Items 1 through 3.

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.

Chairperson Norbury asked Mr. McFarland if he agreed with staff’s three Recommendation Items, and Mr. McFarland answered that he did.

Chairperson Norbury asked for an explanation of the modification to lighting standards in Recommendation Item 1. Ms. Stanton answered that the minimum footcandle was 0.4, but the UDO's requirement was a minimum of 1.0. There were only one or two spots on the site where it was lower but when the staff was looking at the ratio, that minimum would throw the ratio off and make the level look higher than it was.

Mr. Gustafson asked about the street notation saying "end of city maintenance." Mr. Park answered that a public roadway, which the business accessed, had been vacated. An access easement was maintained so that businesses on that street still had access to Oldham. The driveway to the west, at the end of the former Oldham Court, had access to another public road.

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, or for a motion.

Ms. Roberts made a motion to recommend approval of Application PL2016-217, Preliminary Development Plan: Kansas City Motors, 704 and 708 Oldham Ct., Kansas City Motors, LLC, applicant; subject to staff's letter of January 20, 2017, specifically Recommendation Items 1 through 3. Mr. Rader 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. Rader, the Planning Commission members voted unanimously by voice vote to recommend **APPROVAL** of Application PL2016-217, Preliminary Development Plan: Kansas City Motors, 704 and 708 Oldham Ct., Kansas City Motors, LLC, applicant; subject to staff's letter of January 20, 2017, 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.)

<b>6. Application #PL2016-218 – SPECIAL USE PERMIT for automotive sales – Kansas City Motors, 704 and 708 Oldham Ct., Kansas City Motors, LLC, applicant</b>
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Chairperson Norbury opened the hearing at 6:56 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Mr. Martin McFarland stated that the Special Use Permit application was for a term of 20 years. Chairperson Norbury then asked for staff comments.

Ms. Stanton entered Exhibit (A), list of exhibits 1-18 into the record. Staff recommended approval of the Special Use Permit, subject to their letter of January 20, 2017. A 20 year term was fairly standard for a car dealership in a new location. The longer term would give the owner a chance to recoup the money they had put into setting up the dealership.

Seeing no one in the audience to give testimony, asked if the Commission had questions for the applicant or staff. Hearing none, he closed the public hearing at 6:57 p.m. and called for a motion.

Ms. Roberts made a motion to recommend approval of Application PL2016-218, Special Use Permit for automotive sales: Kansas City Motors, 704 and 708 Oldham Ct., Kansas City Motors, LLC, applicant; subject to staff's letter of January 20, 2017. Mr. Rader 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. Rader, the Planning Commission members voted unanimously by voice vote to recommend **APPROVAL** of Application PL2016-218, Special Use Permit for automotive sales: Kansas City Motors, 704 and 708 Oldham Ct., Kansas City Motors, LLC, applicant; subject to staff's letter of January 20, 2017.

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

6. **Application #PL2016-219 – REZONING** from AG to R-1 and **PRELIMINARY DEVELOPMENT PLAN** – Whispering Woods, approximately 76 acres located at the northeast corner of SW Pryor Rd. and SW Hook Rd.; Whispering Woods Land, LLC, applicant

Chairperson Norbury opened the hearing at 6:58 p.m. and announced that Application PL 2016-219 was continued to a date certain of February 14, 2017 at staff's request. He asked for a motion to continue.

Ms. Roberts made a motion to continue Application PL2016-219, Rezoning from AG to R-1 and Preliminary Development Plan: Whispering Woods, approximately 76 acres located at the northeast corner of SW Pryor Rd. and SW Hook Rd.; Whispering Woods Land, LLC, applicant to a date certain of February 14, 2017. Mr. Rader 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. Rader, the Planning Commission members voted unanimously by voice vote to **CONTINUE** Application PL2016-219, Rezoning from AG to R-1 and Preliminary Development Plan: Whispering Woods, approximately 76 acres located at the northeast corner of SW Pryor Rd. and SW Hook Rd.; Whispering Woods Land, LLC, applicant to a date certain of February 14, 2017.

(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**

Ms. Roberts commended Mr. McKay on his presentation and patience during the meeting.

Chairperson Norbury commented that the Commission would pay close attention to the West Pryor village PDP when it was brought in.

## **ADJOURNMENT**

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

PC 012417