



**The City of Lee's Summit**  
**Action Letter - Draft**  
**Planning Commission**

Thursday, October 8, 2020

5:00 PM

Via Video Conference and City Council Chambers

City Hall

220 SE Green Street

Lee's Summit, MO 64063

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Notice is hereby given that the Planning Commission of the City of Lee's Summit will meet in regular session on October 8, 2020 at 5:00 pm in person and by video conference as provided by Section 610.015 of the Revised Statutes of the State of Missouri. Due to the ongoing Covid-19 pandemic, public attendance in the meeting room at City Hall is extremely limited, and therefore the public is invited to attend the meeting by one of these methods:

- By viewing the meeting on the City website at [www.WatchLS.net](http://www.WatchLS.net), and various cable providers (Spectrum channel 2, Google TV channel 143, AT&T U-Verse channel 99 and Comcast channel 7) for those whose cable providers carry the City of Lee's Summit meetings.
- By sending a request to the City Clerk at [clerk@cityofls.net](mailto:clerk@cityofls.net) to attend the meeting on the Zoom platform. The City Clerk will provide instructions regarding how to attend by this method.

Persons wishing to comment on any item of business on the agenda may do so in writing prior to 5:00 p.m. on October 7, 2020, by one of the following methods:

- By sending an e-mail to [clerk@cityofls.net](mailto:clerk@cityofls.net),
- By leaving a voicemail at 816-969-1005 or
- By leaving written printed comments in the utility payments drop boxes located in the alley behind City Hall or inside the foyer at the north end of City Hall, both located at 220 SE Green Street, Lee's Summit, MO 64063.

Written comments submitted by these methods will be presented at the October 8, 2020, meeting. Persons wishing to speak at a public hearing on this agenda may do so by contacting the City Clerk prior to 5:00 p.m. on October 7, 2020 by e-mail at [clerk@cityofls.net](mailto:clerk@cityofls.net), and they will be provided with instructions regarding how to provide their live testimony via videoconference during the public hearing.

In the event that the meeting cannot be broadcast via [www.WatchLS.net](http://www.WatchLS.net) and the cable channels noted above, this agenda will be amended to include directions for the public to attend via the Zoom software platform at [www.Zoom.com](http://www.Zoom.com); such amendment will include a specific link to attend the Planning Commission meeting.

Call to Order

Roll Call

Planning Commission

Action Letter - Draft

October 8, 2020

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**Present:** 6 - Chairperson Donnie Funk  
Board Member Dana Arth  
Board Member Mark Kitchens  
Board Member John Lovell  
Board Member Matt Sanning  
Board Member Terry Trafton

**Absent:** 3 - Vice Chair Carla Dial  
Board Member Tanya Jana-Ford  
Board Member Jake Loveless

### Approval of Agenda

**A motion was made by Board Member Trafton, seconded by Board Member Arth, that the agenda be approved. The motion carried by the following vote:**

**Aye:** 6 - Chairperson Funk  
Board Member Arth  
Board Member Kitchens  
Board Member Lovell  
Board Member Sanning  
Board Member Trafton

**Absent:** 3 - Vice Chair Dial  
Board Member Jana-Ford  
Board Member Loveless

### Public Comments

**There were no public comments at the meeting.**

### Approval of Consent Agenda

[TMP-1705](#) An Ordinance approving Application #PL2020-212 - Vacation of Easement - Pribyl Dental Office, 3320 NE Ralph Powell Rd; SRKO, LLC, applicant.

**A motion was made by Board Member Arth, seconded by Board Member Sanning, that this application be recommended for approval to the City Council - Regular Session, due back on 10/20/2020. The motion failed by the following vote:**

**Aye:** 6 - Chairperson Funk  
Board Member Arth  
Board Member Kitchens  
Board Member Lovell  
Board Member Sanning  
Board Member Trafton

**Absent:** 3 - Vice Chair Dial  
Board Member Jana-Ford  
Board Member Loveless

[2020-3713](#)

**A motion was made by Board Member Arth, seconded by Board Member Sanning, that the minutes be approved. The motion carried by the following vote:**

**Aye:** 6 - Chairperson Funk  
Board Member Arth  
Board Member Kitchens  
Board Member Lovell  
Board Member Sanning  
Board Member Trafton

**Absent:** 3 - Vice Chair Dial  
Board Member Jana-Ford  
Board Member Loveless

## Public Hearings

[2020-3711](#) Public Hearing: Application #PL2020-224 - PRELIMINARY DEVELOPMENT PLAN - New Longview Building 31, 420 SW Longview Blvd; Box Real Estate Development, applicant

Chairperson Funk opened the hearing at 5:08 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Mr. Russ Pearson identified himself as the owner of Box Real Estate Development, and stated that he lived at New Longview. Mr. Pearson gave his presentation via video conferencing. Mr. Justin Larson, his director of development services, had 5 years of experience in multi-family real estate development. The property was on Longview Boulevard a little north of the veterinary clinic, and the proposed project was a 1.5 story retail and office building, though the original preliminary development plan had showed a one story building.

Mr. Pearson displayed a view of the building next door, which shared a courtyard. He then showed a photo of a building in Lenexa that he had designed when he had specialized in industrial building development. On a slide showing the original PDP that had been approved in 2003, he pointed out the location of the veterinary clinic, called 'Building 32' on the plan. The adjacent Building 31 was a 7,800 square foot single story building. The proposed building would be 6,000 square feet on the main level. He had studied the original plans and had tried to preserve the original intent with the courtyard and the two-building layout. It was to be the first phase of a master plan. Color elevations from the first PDP showed the front of the building that was currently planned, with materials that were a combination of brick, EFIS and metal canopy. These primary materials were about 75 percent of the materials used. The steel canopy in particular suggested a blend of traditional and contemporary styles.

Mr. Pearson had started planning this two-building project after he had acquired this property and had the veterinary clinic built. He displayed the original conceptual plan and layout, stating that he had studied New Urbanism projects in general and Downtown Main Street projects in particular. He displayed a rendering of what the urban courtyard proposed for this project would look like. The building had six facades, creating the appearance of a row of separate buildings. One facade had been replaced with the mural and courtyard. On a displayed image of these facades, Mr. Pearson pointed out the building that might include a rooftop patio. The design style was intended to be very similar to the building styles in downtown Lee's Summit. It would be built as one building, but Mr. Pearson intended to later file a condo plat, creating three individual properties that could be leased independently.

Each part would have separate entries and the second floors would have private front stairwells. The back also had access doors for emergencies such as fire. The floor to floor ratio would allow for lofts on the second story, which had higher ceilings than the first floor. He was planning a ductless, variable refrigerant flow HVAC system.

The property was zoned PMIX, and he planned to use density to offset the need for public incentives. This project would also contribute to the TIF for that area.

Mr. Pearson then displayed an aerial view of the site, pointing out the existing movie theater and the roundabout as well as the veterinary clinic and the multi-family complex on the southwest side. The site plan showed additional parking on the front side, with the driveway aligned with the driveway across the street. Everything was set as close to the property line as possible, for visual and walkability purposes. An AT&T fiber box was on the site and the fiber

line ran through the site of the future building; and Mr. Pearson had met with AT&T about getting the line identified and relocated if necessary.

Mr. Pearson displayed the interior floor plan, pointing out the locations of the stairwells and the entry point for the second floor. The design was very close to requiring a stairway landing, but a wall mounted chair lift would make the second floor handicap accessible. The buildings did not have any common areas, and had separate utilities.

Regarding the facade, Mr. Pearson pointed out the basic, industrial-type facade on the left side. This had durable materials on all four sides. He was not partial to EIFS, preferring materials that lasted several decades. On this building that would be square and rectangular fiber panels similar to Hardiboard. Mr. Pearson emphasized that the styles would transition from the style typical of two story buildings Downtown to a more contemporary look. A view of the buildings' back showed the materials making a clear visual distinction between the buildings. A north view showed a distinction between smooth and textured stone appearance. The south view showed a glass door that would access the patio. One end would have some visual contrast in the form of horizontal galvanized metal that would also function as insulation. The interior concept was based on an assumption that users would have open ceiling type operations, though that was not a requirement.

A shared parking analysis reflected the New Urbanism concepts in the overall design. It was intended to reduce the number of parking spaces needed while increasing square footage and density, with increased walkability and reduced cost per square foot

The parking at the existing veterinary clinic would take peak weekday hours into account, with estimates of how many spaces would be needed at various times of day. Percentages were assigned percentages to determine how many spaces would typically be needed at those times. This use was largely retail/office, which would make much more sense in the case of multi-family development or a mixture of uses where many parking spaces were not used at the same time of day. For this development the main floor would be retail use, which had a higher parking requirement. On the displayed chart, Mr. Pearson pointed out the UDO's requirement for these uses, the square footages and the peak times for parking. The calculated maximum need was 68 spaces.

A total without the analysis would be 74 spaces according to the UDO; but there had been a savings of about 20 percent on the movie theater due to the diversity of uses. The site had 49 spaces for the site overall on the front parking spaces and what was added behind them. That indicated a theoretical need for 20 spaces from somewhere else. The idea was for public and shared spots to accommodate the requirement. Displaying an aerial view from 2018 Mr. Pearson added that he had counted 51 spaces nearby on public streets and those were clearly occupied by users from multi-family development. He added that the photo was taken during the day, in view of the empty streets in that part and the busier streets in the office area. He was attempting to provide the least amount of parking possible without causing problems for drivers looking for parking spaces. He did not anticipate having shared parking agreements with private owners who had exclusive rights.

A right-of-way and the current property line ran on the inside of the sidewalk. Mr. Pearson planned to have the right-of-way vacated and move the property line out when this part was replatted. This had already occurred across the street and on most of the other parcels, but had been postponed in this location due to three different owners being involved.

As part of the Planning Commission's approval of the application, the applicant requested that the Commission certify that building style and materials were consistent with the original PDP; and that the shared parking analysis made sense and was workable. After approval in the next step by the City Council, construction would probably start in the fourth quarter of 2021. The platting and vacation of the right-of-way would happen during the construction process and

after the foundations were poured.

Following Mr. Pearson's presentation, Chairperson Funk asked for staff comments.

Ms. Nelson entered Exhibit (A), list of exhibits 1-12 into the record. She gave some additional history of this application. The City Council had approved a rezoning and preliminary development plan for New Longview Farm on October 3, 2012. A preliminary plat for the New Longview Tower Park was approved on August 12, 2003 for Lots 1 through 9 and Tracts A through E; and a Comprehensive Plan amendment for the central/south area, Longview/View High Parkway, was approved on August 26, 2003. A preliminary development plan was approved for "Land Located at New Longview, Phase II, Tower Park" on September 4, 2003. Finally, a minor plat was approved for Tower Park Commercial, Phase 2 Lots 5, 6, 7, and Tracts A and B on October 6, 2005.

Ms. Nelson confirmed Mr. Pearson's testimony that the original plan was for a single story building, but this was now planned to have stories. She displayed the current site plan for this building. Two Conditions of approval applied to this application:

1. "Development shall be in accordance with the preliminary development plan dated August 25, 2020. The architectural style and building materials for the proposed new building shall be consistent with the building elevations, date issued August 6, 2020 and August 26, 2020."
2. "An Alternate Parking Plan based on the Shared Parking Analysis Study dated September 1, 2020, shall be approved as part of the preliminary development plan for Lot 7 in accordance with Article 8, Division II (Parking) of the UDO."

Ms. Nelson confirmed for Chairperson Funk that staff had not received any public testimony regarding this application. Chairperson Funk then opened the hearing for Commissioners' questions for the applicant or staff.

Mr. Trafton noted that he had been notified about this application via the sign posted on the property, and asked Mr. Pearson if he had been communicating with the neighbors or with nearby business owners. Mr. Pearson related that he had met in person with the apartment managers throughout the process, including giving them copies of the plans. He had also shared the information with Mr. David Gale. He confirmed that he had sent out notices of the meetings to neighboring property owners, as required by the City. Mr. Pearson had also been in contact with the Longview Foundation and the Longview Alliance as well over the past year.

Mr. Trafton recalled hearing Mr. Pearson refer to specific conversations about elevations, as well as discussions with Mr. Gill of the change in the plan. He commented that he liked the addition of a second story, adding that two-story buildings in that neighborhood would add to the aesthetic. He agreed that the density could be an advantage.

Concerning the facades, Mr. Trafton knew that there had been several conversations about facades in this district. He liked the mixture of an historical look but also a modern impression, with the commercial area in particular having some character and some differentiation; and asked if Mr. Pearson had received any kind of feedback about the more modern kind of facade. Mr. Pearson replied that everyone he had talked to had given positive feedback. There had not been any complaints about the more contemporary building on the corner. The mix of traditional and contemporary was one of the defining characteristics of the New Urban style. He had studied a number of New Urbanism projects, and knew it was important for each of the facades to be individual.

Mr. Pearson continued that a common visual pattern in Kansas City was horizontal integration, with the commercial use on the main floor being architecturally different from the residential use above. He was intentionally making vertical separations in this project. Mr. Pearson added

that downtown Lee's Summit had a wide variety of vertical buildings, with each one being distinct. He considered that an important aspect. In a way, a contemporary building being given that style intentionally honored traditional architecture by being different and unique. It created an overall individual look and style. He added that a principle of real estate was how land was owned and what a property owner actually owned. It was important that people had a sense of ownership of the space they occupied, in both style and function. He wanted to allow room for future buyers and operators to have a space they could take pride in.

Mr. Trafton asked if it was correct that Mr. Pearson intended to construct separate buildings that would be sold to different buyers. In that case, they would be maintained by those owners. He added that it looked like shopping district had a single owner. Mr. Pearson replied that it was. Four commercial buildings to the north had similar vertical architectural characteristics, and they had one owner. At some point, an owners' association entity would be formed to maintain the common areas specific to this project. The building that looked like it had two facades would be one building with one user. A total of four buildings would have agreements for party walls, structural or non-structural shared walls that separated separately owned units, as part of their condominium plat.

The building's property line would consist of its physical perimeter plus a few feet for access. The parking area, sidewalks and courtyard were on a fifth tract owned by the association entity. This association would include four separate owners that would each have voting rights, and it would be responsible for maintenance services such as trash pickup and snow removal. This would be paid for by annual dues instead of the common area maintenance fee that a single owner might charge. It would essentially allow members to own a parcel, much like a condominium in a multi-story building that had common entry, open space and hallways. These units would be a commercial version of town homes.

Mr. Johnson asked Mr. Pearson if he would be bringing in a plat that would include an explanation. Mr. Pearson answered that it would. Because the plat would be needed for the party walls, that and the right-of-way vacation, would have to occur after the foundation was done. From that point on, he could file a plat that included the common area as well as the buildings. From a construction perspective, that level of complexity was not necessary for the contractor, and it was much easier to consider it one project for their purposes. There could be an issue as to whether that would occur right away during construction or after finishing the buildings and filing the condominium plats. He added that these were speculative, and he had talked with office users for these buildings plus considering moving his own company into one of them. This would be about a year away; however, he would defer that if all the units were leased and there was no need for condominiums. For reference, he was able to build commercial buildings without public financing and with durable materials on all four sides. That would be a savings of close to \$100 per square foot over putting up a free-standing building of the same size. Allowing people to own individual buildings was part of what created both diversity and investment on the part of small business owners. This had occurred naturally in Downtown Main Street environments in particular but could be difficult to replicate and provide in other parts of town. Many cities that had developed after automobiles were common tended to lack walkability elements.

Mr. Trafton commented that it sounded like Mr. Pearson was inclined to eventually have different owners for various parts of these buildings. He asked if it would be possible to have one owner for a first floor and another for the second floor. Mr. Pearson answered that this would amount to vertical condominium development and he did not intend to do that. A buyer would be purchasing a complete building, not part of it.

Mr. Kitchens noted to Mr. Pearson that it sounded like these retail fronts could be purchased by individual owners by something similar to a condominium agreement. He asked what the price point per square foot would be for someone purchasing these individual products. Mr. Pearson answered that he had been doing 'early bird' pricing, a small margin over cost, for

some of the people he had originally talked to. A 4,800 square foot, free-standing office building with traditional parking and a single floor, could be a disadvantage for having everything on two floors but also an advantage in the natural separation. A 4,800 square foot user might not want to be on two floors, but for a 2,400 square foot user the cost of putting up a 2,400 square foot building could be prohibitive. In this project the main level shell, before interior finish, was \$300 per square foot. In the two story buildings' basic shell it was \$230-\$240 per square foot. Most likely users would be paying somewhere in the \$300 range, which would be less than the cost of constructing that building.

Mr. Kitchens then asked what users Mr. Pearson anticipated for the main floor. Mr. Pearson replied that the answer relied somewhat on the location; and this was second tier. In a perfect world, if this project was successful then he would continue to other retail projects and take a similar approach. It would make more sense to have the retail users along Fascination Drive; but in this location, office use was more likely and could possibly include medical office uses.

Mr. Kitchens noted Mr. Pearson's statement that the capability of the second floor allowed for a larger square footage without the same geographic impact. He agreed that front office uses would be attractive for that area because the bottom floor footprint for retail shops might not be sufficient considering some of the other retail uses nearby, such as Gusto Coffee Bistro and Long-Bell Pizza. Patterns in the Longview area suggested that demand was less for office space than for boutique type retail. Having a second level was not likely to be attractive to a restaurant had a kitchen or to a florist shop that had a back preparation area. A second floor would not serve very well in terms of casual interaction with the public, which was essential for type of business.

Mr. Kitchens added that the buildings Mr. Pearson were proposing were very attractive and well designed. He agreed with the idea of using long term products in that area in particular. However, in terms of potential for the second floor, he was not sure that parceling out for individual purchase would be either quick or lucrative. He asked if Mr. Pearson planned some kind of backup option, such as maintaining ownership with the corporation under which he was doing the development; or if the main goal was to just sell all of the product. Mr. Pearson answered that his approach was that something he designed would have to be something he would be willing to hold long term. There was built in flexibility in that approach. He agreed that this was not a good location for high retail uses.

Mr. Kitchens asked if the second floor would have its own access, as opposed to only the first floor entrance, and Mr. Pearson replied that it would. The second floor would have a private entry and separate signage for each of the spaces including the patio. A small vestibule would accommodate the wall mounted chair lift. Each of the five users would their own entry, with no shared internal components.

Chairperson Funk asked if there were further questions for the applicant or staff. Hearing none, he closed the public hearing at 6:05 p.m. and asked for discussion among the Commission members, or for a motion.

Mr. Trafton made a motion to recommend approval of Application PL2020-224, Preliminary Development Plan: New Longview Building 31, 420 SW Longview Blvd; Box Real Estate Development, applicant. Ms. Arth seconded.

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

A motion was made by Board Member Trafton, seconded by Board Member Arth, that this application be recommended for approval to the City Council - Regular Session, due back on 10/27/2020. The motion carried by the following vote:

Planning Commission

Action Letter - Draft

October 8, 2020

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**Aye:** 6 - Chairperson Funk  
Board Member Arth  
Board Member Kitchens  
Board Member Lovell  
Board Member Sanning  
Board Member Trafton

**Absent:** 3 - Vice Chair Dial  
Board Member Jana-Ford  
Board Member Loveless

[TMP-1703](#) An Ordinance approving a preliminary development plan located at 420 SW Longview Blvd in district PMIX, in accordance with the provisions of Chapter 33, the Unified Development Ordinance, of the Code of Ordinances for the City of Lee's Summit, Missouri.

[2020-3722](#) Public Hearing: Application #PL2020-271 - VACATION OF RIGHT-OF-WAY - Two segments of NE Douglas St generally located south of 2305 NE Douglas St; City of Lee's Summit, applicant

Chairperson Funk opened the hearing at 6:06 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Mr. Weisenborn stated that this right-of-way had formerly been part of the entrance to the Lee's Summit airport from Douglas Street. It was no longer needed, due to the realignment of Douglas and Lee's Summit Road. It was also part of a real estate agreement involving some unused property.

Mr. Soto entered Exhibit (A), list of exhibits 1-13 into the record. He displayed an aerial and zoning map of the area, showing the current alignment of NE Douglas Street and Lee's Summit Road, and the surrounding land uses. It showed the previous location of the northbound Douglas Street lanes, including the fork in the road where Douglas headed north and Lee's Summit Road headed slightly to the northwest. Before the realignment, traffic southbound from the airport had to fork southwest to Lee's Summit Road between the parcel zoned AG and the RDR zoned property. The realignment of Douglas Street to a T intersection had taken place in 2016 and 2017. It achieved better sight distance and created a centralized access to and from the airport. Mr. Soto pointed out on the map the mixture of zoning uses, including AG, RDR, RP-4, R-1, CP-2, PI and AZ. The west side of Douglas was mostly larger-acreage single-family residential properties with a mixture of AG, R-1 and RDR zoning. The RP-4 property was the site of the future Aria apartments. A small parcel of PI property was on the east side of Douglas as well as some undeveloped CP-2 property that backed up to the airport.

The property to be vacated was shown on the displayed map as three different color-coded areas. Some excess right-of-way existed along Douglas Street where it became Lee's Summit Road. This plus the previous location of the northbound Douglas travel lanes totaled about 80 feet of ROW. The total area to be vacated was about 1.6 acres. A smaller map being displayed showed an existing water main running the length of the proposed vacated Douglas Street ROW, as well as an existing sanitary sewer line and storm sewer line.

The application had two Conditions of Approval:

1. An easement shall be retained to cover the existing public water line and public sanitary sewer infrastructure located within the subject right-of-way.
2. The existing public storm sewer lines located within the vacated right-of-way shall become private infrastructure to be owned and maintained by the owner of the vacated right-of-way.



Following Mr. Soto's comments, Chairperson Funk noted that there were no public comments to this application. He reminded participants to not making their comments to lengthy. He then opened the hearing for the Commissioners' questions for the applicant or staff. Seeing none, he closed the public hearing at 6:12 p.m. and asked for discussion among the Commission members, or for a motion.

Ms. Arth made a motion to recommend approval of Application PL2020-271: Vacation of Right-Of-Way, two segments of NE Douglas Street generally located south of 2305 NE Douglas Street; City of Lee's Summit, applicant. Mr. Kitchens seconded.

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

A motion was made by Board Member Arth, seconded by Board Member Kitchens, that this application be recommended for approval to the City Council - Regular Session, due back on 10/27/2020. The motion carried by the following vote:

**Aye:** 6 - Chairperson Funk  
Board Member Arth  
Board Member Kitchens  
Board Member Lovell  
Board Member Sanning  
Board Member Trafton

**Absent:** 3 - Vice Chair Dial  
Board Member Jana-Ford  
Board Member Loveless

[TMP-1708](#) An Ordinance vacating dedicated right-of-way for two segments of NE Douglas St generally located south of 2305 NE Douglas St, in the City of Lee's Summit, Missouri.

Roundtable

Chairperson Funk welcomed Mr. Lovell back after his absence.

Mr. Trafton recalled an early conversation about the number of apartment and other multi-family applications that had approved preliminary development plans but had never been built. He asked how long a PDP was valid if the project did not go forward. Mr. Soto explained that once a PDP was approved, it was valid for two years. At any time during that two years, an applicant could submit a request to the City Council for a one-year extension. If no final development plan was submitted within that time, the PDP would expire and be null and void. The applicant would have to develop and submit a new preliminary development plan. A request for an extension had to be submitted to the City Council in writing. Mr. Soto confirmed for Mr. Trafton that this process would apply to applications for apartments or other multi-family projects.

Mr. Johnson added that what would 'lock in' a PDP would be the application, whether or not it was approved. Mr. Soto confirmed that the City would have to receive a complete application, including a PDP, within that two-year time period. Mr. Johnson mentioned the Yarco property at Longview near the theater, whose final development plan eventually expired due to inactivity, though they had submitted it within the two-year time frame. The preliminary development plan was technically locked in and the project was in a holding pattern.

Adjournment

**Planning Commission**

**Action Letter - Draft**

**October 8, 2020**

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**There being no further business, Chairperson Funk adjourned the meeting at 6:14 P.M.**

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