

The City of Lee's Summit
Action Letter
Planning Commission

Thursday, March 28, 2019

5:00 PM

City Council Chambers

City Hall

220 SE Green Street

Lee's Summit, MO 64063

Call to Order

Roll Call

Present: 6 - Board Member Jason Norbury
Board Member Dana Arth
Board Member Don Gustafson
Board Member Jeff Sims
Board Member John Lovell
Board Member Mark Kitchens

Absent: 3 - Board Member Carla Dial
Board Member Donnie Funk
Board Member Jake Loveless

Approval of Agenda

Chairperson Norbury announced that there were no changes to the agenda, and asked for a motion to approve.

A motion was made by Board Member Lovell, seconded by Board Member Sims, that the agenda be approved. The motion carried unanimously.

Public Comments

There were no public comments at the meeting.

Approval of Consent Agenda

[2019-2650](#) Minutes of the March 14, 2019, Planning Commission meeting

A motion was made by Board Member Lovell, seconded by Board Member Sims, that the minutes be approved. The motion carried unanimously.

Public Hearings

[2019-2539](#) Appl. #PL2018-222 - REZONING from CP-2 to PI and PRELIMINARY DEVELOPMENT PLAN - Storage Mart 156, 3924 and 3930 SW Raintree Dr; New TGK-KC, LLC, applicant (continued to a date certain of April 11, 2019, at staff's request)

A motion was made by Board Member Sims, seconded by Board Member Gustafson, that this application be continued, at staff's request, to the Planning Commission, due back on

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4/11/2019. The motion carried unanimously.

[2019-2540](#) Appl. #PL2018-220 - SPECIAL USE PERMIT for an indoor/outdoor mini-warehouse storage facility - Storage Mart, 3924 and 3930 SW Raintree Dr; New TGK-KC, LLC, applicant (continued to a date certain of April 11, 2019, at staff's request)

A motion was made by Board Member Sims, seconded by Board Member Gustafson, that this application be continued, at staff's request, to the Planning Commission, due back on 4/11/2019. The motion carried unanimously.

[2019-2653](#) Public Hearing: Application #PL2019-090 - Preliminary Development Plan - MC Power Tracker, 4043 NE Lakewood Way; MC Power Companies, Inc., 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. Jim Mercer, MC Power project manager, gave his address as 4031 NE Lakewood Way. He explained that MC Power Companies wanted to increase its current solar generating capacity for their Lakewood Way headquarters in the Eastport Business Park. The increase was a two-part project. The first was for an already approved expansion of the existing solar array. The second was the insulation of the ground-mounted tracker array. The expansion would both increase the existing solar capacity and also act as a functional [unintelligible] display, highlighting MC's services and products. This second part would be the first of its kind in Lee's Summit. The array was comprised of two rows of solar modules, with a total of 32 panels. "Tracker" meant that it followed the sun as it moved from horizon to horizon, allowing it to maintain optimal orientation for solar exposure. They planned to locate the array at the west/southwest end of the business park. After the installation it would be electrically connected to MC Power's headquarters on the park's north side. This location was chosen to both showcase the array and to use the remaining large enough open location on the property. The applicants were requesting a modification, as the location did not satisfy UDO requirements.

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

Mr. Soto entered Exhibit (A), list of exhibits 1-14 into the record. He displayed an aerial photo of the existing business park and zoning map with existing PMIX zoning indicated in pink. This zoning was primarily office space in the business park, with office/warehouse use to the north. Some construction on the Coleman Equipment site was going on at the time the photo was taken. The Jackson County sheriff's office was to the south. Lakewood Court was the primary access to the business park, running along the park's west side, and the panels would be in the front yard on that side. The overall height would be 6.5 feet, and staff would be asking for additional information about locations of utilities and easements. The setback might have to be increased in order to avoid some existing utilities.

Mr. Soto then displayed the site plan, showing the view from I-470; and then a sketch of the proposed ground-mounted tracker array. It would be two rows of 16 panels each, on the large open area on the west side and oriented toward the west. This application had come to the Planning Commission due to a request for a modification to the UDO's requirement that ground-mounted solar panels be in a rear yard. A displayed diagram showed how the lot lines and yards were defined in the UDO. A hypothetical parcel with two street frontages represented the Eastport Business Park on the northeast side and Lakewood Court on the west side.

The ordinance defined a front property line as one that abutted the right-of-way. A property line that intersected with that front line was a side property line. Only if neither was the case

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would the remaining property line be considered the rear property line or yard. The diagram showed property lines on the east and south that would be side property lines, since they both intersected with the property line along the street frontage. That meant that the property had two front and two side property lines; with no rear yard since there were no rear property lines. It also meant that the applicant could not meet the letter of the ordinance, which required ground-mounted solar arrays to be located in the rear yard. The applicant had to come before the Planning Commission and City Council with a preliminary development plan to get a modification.

Mr. Soto emphasized that the UDO's intent was not to make it impossible to place that kind of structure on any piece of property, but only to minimize the visual impact as much as possible. In this case, they were locating it in the only open area available. It was also on a lower-category street frontage, as Lakewood Court had formerly been the only access. The array was also located more than 250 feet from the nearest I-470 travel lanes. From a visual standpoint, this location had the least traffic impact.

Given these conditions, staff recommended approval of application, subject to the one condition granting a modification "to the requirement that ground-mounted solar arrays be located in the rear yard, to allow the ground-mounted solar array to be located in the front yard along NE Lakewood Court." Mr. Soto added that the packet information had included a proposed motion, and advised adding "inclusive of condition #1", which was the modification request.

Following 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.

Mr. Lovell asked if use of ground-mounted solar panels was for commercial zoning. Mr. Soto replied that they could be done in residential zoning, with the same requirement that the equipment be in the rear yard. He confirmed for Mr. Lovell that Lakewood Court was a dead-end street. Mr. Lovell asked Mr. Mercer to give a summary of the technology being used. Mr. Mercer said that usually a ground-mounted array would be a fixed system, whereas in this instance it was a tracker system. The panels would rotate during the day according to where the sun was, and the technical term was "single-access tracker". MC Power Tracker had installed two of these so far. It would direct power back to the buildings: about 14 megawatts, or 14,600 kilowatt hours, per year. Mr. Lovell asked if it was a net positive for the company. Mr. Mercer replied that the building had some solar panels on the roof. The proposed panels would definitely be an increase.

Mr. Gustafson asked if Lakewood Court was in the highway right-of-way as part of the interchange. He noted that it was the road that served the sheriff's office. Mr. Soto was not sure if it was under the City's or MoDOT's care. Mr. Gustafson asked if the front yard line could be designed a rear yard line, and Mr. Soto answered that it could not according to the UDO's current definition of what a front yard was. He confirmed that it was a public street.

Mr. Kitchens noted that this was a big reflective mirror heading west to east, acknowledging that different arrays did have different luminosity and reflection. He asked if there would be any glare that could create problems for drivers. Mr. Mercer explained that since the panels were designed to absorb light, there would be some reflection but not enough to cause a problem. Mr. Kitchens then remarked that panels would be on the top of the building as well, with the area being about 6.5 acres. He asked if the rest of the lot would ever be used for more arrays, and Mr. Mercer answered that the property had a few more open areas. Some storm sewers and other utilities were on the property so if the company did another solar project but it would be limited. A parking lot canopy was a possible addition.

Mr. Kitchens asked if the voltage coming off this system was a high-voltage current by the

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City's definition. Mr. Mercer answered that it would be a commercial 208 service. Mr. Kitchens asked if a requirement existed for a 208 service to be protected with any kind of fencing. Mr. Soto was not sure, and Mr. Kitchens remarked with 220, special protection was necessary even inside the building. He asked where the voltage would connect and if there was any access to it at the point of creation. Mr. Mercer answered that the connection would be out at the panel, with everything sealed with a lockable service panel.

Chairperson Norbury asked Mr. Soto if tweaking the actual location of the property line would not decrease the setback. Mr. Soto answered that this was correct. Chairperson Norbury then asked if it was correct that staff was recommending the modification because it was technically impossible to put anything in the rear yard otherwise. Mr. Soto answered that it was.

Chairperson Norbury asked if there were further questions for the applicant or staff or if anyone wished to give testimony. Hearing none, he closed the public hearing at 5:27 p.m. and asked for discussion among the Commission members.

Mr. Lovell remarked that he liked seeing companies in the community that were looking to use renewable sources of energy. That kind of ongoing innovation and investment in new technology was essential for the community.

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

Mr. Gustafson made a motion to recommend approval of Application PL2019-090, Preliminary Development Plan: MC Power Tracker, 4043 NE Lakewood Way; MC Power Companies, Inc., applicant; subject to staff's letter of April 5, 2019, specifically Recommendation Item 1. Mr. Sims seconded.

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

A motion was made by Board Member Gustafson, seconded by Board Member Sims, that this application be recommended for approval, inclusive of condition #1 to the City Council - Regular Session. The motion carried unanimously.

Other Agenda Items

There were no other agenda items.

Roundtable

There were no Roundtable items at the meeting.

Adjournment

There being no further business, Chairperson Norbury adjourned the meeting at 5:30 P.M.

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