

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

Thursday, December 13, 2018

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 Carla Dial
Board Member Jason Norbury
Board Member Dana Arth
Board Member Don Gustafson
Board Member Jeff Sims
Board Member John Lovell

Absent: 3 - Board Member Donnie Funk
Board Member Herman Watson
Board Member Jake Loveless

Approval of Agenda

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

Public Comments

There were no public comments at the meeting.

1. Approval of Consent Agenda

- A.** [BILL NO. 19-13](#) An Ordinance vacating a certain drainage easement located at 837 NW Donovan Road in the City of Lee's Summit, Missouri.
(NOTE: First Reading by City Council on January 8, 2019. Passed by unanimous vote.)

A motion was made by Board Member Sims, seconded by Board Member Dial, that this application be approved. The motion carried unanimously.

- B.** [2018-2435](#) Minutes of the November 8, 2018, Planning Commission meeting

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

Public Hearings

- 2 [2018-2324](#) Continued Appl. #PL2018-079 - REZONING from AG to RP-4 and PRELIMINARY DEVELOPMENT PLAN - Artisan Point Apartments, approximately 35 acres generally located at the northeast corner of SE Blackwell Rd and SE Blue Pkwy; Case Development, LLC, applicant (continued to a date certain of January 24, 2019, at staff's request)

Chairperson Norbury opened the hearing at 5:05 p.m. and announced that staff had requested that continued application PL2018-079 be continued to a date certain of January 24, 2019. He asked for a motion to continue.

Mr. Gustafson made a motion to continue continued application PL2018-079 be continued to a date certain of January 24, 2019. 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 continued to the Planning Commission, due back on 1/24/2019. The motion carried unanimously.

- 3 [2018-2314](#) Continued Appl. #PL2018-136 - PRELIMINARY DEVELOPMENT PLAN - Pergola Park, 5th Plat, approximately 59 acres generally located west and north of Old Longview Lake; Inspired Homes, Inc., applicant (continued to a date certain of January 10, 2019, at the applicant's request)

Chairperson Norbury opened the hearing at 5:05 p.m. and announced that the applicant had requested that continued Application PL2018-136 be continued to a date certain of February 28, 2019. He asked for a motion to continue.

Mr. Gustafson made a motion to continue continued application PL2018-136 be continued to a date certain of February 28, 2019. 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 continued to the Planning Commission, due back on 2/28/2019. The motion carried unanimously.

- 4 [2018-2489](#) Appl. #PL2018-178 - REZONING from AG to CP-2 and PRELIMINARY DEVELOPMENT PLAN - O'Reilly Auto Parts, 140 SE M-150 Hwy; Esterly Schneider & Assoc., applicant (application withdrawn by the applicant)

Chairperson Norbury opened the hearing at 5:06 p.m. and announced that Application PL2018-178 had been withdrawn by the applicant. He then closed the hearing.

Application withdrawn

- 5 [2018-2491](#) Public Hearing: Application #PL2018-184 - Rezoning from AG and R-1 to RP-3 and Preliminary Development Plan - Allera, approximately 32 acres located at the southwest corner of SW Pryor Road and SW M-150 Highway; Olsson Associates, applicant.

(Note: This item was continued from January 8, 2019 per staff's request.)

Chairperson Norbury opened the hearing at 5:06 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Mr. Vincent Walker was present representing Summit Homes. He stated that Summit Homes was a residential developer and builder, with homes in about 20 different communities in the Kansas City metro area. He introduced Ms. Shannon Buster, engineer with Olsson Associates and Mr. Travis Roof from Summit Homes. Their newest project, Allera, would include 159 single-family homes, which would be their most recent designs, the "Gowery Collection." A colored rendering showed a streetscape with elevations of these designs. Mr. Walker observed that they were aware via conversations with staff and previous comments from the Commission about encouraging more efficient land use and providing more affordable housing and design to meet today's needs. In view of the modifications requested from City staff and the architecture being designed specifically for this development, it was intended to address a void in the single-family new construction housing market.

Rising construction and land costs had put new entry-level homes out of reach for many people. The proposed homes offered low maintenance, energy efficiency, open and efficient floor plans and modern features. Over the last 18 months, the average existing home price in Lee's Summit was \$249,000; with the average newly constructed single-family home being \$395,000. This kind of home at \$200,000-\$250,000 was almost nonexistent, leaving the local entry-level, work force market totally reliant on existing housing. There were not enough of these homes to meet the demand, which caused prices to rise further. "Work force housing" was defined as housing for the American middle class in general: workers with moderate to middle incomes. Mr. Walker gave as examples police officers, teachers, firefighters and municipal, manufacturing and service workers. A good supply of this kind of housing made it more likely that children growing up in Lee's Summit would continue to live there as adults and start families.

Mr. Walker displayed a slide showing median household income in Lee's Summit as \$80,494, breaking the work force down into various job and career categories. In general, private home ownership tended to stabilize a community; and Lee's Summit could not fill this need with existing housing and the multi-family market. Another factor driving Summit Homes' design and architecture was the evolving non-traditional family structure in the younger generations. Demand for oversize product that required a lot of maintenance had declined, and approaches encouraging tighter-knit communities and relationships with neighbors, with outdoor spaces and more amenities were becoming more popular, with one result being the growing multi-family housing market. Millennials in particular would become the largest buying group over the next few years, and valued community and social interaction at the same time as a 'lock and leave' attitude. Home ownership was still important, but new housing choices needed to reflect these changing preferences. With this goal, Summit Homes was trying to blend architecture and development in presenting this project to the City. The meetings with City staff had helped find common solutions to the project's challenges.

Ms. Buster stated that the applicant was in agreement with staff's recommendations.

Following the applicant's presentation, Chairperson Norbury asked for staff comments.

Mr. McGuire entered Exhibit (A), list of exhibits 1-18 into the record. He stated that the application was for rezoning of 31.473 acres at the southwest intersection of Pryor Road and M-50 Highway, from Agricultural (AG) and Single-Family Residential (R-1) to Planned Residential Mixed Use (RP-3). This would be a three-phase development, with a total of 159 single-family lots and 12 common area tracts. The property currently had three unplatted and two platted parcels; with the platted parcels zoned R-1 and including an existing single-family home. The three unplatted parcels were undeveloped, with one zoned AG and the other two, R-1. The applicants proposed a housing type not currently available in Lee's Summit. These homes

would range from 1,300 to 1,900 square feet and cost \$200,000-\$250,000.

The plan was for lots with a minimum area of 38x110 feet, making the minimum lot size 4,180 square feet. RP-3 zoning allowed both single-family and multi-family uses; however, the applicant proposed only single-family homes for the project. Any change from this would have to come back to the Commission for approval. Concerning amenities, the applicants planned an "Amenity Area" that would include a swimming pool, playground and sports court as well as open space. Development of the Amenity Area would require a separate preliminary development plan. A color elevation showed two-story homes with lap siding, metal and composite roofing materials and some textured siding. Four different floor plans were offered.

The Comprehensive Plan identified this area as Planned Mixed Use Residential, with both mixed density and low density. This project deviated slightly from the Comprehensive Plan in that it would combine two residential districts into one land use category with one housing type. Staff considered this location to be a good setting for the proposed land use as well as surrounding ones. It also met the objective of providing a diverse housing type that met the market's identified needs. Staff recommended approval of the proposed rezoning.

The applicants requested three modifications, which staff supported. The UDO required RP-3 developments to provide low-impact screening where an RP-3 use was adjacent to R-1. The applicants asked to eliminate this UDO requirement, as the proposed development would be single-family homes although not necessarily in R-1 zoning. They planned to install landscaping buffers along SW Pryor and M-150 Highway. The other two modifications would be to lot width and rear yard setbacks. The UDO required a minimum lot width of 50 feet for single-family homes in RP-3 zoning, while the plan called for a maximum width of 38 feet. Similarly, they requested a modification to allow for a 15-foot rear yard setback in lieu of the required 20 feet. Mr. McGuire emphasized that this was not a typical single-family home development and so did not necessarily fit into the choice of zoning districts. For the lot width in particular, the proposed homes would be narrow compared with most other single-family homes in Lee's Summit, and so could be on more narrow lots. Mr. McGuire pointed out that a majority 101 of the 159 lots would back up to open space, giving the appearance of deeper lots.

The first three of staff's five Recommendation Items addressed these requested modifications. Item 4 stipulated that the development would be "in accordance with the preliminary development plan date stamped November 20, 2018"; with Item 5 requiring that the development be "subject to the recommended road improvements outlined in the Transportation Impact Analysis prepared by Michael Park, dated December 4, 2018."

Following Mr. McGuire's comments, Chairperson Norbury asked if there was anyone present wishing to give testimony, either in support for or opposition to the application.

Ms. Debbie Thompson stated that she and her husband owned the property directly to the south. She was not sure that the lots mentioned were that deep. The Thompsons' fence was 3 feet over the property line and met all State fence requirements for adverse position. Further, their land was agricultural and she wanted to know if there would be any provision prohibiting Allera residents from bothering the livestock or feeding them. However, the fence was the main issue.

Chairperson Norbury then asked if the Commission had questions for the applicant or staff.

Mr. Gustafson asked about street parking and driveway accesses. Ms. Buster confirmed that each unit would have a two-car garage, with the driveway space in front of each garage counting as two additional spaces per unit. Also, the streets were designed to have 20 to 25 feet between driveways: long enough for at least one parked car. A typical parking space was

about 18 feet deep. There would also on-street parallel parking all around the Amenity Area. Mr. Gustafson asked if the driveways would be flared out at the ends, and Ms. Buster answered that they would; however, driveways might be designed to narrow a little at the street. The applicants were aware that people often bought homes in subdivisions and found that parking for parties and family events was short. Ms. Buster acknowledged that this was an issue for a development that had any density. Mr. Gustafson then asked if a sidewalk was proposed along M-150 Highway, and Ms. Buster answered that it was. It was on the latest version of the plan.

Mr. Gustafson asked if the primary purpose of the requested RP-3 zoning was to allow for higher density. Mr. McGuire answered that this was correct. RP-3 zoning allowed both single-family and multi-family homes including duplexes and triplexes; and it allowed higher density as well. The applicants had originally wanted to use the remaining R-1 property; however, that would require more modifications than RP-3 so the latter was a better fit. Mr. McGuire emphasized that this was not a standard development that would not necessarily fit into any one of Lee's Summit's zoning districts. Mr. Gustafson asked what uses would be allowed in RP-3 and not in R-1, but Mr. McGuire could not think of any.

Mr. Gustafson observed that the Comprehensive Plan showed a higher use at the Pryor/M-150 intersection. Mr. McGuire answered that the Comprehensive Plan identified it as an Activity Center, defined as "a mixed-use center intended to promote compatibility with adjacent uses and to concentrate higher intensity uses such as retail, office, and multi-family residential". In this case, it was all four corners. Mr. Gustafson asked if staff expected a need for retail and commercial at this intersection, and Mr. McGuire answered that it might in the future. Mr. Walker answered that the original plan was for commercial development to make its way west out M-150. The original expectation was that commercial development would extend that far but this looked less likely now. One of the uses of a mixed use designation was multi-family so in theory it could go on that corner. However, the route the applicants had chosen was a single-family product with higher density.

Mr. Lovell asked if the streets would have a standard width. He lived in a New Urbanism development and they'd had to prohibit parking on one side, in order to keep emergency vehicle access. Mr. Roof stated that New Longview had more narrow streets, while these would be standard width.

Chairperson Norbury asked Mr. McGuire for some details about the decision to go with RP-3 zoning, and specifically what was the minimum lot width for residential districts. Mr. McGuire answered that the City required a 50-foot lot frontage for single-family use in RP-3. For R-1 it was 70 feet. Chairperson Norbury asked if the proposed color palette was consistent with the color elevations or if the colors in the elevations were for contrast. Mr. Walker answered that they were for contrast; however, accent colors would be used. As far as he knew this proposed contemporary design had not been used in Lee's Summit.

Mr. Gustafson asked Mr. Walker if any of the designs had the front door pulled closer to the front of the house instead of being set back or next to the garage. Mr. Walker replied that many townhome communities had recessed front doors, so this was not new. He displayed a detailed rendering of the approach to a garage, pointing out that given the design, moving the door forward would add costs for something that was not necessarily an architectural benefit. Part of the design was to de-emphasize the garage. Pulling the door out would create long foyers or porches.

Chairperson Norbury asked if there were further questions for the applicant or staff. Hearing none, he closed the public hearing at 5:45 p.m. and asked for discussion among the Commission members.

Ms. Dial noted that at the Commission's last meeting with the City Council, the Council had

requested fewer modifications and revisions as much as possible. She liked the price range and knew the designs would be popular, and asked if staff could create a niche for that since it did not fit into the conventional zoning standards.

Mr. Lovell agreed on the need for more developments of this kind. He was concerned about this specific area not attracting the target market. This kind of approach might work better in an urban core area; and he was also concerned about people buying these units and turning them into rental properties; which would not be consistent with the idea of developing work force housing and attracting younger buyers.

Chairperson Norbury recalled another joint Planning Commission training session in Blue Springs that included a speaker from Summit Homes. At that time, the average home sale price in the metro area was \$175,000 for an existing older home. The average sale price for a new home was \$350,000, with a 100 percent markup to get a new house. Lot size was a major issue that had been raised; specifically the need to be more flexible in codes to allow for more narrow lots to provide more options. New homes had become much more expensive because both land and material prices had risen. He commended both staff and the applicant on working together to make this a reality, although codes did need to be changed to be less restrictive.

Mr. Gustafson asked about the concerns of the neighbors to the south. Chairperson Norbury replied that this would have to be resolved but it was not the Commission's purview.

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

Mr. Lovell made a motion to recommend approval of Application PL2018-184, Rezoning from AG and R-1 to RP-3 and Preliminary Development Plan: Allera, approximately 32 acres located at the southwest corner of SW Pryor Rd and SW M-150 Hwy; Olsson Associates, applicant; subject to staff's letter of December 7, 2018, specifically Recommendation Items 1 through 5. 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 Lovell, seconded by Board Member Sims, that this application be recommended for approval to the City Council - Regular Session, due back on 1/8/2019 The motion carried unanimously.

- 6 [2018-2490](#) Public Hearing: Application #PL2018-185 - Preliminary Development Plan - Reece Nichols Phase 2, 207 SW Market Street; Engineering Solutions, LLC, applicant.

Chairperson Norbury opened the hearing at 5:53 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Mr. Matt Schlicht of Engineering Solutions gave his business address as 50 SE 30th Street in Lee's Summit. This project was actually the second phase of what he had brought in earlier this year. On a displayed plan of phase 2, he pointed out the location of Main Street, the Amtrak station, and the former post office and the Bank of Lee's Summit on Market Street. The proposal was for a two-story, 10,000 square foot building occupied by Reece Nichols and a parking lot. The parking lot and the utilities were part of Phase 1. He had been working with staff on improving the existing alley. The subject of tonight's application was the building on the west side of the subject property on Market Street. It was a two-story, 5,250 square foot building, with office/retail space on the first floor. He had worked with staff on elevation views to make the building more consistent with Downtown architectural style. Apartments would occupy the second floor.

In phase 1, the alley was obstructed by an 'island' in the middle and an AT&T hub. It had now been realigned and straightened and had some separation from the existing buildings to improve the rear yards. The Market Street building would have a streetscape typical of Downtown, with brick between the street curb and sidewalk.

Staff's report included two Recommendation Items. The first was the same modification to the landscaping. Mr. Schlicht commented that the City's code had not caught up to Downtown development, with the result that meeting landscaping requirements Downtown was almost impossible. The second pertained to materials. The elevations had shown EIFS on the back of the building. This was not an improved material Downtown, and stucco or other compatible material would be substituted.

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

Mr. McGuire entered Exhibit (A), list of exhibits 1-15 into the record. He confirmed that the applicant proposed a two-story building on the former City Hall site at 207 SW Market Street. It was the second phase of the previously approved Reece Nichols office project. The commercial building would be 5,250 square feet, with 2,625 square feet of retail space on the first floor. The second floor would be two apartment units. The architectural design was consistent with Downtown's character and style. Building materials would be brick, glass and stucco. The EIFS that would have been included was listed as a prohibited material in the Downtown design standards. This had been an oversight, and a condition of approval had been added requiring that "all building materials shall comply with the design standards as outlined in Article 8 of the UDO." This was not a modification request.

Regarding landscaping requirements, Mr. McGuire acknowledged that these were established to suit suburban style development. They did not suit dense urban development, with little or no setbacks or open space. This same modification, allowing for omitting landscaping, was granted for the first phase of the project. Staff recommended approval of the preliminary development plan, subject to granting a modification to the landscaping requirements and the requirement for building materials comply with the design standards.

Following these comments, Chairperson Norbury asked if there was anyone present wishing to give testimony, either in support for or opposition to the application.

Ms. Sarah Degandia stated that she was the owner of Midwest Vacuums at the building they owned at 8 SW Third Street. She had heard that the alley was going to be turned into a one-way access for Reece Nichols. The building had a tenant who lived upstairs and two doors faced the alley. If real estate agents made trips to and from the office all day via the alley, she had some safety concerns. The City had already taken away the two parking spots that the owners and tenant had in the alley. She wanted to know what they could use for parking. There were previous mentions of changing the parking in front to a loading zone. In general, she wanted some clarification about what would happen with the alley, which might be a concern for her customers as well.

Mr. Donnie Rogers gave his address as 416 SE Corder Street. He said that the use of brick on the building's front facade helped continue the characteristic look of Downtown. He commented that the design standards were rather vague on windows. The curved windows on the proposed building were probably used to break up mass of the building and suggest multiple buildings. Arched windows could be seen Downtown was at the corner of Douglas and Second Street, and probably were done in the 1970s. The double-hung windows on the side were attractive and the building might benefit if they were used on the facade.

Regarding the streetscape, he had heard concerns about safety and parking from business owners in the area. Lighting was a concern on Market Street in particular, with no street lighting on Market at all; and addressing this would make the area, including the subject

property, a more safe and inviting place.

Mr. Shane Veritossi stated that he owned a few businesses and five properties Downtown. He agreed with the advice about the windows. At present, the alley was a dead-end alley that came off Third Street. It had been platted that way, and there had not been a discussion about where the trash from adjoining businesses would go. The Downtown standards required that track pickup location be enclosed. That enclosed area on the plan was 15x20 feet, while the businesses used more than that with the three dumpsters the bars, restaurants and offices. Mr. Veritossi also noted that the newly platted alley was not shown as being in the same spot as the existing one. Finally, he wanted it on the record that the businesses on the alley would be able to use the parking after 5:00 p.m. As it stood, they were losing their parking easement.

Chairperson Norbury then asked if the Commission had questions for the applicant or staff.

Chairperson Norbury asked for information about the status of the alley. Mr. Schlicht noted that much of the discussion about the alley pertained to phase 1. The City Council had approved the building, parking lot and alley redesign in September. He pointed out on a displayed map where a strip behind the buildings was paved with a median island in one part. The paved strip that had been used as a thoroughfare and through traffic way for the past 15 years was actually on the subject property. The public alley was being the first three buildings and intersected with the planned alley.

Further, some coordination needed to be done concerning the AT&T about a pedestal that was currently in the middle of the drive aisle. The developer would build a new alley that was 24 feet wide, enough to allow 2-way travel. The original strip could remain. The platted alley was 20 feet wide, with power poles and other obstructions that made it actually about 14 feet. It needed to be designated one-way. Most of the traffic from the parking lot would come out to Market. The trash dumpsters had also been discussed for Phase 1. There were as many as 5 or 6, and staff wanted to work with the tenants in creating a community dumpster enclosure. Mr. Schlicht remarked that some of the tenants were not interested; but at any rate this would be further along in the project. Parking and loading areas had also been discussed, with the City potentially removing some of the Third Street parking and making that space a loading zone. This was not part of the project and would have to be a separate application.

Chairperson Norbury stated that he agreed with Mr. Rogers' comments about the building's windows. He noted that this was a large, square building, and the brick was uniform in appearance. He asked if making these windows double-hung was feasible. Mr. Schlicht remarked that originally the building, and the roof line in particular, had a more uniform look all the way across, and the Commission had asked for something to break up the expanse. Chairperson Norbury wanted some kind of horizontal element, and noted that some of the Downtown buildings either had a brick skirt or had different materials on the first and second levels. Mr. Schlicht said he would work with staff to give the facade a more varied appearance.

Ms. Dial had some concerns about not doing any landscaping at all, especially considering the building's size. Mr. Schlicht answered that they would put in street trees and other spot landscaping for both spaces. Ms. Dial remarked that if there was no landscaping requirement at all for building designs, some kind of landscaping standard should be added.

Mr. Lovell asked if the retail and office element was speculative or if the applicant had a user in mind. Mr. Schlicht answered that it was speculative at this point; however, Mr. Dusty Dahmer, the developer, had received a number of calls. Chairperson Norbury asked for some clarification about when the parking would be available, and Mr. Schlicht answered it would be Reece Nichols parking from 7:30 a.m. to 5:30 p.m. Monday through Friday. After 5:30 and on weekends the lot could be used by the public.

Chairperson Norbury 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.

Chairperson Norbury commended the applicant on addressing the concerns about the architecture. However, during the Commission's joint meeting with the Council, the Commission had been requested to send forward projects with more developed details.

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

Mr. Lovell made a motion to recommend approval of Application PL2018-185, Preliminary Development Plan: Reece Nichols Phase 2: 207 SW Market St; Engineering Solutions, LLC, applicant; subject to staff's letter of December 7, 2018.

Chairperson Norbury asked Mr. Bushek if the motion needed to include the added condition. Mr. Bushek asked if the Commission had been provided with the statement in writing, and Chairperson Norbury stated that they did not. Mr. Bushek advised amending the motion.

Mr. Lovell amended his motion to add the statement "all building materials shall comply with the design standards as outlined in Article 8 of the Unified Development Ordinance." Mr. Gustafson 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 Lovell, seconded by Board Member Gustafson, that this application be recommended for approval to include amended conditions to the City Council - Regular Session, due back on 1/8/2019. The motion carried unanimously.

Other Agenda Items

There were no other agenda items at the meeting.

Roundtable

Concerning the discussion of higher densities and smaller lot sizes, Mr. Gustafson asked if there had been any discussion of design guidelines for this approach. Chairperson Norbury answered that if anything needed to be adjusted it would be in the ordinance. Mr. Gustafson suggested a work session with staff. Mr. McKay stated that staff had started working on an amendment that would allow for 4,000 square foot lots. They might develop a small-lot zoning district.

Adjournment

There being no further business, Chairperson Norbury adjourned the meeting @ 6:16 P.M.

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