



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

**Tuesday, March 27, 2018**  
**5:00 PM**  
**City Council Chambers**  
**City Hall**  
**220 SE Green Street**  
**Lee's Summit, MO 64063**

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**CALL TO ORDER**

**ROLL CALL**

- Present:** 7 - Board Member Carla Dial  
Board Member Jason Norbury  
Board Member Colene Roberts  
Board Member Dana Arth  
Board Member Don Gustafson  
Board Member Donnie Funk  
Board Member Jeff Sims
- Absent:** 2 - Board Member Beto Lopez  
Board Member Herman Watson

**APPROVAL OF AGENDA**

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

**PUBLIC COMMENTS**

**APPROVAL OF CONSENT AGENDA**

**[BILL NO.](#)** AN ORDINANCE ACCEPTING FINAL PLAT ENTITLED "ASH GROVE, TRACT  
**[18-64](#)** A-1", AS A SUBDIVISION TO THE CITY OF LEE'S SUMMIT, MISSOURI.  
(NOTE: First reading by City Council on April 5, 2018. Passed by unanimous vote.)

**ACTION: A motion was made by Board Member Funk, seconded by Board Member Gustafson, that this item be approved. The motion carried by a unanimous vote.**

**[2018-1964](#)** Minutes of the March 13, 2018, Planning Commission meeting

**ACTION: A motion was made by Board Member Funk, seconded by Board Member Gustafson, that these Minutes be approved. The motion carried by a unanimous vote.**

**PUBLIC HEARINGS**

**[2018-1975](#)** PUBLIC HEARING - Appl. #PL2018-019 - PRELIMINARY DEVELOPMENT

Planning Commission

Action Letter

March 27, 2018

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PLAN - Fairfield Woods subdivision, request to remove conditions of approval requiring an emergency access road on the properties addressed 4028 and 4032 NE Grant St and fire access road easement; James Brown, applicant

Chairperson Norbury opened the hearing at 5:03 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Mr. James Brown gave his address as 4028 NE Grant Street. He was vice president of the Fairfield Woods HOA. He noted that the fire lane ran through Westwood Estates and Channel Drive; and last winter, the tenant of the property in Westwood Estates used it as parking for a boat and trailer on a fire lane. The fire lane had been used little enough that vehicles were being parked on it. Mr. Brown had met with staff including Mr. Monter and later with Mr. Soto; and had asked for direction as to what the HOA could and could not do regarding the parking on the fire lane. He was provided a copy of the Fairfield Woods plat, which stated that "the fire lane easement [was] to be maintained by the Fairfield Woods HOA as recorded." Mr. Soto had explained that the HOA could request the City to vacate the fire lane. The HOA Board agreed and Mr. Brown had talked with the adjacent property owner to the west, Mr. Dusty Dahmer, who was also the Fairfield Woods developer. Mr. Dahmer also agreed with the recommendation to make a request to the City.

Mr. Soto had explained the procedure, fees, and preliminary development criteria for an application to vacate an easement. They would need a surveyor's drawing and legal description for the easement. The 36-lot development did meet the Fire Department standards, as it had less than the 50 lots that would trigger a requirement for a fire lane. Both the Planning and Fire departments were willing to vacate the lane. After getting the survey documents, he'd had a second meeting, this time with Mr. Soto and Mr. Josh Johnson; and they had provided information on details such as having forms filled out and notarized. The HOA had subsequently submitted the application and supporting documents to the City.

Chairperson Norbury noted that staff's letter included a requirement in the Code and Ordinance Requirements section that "the depth of cover must be maintained within City of Lee's Summit standards" which was 3.5 feet. Recommendation Item 1 stated that the subdivision "continue to be subject to the conditions of approval of Ordinance No. 6066". He asked Mr. Brown if he and the HOA agreed with these requirements. Mr. Brown answered that they did.

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

Mr. Soto entered Exhibit (A), list of exhibits 1-12 into the record. He first displayed an aerial map of the subdivision, which was about half built out in 2016. Now all 36 lots had homes built. Fairfield woods was along the long cul-de-sac street, which was NE Grant Street. Mr. Soto pointed out the Westwood Estates single-family development to the west, noting that it served as one of the main entryways into Lakewood off Woods Chapel Road. Some larger-acreage residential lots were on the east side. A vacant lot with a pond lay between these lots and Fairfield, and it had a single-family residence at its south end. More single-family residential lots further west were part of Lakewood. Fire Station #4 was just off the southeast corner of Fairfield Woods.

The zoning reflected this existing development, with all the surrounding area was zoned either R-1 or RP-1 for Fairfield Woods. The fire station had AG zoning. RP-1 zoning was for planned single-family residential, with slightly more density. These lots were more shallow and narrow, characteristic of "villa" lots. A modification to the requirement of a maximum 500-foot length for cul-de-sacs had been granted in 2005, and NE Grant Street

Planning Commission

Action Letter

March 27, 2018

---

was 1,300 feet from the center line of Woods Chapel Road to the bulb at the north end. It was the single point of access. Originally the plan had been to extend the street to the northeast and connect it to Dick Howser Drive but some of the existing conditions made this impractical. Staff had supported the modification due to the extenuating circumstances of the property; however, they had wanted to provide some alternate means of access.

Planning staff had proposed providing an access road running between lots 6 and 7 to connect to NE Channel Drive. Mr. Dusty Dahmer, the original developer, subsequently acquired Lot 16 in Westwood Estates to be part of the access. It was about 160 feet long along this lot and another 140 feet between lots 6 and 7. Mr. Soto added that the requirement for a second point of access was not initially based on the Fire code; and staff had not anticipated the burden it could place on future developers as lots developed. Moreover, to date there had been no need for any emergency services to use that road. In fact, on some occasions the access had not been usable due to a portion of Lot 16 basically being used as an extension of the driveway.

Staff supported removing conditions 2 and 6 from the original ordinance approval (Ordinance 6066). These had required the emergency access road between the two lots and along Lot 16 of Westwood Estates. The Fire code and UDO allowed up to 50 dwelling units with a single point of access, and the development had only 36 lots. Removing the access road requirement would also allow adjacent property owners to remove considerable impervious coverage from their lots. Staff recommended approval, subject to Recommendation Item 1.

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 opened the hearing for questions from the Commission for the applicant or staff.

Ms. Roberts noted to Mr. Monter that when the pavement was removed, the depth of fill might not meet the minimum. In that event they might have to bring in additional dirt. Mr. Monter responded that this was correct. He did not know the depth of the water line in the easement; and staff had requested the applicant to confirm that they would maintain a minimum depth of 42 inches. That might entail bringing in additional fill.

Mr. Gustafson asked if an access easement existed on the property to the west. Mr. Soto answered that it was a requirement but he had not been able to find the documentation for Lot 16. If it did exist, the next application had a condition to vacate it. Regarding the known easement being part of a driveway, the 12-foot strip had been designed when Mr. Brown's house was built. The driveway had widened that portion on the lot and was not part of the adjoining property.

Chairperson Norbury asked if there were further questions for the applicant or staff. Hearing none, he closed the public hearing at 5:20 p.m. and asked for discussion among the Commission members, or for a motion.

A motion was made by Board Member Funk, seconded by Board Member Sims, that this item was recommended for approval. to the City Council - Regular Session, due back on 4/19/2018 The motion carried unanimously.

## OTHER AGENDA ITEMS

[TMP-0881](#)

Appl. #PL2018-020 - VACATION OF EASEMENT - 4028 and 4032 NE Grant St;  
James Brown, applicant

Chairperson Norbury asked if any information was needed not covered in the previous

Planning Commission

Action Letter

March 27, 2018

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hearing. Mr. Soto clarified that what currently existed was a 26-foot wide access and a utilities easement. This application was to remove the vacate the access part. The underlying 26-foot utility easement would remain for the water line.

Chairperson Norbury asked if there were further questions about the application. Hearing none, he called for a motion, noting that this would be for approval and not a recommendation.

**ACTION:** A motion was made by Board Member Funk, seconded by Board Member Dial, that this item be approved. The motion carried by a unanimous vote.

ROUNDTABLE

ADJOURNMENT

For your convenience, Planning Commission agendas, as well as videos of Planning Commission meetings, may be viewed on the City's Internet site at "[www.cityofls.net](http://www.cityofls.net)".