

LEE'S SUMMIT PLANNING COMMISSION

Minutes of Tuesday, February 13, 2018

The Tuesday, February 13, 2018, 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	Absent
Mr. Donnie Funk, Vice Chair	Present	Mr. Beto Lopez	Present
Ms. Colene Roberts	Present	Ms. Carla Dial	Present
Mr. Don Gustafson	Present	Mr. Jeffrey Sims	Present
Ms. Dana Arth	Present		

Also present were Robert McKay, Director, Planning and Special Projects; Josh Johnson, Assistant Director of Planning Services; Ryan Elam; Director of Development Services, Hector Soto, Planning Division Manager; Shannon McGuire, Staff Planner; Jennifer Thompson, Staff Planner; Nancy Yendes, Chief Counsel Infrastructure and Zoning; and Kim Brennan, Permit Technician.

1. APPROVAL OF CONSENT AGENDA

- A. Application #PL2017-206 -- FINAL PLAT --** Fascination at New Longview, Lots 1A-1E & Tract A; Platform Ventures, applicant
- B. Application #PL2017-259 -- VACATION OF EASEMENT --** 4801 SW Raintree Parkway; LandRock Development, LLC, applicant
- C. Minutes** of the January 23, 2018 Planning Commission meeting

On the motion of Mr. Funk, seconded by Mr. Lopez, the Planning Commission voted unanimously by voice vote to **APPROVE** the Consent Agenda, Item 1A-C as published.

APPROVAL OF AGENDA:

Chairperson Norbury announced that there were no changes to the agenda, and asked for a motion to approve. On the motion of Mr. Funk, seconded by Ms. Roberts, the Planning Commission voted unanimously by voice vote to **APPROVE** the agenda as published.

PUBLIC COMMENTS

There were no public comments at the meeting.

2. **Application #PL2017-234 - REZONING** from AG to RLL - 5261 NE Maybrook Rd; Derek D. Collins, applicant

Chairperson Norbury opened the hearing at 5:04 p.m. and stated that Application PL2017-234 was being continued to a date certain of February 27, 2018, to allow for the required notification. He asked for a motion to continue.

Mr. Funk made a motion to continue Application PL2017-234 to a date certain of February 27, 2018. Ms. Roberts seconded.

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

On the motion of Mr. Funk, seconded by Ms. Roberts, the Planning Commission members voted unanimously by voice vote to **CONTINUE** Application PL2017-234 to a date certain of February 27, 2018.

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

3. **Application #PL2018-012 -- UNIFIED DEVELOPMENT ORDINANCE (UDO) AMENDMENT #65** - Article 7 Design Standards, proposed amendments to the Downtown Design Standards, lighting standards and trash enclosure gate requirements; City of Lee's Summit, applicant

Chairperson Norbury opened the hearing at 5:05 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Mr. McKay entered Exhibit (A), list of exhibits 1-7 into the record. He related that issues had come up in the past concerning building materials to be used Downtown. An appeal had been filed for two staff decisions to deny an application. The applications were eventually approved; however, this event had created an opportunity to revisit the Downtown design standards. The City Council had requested staff to review ordinance requirements for any needed changes. This involved a committee that included business owners, Downtown Main Street, and a City Councilmember. Staff's subsequent amendment draft had been reviewed by the CEDC, which had approved it going forward to a public hearing. Two items, one regarding trash enclosures and the other parking lot lighting, had been included although Article 7 specifically addressed design standards.

A few significant changes involved trash enclosures. The current requirement was for a "*masonry enclosure with steel gate*". Steel gates were not only extremely heavy but also extremely expensive to repair or replace if damaged. The draft proposed allowing the option for an architectural steel enclosure. Mr. McKay commented that in some of the smaller sites Downtown, the space was too narrow to install the kind of masonry required in industrial or commercial areas; and the committee had suggested considering architectural steel. The idea was to screen the dumpsters behind businesses and in terms of security, the black mesh could reveal activity behind the gate in addition to providing screening. The change overall would make maintenance easier, with lighter and more maneuverable gates. Mr. McKay displayed a

slide showing what the mesh would look like from outside the enclosure, commenting that the mesh was easy to replace if damaged. Another slide showed the same kind of mesh screening the HVAC units on a building's roof.

Concerning lighting, there were situations where an elevation difference made shielding the light source almost impossible under the present ordinance requirement. The amendment provided for the Director to approve intrusive lighting, if the shielding could be considered unfeasible. An example would be a business with a parking lot, located on a hill, with a neighbor at the bottom of the hill who could see the lights. The amendment also provided for new light source technology, which had expanded considerably from LEDs. It clarified the point at the property line where intensity measurements were taken. Footcandle levels should be determined at the property line of a residential property. In cases such as a business with an adjacent highway providing separation, measuring at the property line would make little sense; and the light would be measured from the adjoining property.

Regarding uniformity ratios, Section 7.230 (F) provided that "*light pole fixtures shall be arranged to provide uniform illumination throughout the parking lot not to exceed 10 footcandles.*" The idea was to have consistent enough lighting in a parking lot to provide safety without "hot" or dim spots.

Mr. McKay then addressed Downtown design standards specifically. The significance of Lee's Summit's historic Downtown was well known in other metro communities and Mr. McKay had heard positive comments from people across the state line as well. That made it especially important to keep Downtown in its original historic mode and identity. Among the standards was strengthening the exterior renovation requirements. The document's reference to "foreign materials" included materials used during the time when the structures were built; but not necessarily locally in Lee's Summit. Materials used in New Orleans or New York in the 19th century, for example, might look out of place Downtown, with its large storefronts and buildings constructed mostly of brick. The appeal process had been restructured, with advice from the City's attorneys, and was intended to make the process easier for the Commission and for the City Council as well as applicants. An appeal would be brought initially to the Planning Commission before a Council hearing.

The amendment changed some common wording. In many cases, the word "*should*" had been changed to "shall", with the former implying a suggestion and the latter implying a requirement. Buildings of more than a single story were now called "multi-storied". The former wording had been "two or three stories"; however, in many areas around town the City might want buildings of four stories or more. An upper story might be set a little back from the front face in order to make that work. In the past, some special pavement treatments were in the right-of-way of a sidewalk and these were expensive to maintain. These treatments could be at a front door of a business but not in the right-of-way. In the interest of historic elements, 50% minimum glass area would now be required for first floor entry doors. In the past, storefront doors often had a higher percentage than that.

The amendment clarified various kinds of exterior materials and awnings that could be used. First and second floor elevations should be brick, with various colors that were available; and "*durable masonry materials, stone, brick, traditional stucco, pre-cast or poured in place concrete*" on levels above that. That would give Downtown the consistent look that the City wanted to maintain. Prohibited material included imitation brick products and painted brick.

Wood was prohibited other than for deck floors and substructure. Nor did the ordinance recommend corrugated or sheet metal; although architectural metal could be considered. Vinyl was not allowed, other than For materials in general, applicants could appeal a staff denial. Although EIFS material was common in Lee's Summit, staff wanted to avoid its use Downtown. When staircases and railings were added to upper story decks and balconies, they had to be metal and painted to match or blend with the building's exterior color. Decks could be of wood, which also had to blend with the building via painting, staining or sealing.

Mr. McKay added that in the outlying transitional part of Downtown, some of the requirements were recommendations; "shoulds" rather than "shalls."

Chairperson Norbury opened the hearing for comments from any members of the public present. Seeing none, he asked for questions from the Commission.

Chairperson Norbury asked Mr. McKay what groups had been part of the committee he had mentioned. Mr. McKay cited the Downtown design committee from Lee's Summit Main Street. He had a list of individual members available. Chairperson Norbury asked what were the reasons for the Council and CEDC to recommend amending the existing standards. Mr. McKay replied that the edited portions had not been as clear as they could be. The editing of "should" to "shall" was a correction to wording that essentially did not allow City staff to make whatever was referenced a requirement. The amended wording would make clear to an applicant not only what they could not do but what they would be able to do instead. However, what essentially drove this particular amendment was improving the appeal process.

Mr. Shane Veritasi gave his address as 6 SW 3rd Street. He asked for some clarification of what the term "foreign materials" meant and if the term would include materials that had been used in Kansas City. He had gone through the approval process once before, and is concerned about standards for Downtown being too restrictive, with identical-looking buildings a possible consequence. He added that the National Registry had nothing to do with developments but with site. Noting the references to the National Registry, he read paragraph A: that sites included properties "*associated with events that have made a significant contribution to the broad patterns of [Lee's Summit] history.*" C referred to the defined properties and bodies with "*distinctive characteristics of a type, period, method of construction or that represent the work of a master or possesses high artistic values.*" That was what the City kept going back and forth to; however, that was not how this part of Lee's Summit was set up as a district. He had not known until notification that this amendment was happening.

Chairperson Norbury asked about a more specific term than "foreign materials". Mr. McGuire clarified that there were three methods to be listed as a historic district. It could be an association with a specific person, high architectural character, or development of a region. In the case of Lee's Summit, it was association with a region. Part of the NR district not being under the architectural character option did not imply that architecture was not an important factor. A building had to retain its original character to be considered contributing to a district. If it lost that architectural character, it would not count toward the district.

Mr. McKay explained that he had used the term "foreign material" in his Power Point presentation but it was not in the ordinance. The ordinance did not use the term "foreign materials"; but it included a list of required materials and another of prohibited materials. Anything outside that scope could be dealt with via the appeal process. Chairperson Norbury

observed that it was more specific than earlier references such as “primarily brick.” He asked if it was correct that it was more restrictive than the previous version but more clear. Mr. McKay confirmed that it was.

Mr. Funk asked if Downtown had some buildings on the Register in addition to homes. Mr. McGuire replied that several historic districts existed in Lee's Summit, including the Downtown, Central Business District; as well as three individually listed historic properties. A neighborhood could be listed as a district if it was determined, after surveys of individual properties, that it retained enough original architecture and character. If individual buildings lost these qualities it would impact the merits of the district as a whole. He confirmed that it could also affect the tax credits of other properties.

Chairperson Norbury asked if there were further questions for the applicant or staff.

As there were no additional comments or questions, Chairperson Norbury closed the public hearing at 5:31 p.m. and asked for discussion among the Commission members.

Chairperson Norbury remarked that the reworked appeal process was very thorough and more clear. It was likely to work better than it had when Mr. Veritasi had previously gone through an appeal. As there was no further discussion, Chairperson Norbury called for a motion.

Mr. Funk made a motion to recommend approval of Application PL2018-012 -- Unified Development Ordinance (UDO) Amendment #65: Article 7 Design Standards, proposed amendments to the Downtown Design Standards, lighting standards and trash enclosure gate requirements; City of Lee's Summit, applicant. Mr. Lopez seconded.

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

On the motion of Mr. Funk seconded by Mr. Lopez, the Planning Commission members voted unanimously by voice vote to recommend **APPROVAL** of Application PL2018-012 -- Unified Development Ordinance (UDO) Amendment #65: Article 7 Design Standards, proposed amendments to the Downtown Design Standards, lighting standards and trash enclosure gate requirements; City of Lee's Summit, applicant.

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

<p>4. Application #PL2018-013 - VACATION OF RIGHT-OF-WAY - portions of SW Longview Blvd and SW Fascination Dr, generally located at the intersection of SW Longview Blvd and SW Fascination Dr; City of Lee's Summit, applicant</p>
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Chairperson Norbury opened the hearing at 5:32 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Ms. Thompson entered Exhibit (A), list of exhibits 1-13 into the record. She displayed an aerial map of the site, showing the portion within the angled parking area. This was along both the north and south sides of Fascination Drive and the strip of parking spaces on east side of

Longview Boulevard. The right-of-ways had been dedicated through a series of platting processes, and they now extended into the parking areas. Vacating them would keep all the parking spaces on private property and eliminate the need for a maintenance agreement. A utility and sidewalk easement would then be granted for these vacated portions, for existing infrastructure and future sidewalks. More detailed maps showed lots and tracts along Fascination Drive and along Longview Boulevard. The request had been sent to KCP&L, Missouri Gas Energy/Spire, AT&, Spectrum Cable and Comcast Cable as well as the City's Public Works and Water Utilities departments. There had been no objections and staff recommended approval subject to the one Recommendation Item covering the sidewalk and utility easement.

Following Ms. Thompson'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 asked if the Commission had questions for staff. As there were none, Chairperson Norbury closed the public hearing at 5:36 p.m. and asked for discussion among the Commission members, or for a motion.

Mr. Lopez made a motion to recommend approval of Application PL2018-013, Vacation Of Right-Of-Way: portions of SW Longview Blvd and SW Fascination Dr, generally located at the intersection of SW Longview Blvd and SW Fascination Dr; City of Lee's Summit, applicant including Recommendation Item 1. Mr. Gustafson seconded.

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

On the motion of Mr. Lopez, seconded by Mr. Gustafson, the Planning Commission members voted unanimously by voice vote to recommend **APPROVAL** of Application PL2018-013, Vacation Of Right-Of-Way: portions of SW Longview Blvd and SW Fascination Dr, generally located at the intersection of SW Longview Blvd and SW Fascination Dr; City of Lee's Summit, applicant, including Recommendation Item 1.

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

<p>5. Application #PL2018-014 - UNIFIED DEVELOPMENT ORDINANCE (UDO) AMENDMENT #66 - Article 12 Parking, amendment to clarify and move standards for storage and parking of RVs, boats, and utility trailers from Article 12 of the UDO to Chapter 16 of the Lee's Summit Code of Ordinances; City of Lee's Summit, applicant</p>

Chairperson Norbury opened the hearing at 5:37 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Mr. Johnson stated that these were minor changes, moving some items from the UDO to the Property Maintenance Code. RV parking had been allowed in residential zones under various requirements since 1962. A 2001 change restricted them to driveways and pads; and subsequent additions distinguished parking from storage of RVs, with designations of specific zones. A significant UDO amendment in 2010 defined various types of RVs and utility trailers, with utility trailers requiring a PDP or Special Use Permit if they were not stored in a garage.

Staff had started reviewing this part of the ordinance last year, with a series of committee level meetings. Staff had referred items to the Property Maintenance Code (Chapter 16) wherever it made sense; but had not changed parking standards in terms of requirements or uses. One clarification was that someone wanting to build a pad for an RV or trailer had to locate it on a side or rear yard. It could not be in the front yard. The rest of the amendment showed larger sections that were being transferred to Chapter 16. "Storage" was defined as more than 7 days and "parking" as 7 days or less. An added chart covered exterior storage for various types and numbers of vehicles allowed. It had been simplified from its earlier version.

Chairperson Norbury asked if there was anyone present wishing to give testimony regarding the application. As there were none, he asked if the Commission had questions for staff.

Chairperson Norbury asked if it was correct that an HOA could impose further restrictions, and Mr. Johnson added that it was. He added that part of the intent was to provide a set of standards in neighborhoods without an HOA.

As there were no further questions for the applicant or staff, Chairperson Norbury closed the public hearing at 5:43 p.m. and asked for discussion among the Commission members, or for a motion.

Mr. Funk made a motion to recommend approval of Application PL2018-014, Unified Development Ordinance (UDO) Amendment #66: Article 12 Parking, amendment to clarify and move standards for storage and parking of RVs, boats, and utility trailers from Article 12 of the UDO to Chapter 16 of the Lee's Summit Code of Ordinances; City of Lee's Summit, applicant. Mr. Lopez seconded.

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

On the motion of Mr. Funk, seconded by Mr. Lopez, the Planning Commission members voted unanimously by voice vote to recommend **APPROVAL** of Application PL2018-014, Unified Development Ordinance (UDO) Amendment #66: Article 12 Parking, amendment to clarify and move standards for storage and parking of RVs, boats, and utility trailers from Article 12 of the UDO to Chapter 16 of the Lee's Summit Code of Ordinances; City of Lee's Summit, applicant.

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ROUNDTABLE

There were no Roundtable items at the meeting.

ADJOURNMENT

There being no further business, Chairperson Norbury adjourned the meeting at 5:45 p.m.

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