

**LEE'S SUMMIT PLANNING COMMISSION**

**Minutes of Tuesday, September 27, 2016**

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The Tuesday, September 27, 2016, 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. Nate Larson	Absent
Mr. Fred Delibero	Present	Mr. Beto Lopez	Absent
Mr. Donnie Funk	Present	Ms. Colene Roberts	Present
Mr. Fred DeMoro	Present	Mr. Brandon Rader	Present
Mr. Frank White III	Absent		

Also present were Robert McKay, Director, Planning and Planning and Codes Administration; Chris Hughey, Project Manager; Hector Soto, Planning Division Manager; Jennifer Thompson, Staff Planner; Christina Stanton, Senior Planner; Sheri Wells, Staff Attorney; Kent Monter, Development Engineering Manager; Michael Park, City Traffic Engineer; Jim Eden, Assistant Fire Chief I, Fire Department; and Kim Brennan, Permit Tech.

**1. APPROVAL OF CONSENT AGENDA**

**A. Minutes** of the September 13, 2016, Planning Commission meeting

On the motion of Mr. Delibero, seconded by Ms. Roberts, the Planning Commission voted unanimously by voice vote to **APPROVE** the Consent Agenda, Item 1A 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. Delibero, seconded by Ms. Roberts, the Planning Commission voted unanimously by voice vote to **APPROVE** the agenda as published.

**2. Continued Application #PL2016-114 - PRELIMINARY DEVELOPMENT PLAN - approximately 7.11 acres located at the southeast corner NW Blue Pkwy and NW Colbern Rd for the proposed Summit Village; Newmark Grubb Zimmer, applicant**

Chairperson Norbury opened the hearing at 5:02 p.m. and announced that Application PL2016-114 was being continued to a date certain of October 25, 2016 at the applicant's request. He asked for a motion to approve.

Mr. DeMoro made a motion to continue Application PL2016-114 to a date certain of October 25, 2016. Mr. Funk seconded.

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

On the motion of Mr. DeMoro, seconded by Mr. Funk, the Planning Commission members voted unanimously by voice vote to **CONTINUE** Application PL2016-114 to a date certain of October 25, 2016.

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

Chairperson Norbury announced that a number of people were present wanting to give testimony. He explained that the order of hearings was that the applicant would give a presentation, staff would give a presentation and after that the floor would be open to testimony and comments from the public. He asked participants to limit their comments to three minutes, and there might be a second chance to comment but that would depend on the time. Tonight's meeting included a variety of types of applications, and some required more detail than others. Anyone wishing to speak would need to be sworn in at the beginning of a hearing.

3. **Application #PL2016-145 - REZONING from R-1 to PMIX and CONCEPTUAL DEVELOPMENT PLAN** - Village at View High, approximately 74 acres located at the northeast corner of SW View High Drive and SW 3rd Street; Engineering Solutions, LLC, applicant

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. Matt Schlicht of Engineering Solutions gave his address as 50 SE 30th Street in Lee's Summit. He stated that a number of people involved in the project were present: Mr. John Bondin, developer; Mr. Bunk Farrington, attorney; Ms. Christine Bushyhead, attorney and Mr. Jeff Wilke with TransSystems. Mr. Schlicht's presentation focused on the conceptual preliminary plat and rezoning, which would set the stage for the overall development. The apartment plan would be covered during this hearing in a separate presentation.

The subject property was 74 acres. He displayed a map of the Village portion, noting that north was to the left. View High and the Fred Arbanas Golf Course were on the bottom left side (northwest) side, 3rd Street and CVS, McDonald's and other New Longview development was to the south (right). The new Winterset 10th plat was on Roosevelt Road to the east. Displaying the 2004 concept plan for Winterset Valley, Mr. Schlicht stated that the property was zoned R-1 at present, and had been brought into the city in 2004 as part of Winterset's concept plan. Commercial development and apartments had been planned for the View High side, with some townhomes between that portion and the R-1 development.

The project had not followed this concept plan exactly in the actual development. A second map showed Roosevelt Road and Winterset's 10th phase, and Mr. Schlicht pointed out on the map how the single-family development had essentially migrated to the west, with some of the denser, multi-family or villa-type homes being eliminated from the plan.

Tonight's application included a PMIX zoning for this property. At the northeast end of the map, Mr. Schlicht pointed out Lot 1, for apartments, and Lot 2, which would include senior-oriented housing. The concept plan had shown some larger buildings with a net 150 units. The applicant had discussed this with nearby residents, and they were not happy about these bigger buildings not looking very similar to the other residential style used. They were now working on breaking up the massive appearance and reducing the scale of the parts that were closest to the neighbors. The appearance would become more blocky when it got closer to the retention/detention stormwater facility.

At the south end, they proposed 250,000 square feet of commercial use. This was anticipated to include a sit-down family type restaurant, offices, and possibly a health club or gym. The offices might have some residential uses on the upper levels. Mr. Schlicht emphasized that this and the senior living portion in particular were still conceptual. A few things were definite, including the alignment of Kessler Drive, which started in Winterset 10 and would end at the current golf course. That would establish a connection between 3rd Street and View High and function as a major road that would provide access within the development. Another essential traffic element was a connection for Winterset residents. Pointing out the road on the map, Mr. Schlicht commented that they'd had continuing conversations with the Winterset developer, who had requested that they move the road slightly to the north.

The site would include a 3-acre water retention facility at the northeast corner. There would be some access around it for walking and using landscape architecture such as stonework and fountains to make it attractive as well as functional. This could be a good selling point for the nearby apartment and senior projects as well as some of the single-family lots. This facility would be large enough to be utilized by both Lots 1 and 2. Nevertheless, they were requiring the other sites to put in some kind of best management practice system to at least slow stormwater down before it even reached the detention site.

The applicants had done a traffic study and accepted its findings. The study had listed a number of improvements up to Chipman Road and 109th Street, plus some improvements on Kessler. Mr. Schlicht pointed out the access locations. The applicants were still working with the city of Kansas City to see how the timing would work out. The west boundary was the end of Lee's Summit, so they were trying to work out this unusual situation. Mr. Schlicht added that a great deal of development had happened in this area including New Longview; and the area around View High should be part of that.

The applicants had held two neighborhood meetings. One had taken place on September 13th and they had described the apartment project, on the assumption that this was a part everyone would to see some details about. They had discussed the site but not in as detailed an approach as neighbors had wanted; so they had held a second meeting, particularly for residents most affected, on September 22, 2016. The residents along Roosevelt would be the ones most impacted. The major concerns raised involved the differences between what the Comprehensive Plan showed and what the applicants planned to do. Mr. Schlicht explained that the north end of the subject property was essentially a gigantic hole, with a drop of as much as 40 feet from View High down to the detention facility and back up to Winterset. That meant limits on what route a road could take and how development could be done. The Comprehensive Plan showed an east-west line of single-family residential uses over part of the north end of the property; and this had led to assumptions that this was the use for the rest of it. Actually, the plan was for apartments and commercial moving further south.

Another question at the meeting was about why the road passing across the back of several lots could not be moved a little further away to provide some buffering. The applicants did plan to install high-impact screening along these lots, and had shifted the road about 20 feet to allow room to install it. Mr. Schlicht pointed out the stretch of the road that ran along a ridge, with the land falling sharply beyond it. The grade changes made shifting the road any further away impractical; and its current alignment would locate the nearest building to the residences almost 110 feet away. That did not count the 30-foot setbacks for the lots; so no one would have another building close to their homes. Mr. Schlicht summarized that while they had not reached a complete resolution, the applicants had explained the basis for their opinion; and most of the people they had met with were willing to work toward a resolution. The impact of the road itself should be negligible. It was a secondary access out of Winterset, so should not have a heavy traffic volume.

The Comprehensive Plan included a drawing of a north-south road intended to provide a collector road parallel to View High running up to Chipman after View High had commercial development. This plan appeared to have ignored the elevation differences that Mr. Schlicht had just mentioned. If the road had been constructed in the location shown, its elevation would have made commercial development difficult at the north part, and building difficult at the south. After consulting with the City's traffic engineer and their own, they determined that if they had Kessler make a sharp turn and become a major access point, that point would have almost 4,000 feet of separation from 109th Street which went over the Longview Lake dam. This would be plenty of space to put in another access after the grade settled and stabilized, possibly making 109th a full access point. It would eliminate a segment at a point where the grade changes were especially difficult.

Mr. Schlicht remarked that at the meeting, the applicants had emphasized this being a concept plan, and that a large amount of detail would be added to the preliminary development plan. The concept plan had showed some three-story buildings, parking garages and commercial activity that had concerned neighbors. They planned to work with the residents to sift out what parts of the plans made sense and were doable. He concluded that the applicants agreed with staff's comments and recommendations in their September 23, 2016 letter. The preliminary plat would create the large lot used for the apartments, an adjacent lot for the senior living development, two large lots created by intersecting roads and another lot with currently undefined use. A one-acre lot at the corner of 3rd and View High was not part of the development. The plans provided road access and utilities for whenever that lot was developed.

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

Ms. Thompson entered Exhibit (A), list of exhibits 1-16 into the record. She confirmed that in addition to the rezoning, this was a conceptual plan submitted for review. That concept plan proposed an apartment development, senior living facility and a variety of commercial uses. These uses were compatible with Lee's Summit's 2005 comprehensive plan designating this area as a mix of commercial and residential uses. Staff supported the rezoning and conceptual plan, with two Recommendation Items. Item 1 referenced the applicant being required a preliminary development plan *for the development of any phase of the conceptual development plan*. Item 2 referenced the development being *subject to the recommendations of the Transportation Impact Analysis report dated September 22, 2016*.

Chairperson Norbury asked Ms. Thompson for a summary of the difference between a conceptual plan and a preliminary development plan. Ms. Thompson explained that a conceptual plan was more general and basically visionary. It communicated an overall view of what the applicant wanted to accomplish and a general framework of how development could occur. It was a requirement when rezoning a tract of this size.

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.

Mr. Dennis Sondgeroth gave his address as 158 Roosevelt Ridge Drive and stated that the road was his main concern. He had visited City Hall yesterday to look at scaled drawings; and at a typical driving speed, it would be less than 10 seconds from the road to his back yard in the event of an accident, even at a fairly low speed. In the current layout that would be a 16-foot drop to his property. He had photos of the houses along that stretch and how drastic the drop to their yards was: the neighbor just next door had an 8-foot drop. Mr. Sondgeroth added that his lot, and all his neighbors' lots, were solid rock and the houses were dug out of solid rock that extended into the hillside. When he had moved to Lee's Summit he had decided to build a custom home because he loved the area, and knew that the Comprehensive Plan had not included this road nor the senior living development. He pointed out the part that the Comprehensive Plan had indicated as R-1 zoning. His realtor had told him that this was R-1 zoning and hopefully would be part of Winterset Valley. He believed that the property should remain R-1 as it had been planned that way from the beginning.

Mr. Sondgeroth also commented that while citizens who would be impacted got 3 minutes to speak, the developers had been working on this for two years or more and were given as much time as they wanted to make their case.

Mr. Dean Martins gave his address as 3116 SW Muir Drive, within 185 feet of the proposed development. He also opposed the rezoning. They had relied on the developer and sales team, as well as the Comprehensive Plan, in assuming that they would have residential behind them. Many of the neighbors would not have built there if they knew that the zoning was intended to be changed and that they would have this kind of development. They had received notice of the September 13th meeting on September 7th and at that meeting, the neighbors had expected a full view of everything. What they got was just a description of the apartment complex. They had set up a meeting of their own on the 22nd with Mr. David Gale, who brought Mr. Schlicht to that meeting. That was where the neighbors had actually learned details about the three phases. Mr. Martins noted that they'd had four or five days to consider this situation, while the applicants had had a few years to present their project to the City.

Mr. Martins then mentioned property values as a subject that had not yet been brought up. He then cited as an example the June 12, 2012 Planning Commission meeting where testimony was given by two realtors about single-family homes losing value when multi-family developments came in nearby. He then asked staff for some examples of Lee's Summit subdivisions had R-1 zoning changed to PMIX, other than planned communities like Arborwalk, adjacent to them. Mr. Martins requested that the rezoning be postponed for four weeks in order for the neighbors to work with the developer and get their concerns addressed. If that did not happen, they were asking for at least reasonable restrictions. They had a signed letter than he asked to have entered into the record. It requested "*the gradual transition from [single-family]*

*residential to multi-story residential, commercial and retail buildings.”* Chairperson Norbury instructed Mr. Martins to give a copy to Ms. Brennan, and copies to the Commissioners if he had them; and the letter would be entered into the record. The letter was dated September 27, 2016 and was signed by residents of Winterset Valley Phase 30.

Mr. Robert Gonzalez gave his address as 3016 SW Saddlewood Place and stated that he had purchased lot 1398 on Roosevelt Ridge. He recalled that the residents had attended a meeting to discuss this proposed development. Mr. Gonzalez pointed to the left loop of the road on the map, away from the R-1 residences, and recalled the neighbors suggesting that the road itself go through that area instead. They had been told that the topography made this physically impossible. He believed that it was possible with regrading, but would cost more money and that had been the real objection. At any rate, they had not been given a rational reason. Mr. Gonzalez pointed out on the map the planned loop that could be an alternate route. He hoped that other meetings would take place after tonight's hearing, especially in view of the applicant not mentioning it tonight. Mr. Gonzalez added that the neighbors felt rather like a neighborhood team being told that they had one week to prepare for playing a game against the Kansas City Chiefs, with their professional players and staff. They needed a hiatus of about four weeks, as there had been so little conversation and most of that had taken place at short notice.

Mr. Jason Nonamaker gave his address as 3321 SW Kessler Ridge, apartment 7209. He and his family were building a house in this phase, across from the neighbors who had testified tonight. He had learned about this proposed development only about two weeks ago, and it had not been a pleasant surprise. He had attended the meeting, and he also wanted more opportunity for discussion. Mr. Nonamaker understood that this was in the preliminary stages; however, the road was featured in the preliminary plat that would be discussed later in tonight's meeting. They wanted some reasonable restrictions on what the developer could do. The adjacent residents wanted to be taken into consideration. Mr. Nonamaker also noted that the conceptual plan showed the senior living center as being three stories.

Ms. Molly Skelsie gave her address as 2720 SW Gray Lane in Winterset Valley. She had lived there for 12 years and was one of Winterset Valley's original homeowners. Those 12 years had seen a number of changes within the community, much of it happening as the financial environment changed. She understood the neighbors' concerns about the road in particular. They had known all along that the View High/3rd Street intersection would be developed; however, the residents had been given very little time to absorb this information and assess the impact the development would have on them. She was aware of how many people drive, and felt that the safety of children in the community in particular should be taken into consideration. Ms. Skelsie remarked that the plan might be conceptual, but roads were a long-term reality and she rather doubted that the plan they were seeing tonight would actually change in any significant way. She asked the Commission to give the residents the time that they needed.

Mr. David Gale gave his business address as 900 SW Redbuck Circle in Lee's Summit and stated that he was the developer of Winterset as well as the managing partner of Winterset 6, the abutting property. It was the owner of about seven of the undeveloped lots backing onto the property. He displayed a drawing of his concept plan, which staff had looked at as recently as a month ago. The current Winterset phase where these residents lived was the tenth plat of Winterset Valley and was generally referred to as “Winterset Phase 30.” The next phase should come to the Commission by the end of the year. The property owner and Mr. Schlicht had contacted him before the first meeting; and they had looked at a point of intersection, for

purposes of public safety. Mr. Gale pointed out a cul-de-sac and stated that they had originally considered this location, with the bulb redesigned to swing to the west to connect with the road. This was not any longer under serious consideration, although it would pull the road away from the residences. Mr. Gale did not feel that the road would have an impact the saleability of his product long-term. They were considering a "Winterset Garden" product, a type of maintenance-free home for active adults, in that corner. That should provide a comfortable transition.

Mr. Gale explained that the road was designed as a 60-foot right-of-way. That would be similar to the Winter Park Boulevard collector street, which was the reason for the traffic light on 3rd Street. This kind of street was designed to carry somewhat heavier traffic than a typical residential street, which would have a 50-foot right-of-way. He believed that there was a solution. He pointed to what could be the road's proposed main entry and 'front door' for the north side of the development. The street drawn leading from the cul-de-sac would effectively be the back door, and would not even be signed at the View High intersection. He proposed reducing this section to 50 feet and employing roundabouts and 'choke points' to slow traffic down but avoid the terraces that Bridlewood's collector road had. An alternate access would also reduce the volume.

Concerning the grade changes, Mr. Gale recalled that in designing Roosevelt Ridge they had taken advantage of the natural ridge, assuming that anything developed to the west would have sizable grade. Trees would be planted to buffer the view of a drop-off, although they would not be effective as screening until they were mature.

Mr. Jody Van Epstein gave his address as 3112 SW Muir Drive. He stated that the residents had never seen the design Mr. Gale had displayed. He noted that this design had a major exit road, which would negate the need for a road behind these homes. He did not believe there was a need for a road in that location, as Kessler and Mr. Gale's proposal would supply the access. He also wanted a continuance of this application in order for the residents to see all the data, including the alternative Mr. Gale had described.

Mr. Travis Roof gave his address 301 NW View High Drive, immediately north of the proposed apartment complex. He did not oppose the rezoning or the apartments but did have some concerns about Kessler as a collector in relation to the original plan. Mr. Roof illustrated his remarks with images of the various plans. In 2006 the City had done a study for the thoroughfare master plan. It showed Kessler tying in with 109th Street. The Comprehensive Plan showed the same thing. Mr. Roof then displayed a drawing of the City's concept plan for future connections and the overall road network, noting that the City Council had seen this in January. He requested to have Kessler extend to the property line. The Access Management Code (6.3C-D) stated that *proposed streets should extend to the boundary lines of the proposed development*. View High was a western gateway to Lee's Summit, and that made this being a quality development all the more important.

Mr. Schlicht addressed some of the concerns raised. He emphasized that this plan was at the concept level. Neighbors often saw such plans and felt as if they were already completed. The applicants were willing to work with them as they went along. He understood their frustrations in terms of the timing of how and when they learned about the project; however, the City did not require a neighborhood meeting and the applicants had held two. More information could have been given at the first meeting. It was a team decision that the apartment complex had more

information and that would be their focus. Mr. Gale had called after that meeting and told them that this was not the case: the neighbors were more concerned with the concept plan as a whole and what it meant. The team had then graciously set up another meeting; and they had wanted to set it up as quickly as possible; so they'd had very little time between the two meetings. He asserted that the developer was willing to continue to work with the residents, and the next step would be the more detailed preliminary development plan. They would hold another neighborhood meeting at that time, and another public hearing would be scheduled.

Mr. Schlicht emphasized that topography was a major factor on this particular site. They had been discussing this project for a long time, including the route the road would take. Kessler had been fairly simple: they knew where it needed to go. This east-west road, on the other hand, was constrained by topography and while it was true that it could be routed elsewhere, there was a very steep dropoff to contend with. If the road was moved over, they would be putting up the senior living center directly adjacent to the residents' property lines. This might take the form of several one- or two-story buildings. Their intent in proposing this alignment was to create a buffer, with a distance of about 140 feet. The alternate route suggested would also be more expensive to construct. Concerning grade, the applicants planned to build a 3-foot to 6-foot berm with landscaping on both sides. Most of the residential lots nearby were not level with their back property lines and the berm would be much higher than the back of their yards; so it could be a visual block and also look attractive. The road beyond it would probably be on a grade at or lower than that of Roosevelt Road.

Concerning the remarks about the senior living center being three stories, Mr. Schlicht stated that it was shown that way on the concept plan but his intent had been to notify the neighbors that a multi-story building could be there rather than the one- or two-story buildings seen at John Knox Village. After discussing this possibility, it was more likely that the larger structure would be on the other side of the loop, at a lower elevation and closer to the lake. The reason for that road being there was that the access had been requested by City staff. The City traffic engineer had specified that Kessler had to make a connection, and traffic did dictate that a connection was necessary. However, staff had not specified any particular point and Mr. Gale had alternate suggestions about moving the road over. He was confident that they could work out a route and connection point that would work. The only roads that would be 'locked in' and could not be changed were the westernmost part of Kessler, where it took a 90-degree turn to the west, and the lower part of the road being discussed.

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

Chairperson Norbury asked what was the end point of what was required to be built, assuming that the PDP would be approved. Mr. Schlicht pointed out the lower intersection of the loop the east-west road made, which was at the edge of their property line. From that point on, it went straight down to View High with a right-in-right-out access.

Mr. Delibero asked for an explanation of how 109th Street would connect in the future, and how it would connect with this project or with Winterset. Mr. Schlicht displayed an aerial view and explained that 109th and View High was identified as a signal intersection, with an eastbound lane. The church was currently building a road about 300 feet east of View High; and could connect and continue down to the south. Some of the early plans had shown connectivity at the back of Mr. Roof's property, coming from the future Winterset development. However, a large



ravine made a connection at that point potentially costly, and unlikely. The topography in that whole area was often challenging and led to special cases.

Mr. Delibero commented that it seemed the proposed development had only two points of access, one off View High and off 3rd Street. Mr. Schlicht pointed out a full View High access at Kessler and a right-in-right-out at the proposed east-west connection road. A third access point to the south might go in, depending on the nature of the development there. On 3rd Street, there might be a right-in-right-out access, with a full access point at Kessler, for a total of five possible access points. Mr. Schlicht added that there was a back entrance to Winterset; but it was assumed that traffic on it would be minimal.

Ms. Roberts noted Mr. Gonzalez' remark that the road could be regraded but that would increase the cost. She remarked that regrading was extremely expensive; but that would not be the only problem. Regrading for the road, and thereby changing the topography, would have a direct impact on the nearby residents and their homes; since the stormwater would have to go somewhere. It would also have the effect of destroying chances for tree conservation in the area. This space was very close to a residential area that was already developed and a grade change in a situation like that could be very destructive. Mr. Schlicht pointed out the part of the development closest to the basin and noted that they'd had to use considerable fill just to make the ground buildable. The plans for buildings would have to work with that grade; and the same applied to the parts with commercial development and the senior living center.

Concerning the location of the senior living center, Ms. Roberts remarked that she had grown up with part of John Knox Village on the other side, and seniors were generally very good neighbors. She asked if the applicants would consider alternatives to the living center location when working with the neighbors, and Mr. Schlicht believed that they would. He noted that if the road was shifted and the living center took the form of several single-story structures, they would not be able to have driveways accessing a collector roadway. That would mean installing a parking lot, or parking lots, and these meant more lights. They would likely be discussing this at the next meeting, since the senior living center would probably be the first PDP they would bring forward.

Mr. DeMoro asked if the berm described as an earthen berm with trees and a fence on both sides. Mr. Schlicht when Mr. Gale had developed those lots, the houses were put at a lower elevation. As the land sloped up, it developed an earthen berm that was there now. Electrical and secondary utilities had placed their pedestals there. Their plan was to take their road grade back down to create an earthen berm. A high-impact screening would go in for that 20 feet, with a fence and landscaping on both sides. He hoped that the applicant and neighbors would cooperate in agreeing how to develop the screening. For example, the neighbors had indicated a preference for something other than a vinyl fence. Mr. Gale had started an earthen berm on Winterset and what he was describing would re-create it on the new project's side for, with substantial high-impact screening as a result. Mr. DeMoro remarked that eventually the fence might not be visible if the trees had matured.

Chairperson Norbury noted a concern raised about the speeds on the proposed collector road. When they brought in a preliminary development plan, he would be interested to see what kind of features, such as roundabouts and street trees, would be employed to minimize speeding.

Mr. Dennis Sondgeroth, of 158 Roosevelt Ridge Drive, stated that the berm end which Mr. Schlicht had mentioned had no utilities other than an AT&T cable. He noted that at least one of his neighbors' properties would slope down to a berm so it would have to be a few feet higher at some points. Concerning the discussion about regrading, he said that the road had 150 to 200 feet before it started dropping off so he did not think regrading would be necessary to reroute it. He also wanted an explanation as to why this road was needed, since Winterset Valley already had three entrance and exit points and it appeared that this was the road's only destination. Mr. Park stated that the road was needed as part of a well-planned road network. It had previously been presented in various preliminary plats and concept plans. This version would serve Winterset Valley itself but also the project area. It was necessary for residents and other users to access the main roads, including the residents of the senior living facility. Public safety required that a development of this size and density have more than one way in and out. The specific location of the road could be up for discussion. He added that Winterset Valley did have access to 3rd Street but there was no access to any other street. A well-planned subdivision needed to have access in more than one direction.

Chairperson Norbury asked if there were further questions for the applicant or staff. Hearing none, he closed the public hearing at 6:20 p.m. and asked for discussion among the Commission members.

Chairperson Norbury stated that he understood the residents' concerns. He reminded them that this was the first of many development plans for this project that would come before the Commission. In addition, the Planning Commission was a recommending body, meaning that it would make a recommendation for approval or denial. The application would then go to the City Council for a hearing. They would have a second opportunity at that time to raise their concerns. They would also have the opportunity to work with the applicant at subsequent neighborhood meetings. This is one of the many applications the Commission had seen that involved different uses adjacent to each other; and the City's Unified Development Ordinance had specific requirements for buffering and screening, especially when residential uses were involved. The Commission paid special attention to buffers as well as lighting and heights and designs of buildings. The drawings they had seen were basically an educated guess at this point.

Mr. DeMoro thanked the public for attending and giving feedback. He reminded them that a conceptual development plan would not ever replace a preliminary development plan, and there would be very extensive discussion on this piece of property. Tonight's plan being conceptual was the reason for staff only citing two Recommendation Items. Moreover, it had been his experience with the parties involved was that they were very open to discussions with the community.

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

Mr. DeMoro made a motion to recommend approval of Application PL2016-145, Rezoning from R-1 to PMIX and Conceptual Development Plan: Village at View High, approximately 74 acres located at the northeast corner of SW View High Drive and SW 3rd Street; Engineering Solutions, LLC, applicant subject to staff's letter of September 23, 2016, specifically Recommendation Items 1 and 2. Mr. Funk seconded.

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

On the motion of Mr. DeMoro, seconded by Mr. Rader, the Planning Commission members voted unanimously by voice vote to recommend **APPROVAL** of Application PL2016-145, Rezoning from R-1 to PMIX and Conceptual Development Plan: Village at View High, approximately 74 acres located at the northeast corner of SW View High Drive and SW 3rd Street; Engineering Solutions, LLC, applicant subject to staff's letter of September 23, 2016, specifically Recommendation Items 1 and 2.

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

<p><b>4. Application #PL2016-146 - PRELIMINARY DEVELOPMENT PLAN - Village at View High Apartments, generally located at the northeast corner of SW View High Dr. and SW 3rd St.; Archview Properties, LLC, applicant</b></p>
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Chairperson Norbury opened the hearing at 6:25 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Mr. Jim Thomas, of Cityscape Residential, gave his address as 8335 Keystone Crossing, Ste. 220, in Indianapolis, Indiana. He stated that he had given this presentation to the neighbors when he had met with them. Mr. Thomas had been involved in the developments of Summit Ridge and the first phase of New Longview. He displayed representative views, both exterior and interior, of Cityscape's Residences at Prairiefire and Greenwood Reserve (Olathe) including common areas and amenities. The buildings at Prairiefire were taller than what he was proposing tonight; but the quality was the same. These were at the high end of the market, with typical rents for Lee's Summit being a little under \$1,000 for a one-bedroom unit, \$1,100 for a two-bedroom unit and \$1,300-\$1,400 for larger units.

Mr. Thomas displayed an aerial view of the proposed project, noting that on this drawing north was to the left. Another slide showed the conceptual plan with the Village highlighted on the northwest side. A more detailed view showed the layout. Mr. Thomas pointed out that the grade went sharply down from the west (bottom of the map) to east. The buildings were basically doubling as retaining walls. They were two stories on the uphill side and three on the downhill side. The apartments would have access to Kessler Road as well as the proposed 'Village Park Drive' at the southeast corner. Other drawings of the typical sides of an uphill building (two stories) and downhill building (three stories). The drawings showed garages on the ground floors, and Mr. Thomas remarked that garages were plentiful in the plan. This was a market decision he had made based on other two-car projects.

Mr. Thomas displayed a photo of the Long mansion at New Longview, stating that he had used this as a model for colors and materials. He then displayed samples of these materials, followed by color slides of how these materials would look on the buildings.

Chairperson Norbury asked Mr. Thomas if the applicants agreed with staff's five Recommendation Items. Mr. Kirk Petersen of the Polsinelli law firm gave his address as 900 W. 48th Place in Kansas City, MO. He clarified that they had one request for a modification. The northwest corner of the apartments included stand of mature trees and they had wanted to

retain as many of these as possible. This was the reference to a requested modification in Recommendation Item 1. Mr. Petersen then referred the Commissioners to the Traffic Impact Analysis, specifically the six recommendations on the last page. They were asking for a modification to the first one, concerning improvements to surrounding roads. Mr. Thomas related that View High Drive accessed both Chipman and 109th Streets from within the property. These were both east-west thoroughfares, and the City of Kansas City, Missouri, which had jurisdiction on those stretches, preferred that both these intersections have traffic signals. However, this particular project would have very little traffic impact on those particular intersections. He requested that staff, as well as the developers who worked with the City of Kansas City, see if this condition could be severed from their getting a Certificate of Occupancy.

Concerning conditions 5 and 6, both were concerned with conditions that, again, had nothing to do with this multi-family project. He asked that these components be removed as conditions pertaining to this project and its Certificate of Occupancy.

Following this presentation, Chairperson Norbury asked for staff comments.

Ms. Thompson entered Exhibit (A), list of exhibits 1-15 into the record. She related that this project was a 312-unit apartment development on 21 acres. Apartments were shown as part of the conceptual plan for the Village at View High development. Staff considered this development appropriate for the site and consistent with the long-term plan for commercial mixed-use development.

Staff recommended approval, subject to the five Recommendation Items. Item 1, which Mr. Thomas had referenced, recommended a modification to the high-impact buffer requirement along the northern boundary. The applicants could submit a tree preservation plan at the final development plan stage, and a high-impact buffer could be added if necessary should they have to remove any of the trees. Item 2 was a standard requirement that the development be consistent with the preliminary development plan the applicant had submitted on September 16, 2016. Item 3 required development standards to be consistent with those shown on the plan. Item 4 required the applicant to execute a development agreement with the City, and listed the minimum requirements. This had to be done before any building permit could be issued *except where the timing of improvements [is] specifically noted in the description of condition*. Item 5 required the project to be *subject to the recommendations of the Transportation Impact Analysis report dated September 22, 2016*.

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.

Mr. Travis Roof gave his address as 301 View High and stated that he did not oppose the apartments. His concern was with the collector street's alignment. Concerning the mature tree stand, he suggested that a certified arborist identify any dead or diseased trees for removal, filling the gaps with landscaping.

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

Chairperson Norbury asked staff if the letter as presented tonight provided enough flexibility concerning the stand of trees. Ms. Thompson answered that it did. Chairperson Norbury then asked Mr. Petersen if he had any concerns about the wording of Recommendation Item 1 being

insufficient in some way. Mr. Petersen answered that he did not. The concern was the fact that due to some grading issues they might have to remove some of the trees.

Referring to Mr. Petersen's request for modifications to the six Traffic Impact Analysis conditions, Chairperson Norbury noted that the recommendations appeared to be the same as in the TIA for the rezoning and conceptual plan. Mr. Park acknowledged that the TIA was for the whole concept plan, and had specified what the improvements needed to be to accommodate the full development. A condition of approval was that they update or modify that traffic study in terms of whatever was proposed at the time that the concept plan was expanded to a preliminary development plan. However, it had also specified improvements for this first phase.

Chairperson Norbury asked if those six conditions were specifically tied to this application, and Mr. Park replied that they were. Conditions 5 and 6 were tied to the roadway connection of Kessler to this preliminary development plan; and these conditions were timed such that if they did not make that connection they would not have to make the improvements. It was not currently in their PDP. This was beyond the control of City staff, since the connection was something the master developer could do at any point in time. If that occurred, the roadway was then serving the apartments and the turn lanes would be required in accordance with the Access Management Code.

Mr. Park continued that condition 1, which addressed traffic signal installation, was Kansas City's purview. The City of Kansas City had not yet determined what improvements they would require; and they held approvals of permits. This item was there to put on record that Kansas City might add conditions, and they would be tied to the timing of construction in Lee's Summit. It could also waive those conditions but this item made it clear that there may be improvements and that Kansas City held all conditions with regard to those improvements. Chairperson Norbury asked if there was anything in the conditions that would prevent the applicants from building, subject to Kansas City's approvals. Mr. Park answered that there was not, adding that staff was willing to work with both the applicant and the City of Kansas City through the review process. Recently the Commission had heard a similar application that involved both MoDOT and Kansas City regarding the interchange of View High and I-470. The same types of conditions were listed.

Chairperson Norbury asked if there were further questions for the applicant or staff. Hearing none, he closed the public hearing at 6:50 p.m. and asked for discussion among the Commission members, or for a motion.

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

Mr. DeMoro made a motion to recommend approval of Application PL2016-146, Preliminary Development Plan: Village at View High Apartments, generally located at the northeast corner of SW View High Dr. and SW 3rd St.; Archview Properties, LLC, applicant; subject to staff's letter of September 23, 2016, specifically Recommendation Items 1 through 5. Mr. DeMoro seconded.

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

On the motion of Mr. DeMoro, seconded by Mr. Delibero, the Planning Commission members voted unanimously by voice vote to recommend **APPROVAL** of Application PL2016-146, Preliminary Development Plan: Village at View High Apartments, generally located at the northeast corner of SW View High Dr. and SW 3rd St.; Archview Properties, LLC, applicant; subject to staff's letter of September 23, 2016, specifically Recommendation Items 1 through 5.

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

Mr. Soto noted that the preliminary plat application for this project was at the end of the agenda, and suggested that it be moved up. As this would involve amending the agenda, Chairperson Norbury asked if anyone wanted to make a motion.

Mr. Delibero made a motion to amend the agenda to move Item 8, Application PL2016-147, Preliminary Plat: Village at View High, approximately 74 acres located at the northeast corner of SW View High Drive and SW 3rd Street for the proposed ; Engineering Solutions LLC, applicant, to immediately follow Item 4, Application PL2016-146. 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. Delibero, seconded by Ms. Roberts,, the Planning Commission members voted unanimously by voice vote to move Item 8 on the agenda to immediately follow Item 4.

## **OTHER AGENDA ITEMS**

<p><b>8. Application #PL2016-147 - PRELIMINARY PLAT - Village at View High, approximately 74 acres located at the northeast corner of SW View High Drive and SW 3rd Street; Engineering Solutions LLC, applicant</b></p>
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Chairperson Norbury opened the hearing at 6:55 p.m.

Mr. Matt Schlicht of Engineering Solutions gave his address as 50 SE 30th Street in Lee's Summit. The plat created five lots, although the drawing showed four, which was an error. Lot 1 was for the apartment project and Lot 2 was for the senior living facility. Lots 3, 4 and 5 were associated with future commercial development. Mr. Schlicht agreed with staff's Recommendation Items.

Mr. Soto confirmed that this application was tied to the conceptual plan discussed earlier, and that the preliminary plat application was for five lots plus a detention tract at the north end.

Chairperson Norbury then asked if the Commission had questions for the applicant or staff. Hearing none, he called for a motion.

Mr. Delibero offered to make a motion, and Chairperson Norbury noted that the motion should be for approval or denial, not a recommendation.

Mr. Delibero made a motion to approve Application PL2016-147, Preliminary Plat: Village at View High, approximately 74 acres located at the northeast corner of SW View High Drive and SW 3rd Street; Engineering Solutions LLC, applicant; subject to staff's letter of September 23, 2016, specifically Recommendation Items 1 and 2. Mr. DeMoro seconded.

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

On the motion of Mr. Delibero, seconded by Mr. DeMoro the Planning Commission members voted unanimously by voice vote to **APPROVE** Application PL2016-147, Preliminary Plat: Village at View High, approximately 74 acres located at the northeast corner of SW View High Drive and SW 3rd Street; Engineering Solutions LLC, applicant; subject to staff's letter of September 23, 2016, specifically Recommendation Items 1 and 2.

Chairperson Norbury announced a break at 6:55 p.m. The meeting reconvened at 7:08 p.m.

## **PUBLIC HEARINGS**

**5. Application #PL2016-149 - REZONING from AG and CP-1 to PMIX and PRELIMINARY DEVELOPMENT PLAN** - The Residences at Echelon, approximately 24 acres located at the northwest corner of SW M-150 Hwy. and SW Hollywood Dr.; Engineering Solutions, applicant

Chairperson Norbury opened the hearing at 7:08 p.m. He announced that one of the Commissioners (Mr. Delibero) had recused himself from the discussion. He and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Ms. Christine Bushyhead, of Bushyhead LLC, gave her address as 315 SE Main in Lee's Summit. She was speaking on behalf of Engineering Solutions, which was representing the developer, Summit Custom Homes Inc. The project team also included TranSystems and NSPJ Architects. Mr. Jeff Wilkie of TranSystems was present at the hearing, as were Mr. Clint Evans and Mr. Brick Owens of NSPJ. Ms. Bushyhead's presentation would focus specifically on land use, design and engineering.

The property was in the M-150 Corridor and was subject to its requirements. Of the property's 24 acres, the apartment development would take up 11.15 acres. On staff's recommendation, the applicants had requested PMIX, which was allowed in the M-150 corridor if the standards were followed. Both the Comprehensive Plan and the Lee's Summit M-150 Sustainable Corridor vision and framework plan, which was part of the Comprehensive Plan, provided guidance on what kind of development this area should have. The applicants considered this project to be compatible with these documents. The M-150 corridor consisted of about 4,300 acres along a 3.8-mile stretch of Missouri route 150.

The regulatory framework proposed in the Comprehensive Plan had flexible standards and clear objectives for sustainable development approaches. This project was consistent with that; although they would be asking for some flexibility, especially concerning density. Page 4 of the Comprehensive Plan, addressing the vision and framework of the M-150 Corridor, stated that *"There is an anticipated 860 rental units that would ultimately develop in this plan area, as well*

as an additional 3,290 for sale housing units.” Ms. Bushyhead believed that this planned element had to have a place for 'renter by choice' product, which could pertain to both seniors and millennials. That was a major part of this application; and both seniors and millennials were large demographic groups.

In that context, this application was certainly consistent with the objectives associated with the plan for, and objectives of, the M-150 Corridor. The vision, goals and guiding principles of the Comprehensive Plan were to have a strong, stable economy, with employment and retail services playing a part; a healthy environment and support of pedestrians, protecting the Corridor's natural resources including watersheds and streams and generally supporting best management practices. The 'livable community' goal was to have *high quality, long-lasting development with unique and varied character that is distinctly different from that of other corridors in the city and region.*

This project offered unique characteristics not seen elsewhere in Lee's Summit. While density residential neighborhoods were emphasized in the plan, it did also call for establishing new neighborhoods on a compatible scale as transitions between the established neighborhoods and the newer mixed-use centers. This project could function as that kind of neighborhood buffer. Accordingly, the applicants were requesting a zoning change from AG and CP-1 to PMIX. This would be consistent with the visions and goals of the M-150 Corridor plan. Additionally, many of the uses near this property were not residential but institutional; namely the Aldergate Methodist Church, and the nearby schools.

Sustainability was an important part of the picture and had been thoroughly discussed and evaluated by the Planning Commission at the time that these district regulations went in. This project had earned 312 points pertaining to sustainability, well above the 300 points required. The property would require only minor platting, which could be administratively approved by staff. They did need to shift some lot lines and provide for relocating Cheddington Drive.

Ms. Bushyhead displayed a slide showing the general layout and the site amenities. The units would have detached garages, similar to those used at Summit Ridge. Other slides showed community amenities such as a fitness center, swimming pool, walking trails and pet-friendly areas. The architecture was the “modern design per City of Lee's Summit direction” with oversized terraces, large windows with shading components and masonry exteriors with some stone and stucco panels. Slides of interiors showed kitchen appliance packages, washer and dryer connections, individual water heaters and sprinkler systems for fire-related emergencies. Other rooms shown including bedrooms and bathrooms, also had state-of-the-art features.

Ms. Bushyhead then displayed a slide of the preliminary development plan and stated that the applicant agreed with staff's report including Recommendation Items 1 through 4. They did have an issue with Public Works' Code and Ordinance Requirements (page 5). The issue was with comment 7: *The sanitary sewer shall be extended to the northwest corner of the plat boundary as required by UDO Section 16.400.* They did not believe that UDO Section 16.400 applied, since the project would not involve the submission or approval of a final plat. They were only minor platting, which would not trigger that requirement. The extension of utilities was to accommodate future development with full plats. This project was more in the nature of an infill redevelopment.



Additionally, Section 16.400 did cite an exception, stating that it would suffice *if the adjacent property can be served by future sewer extensions or dedicated right-of-way*. Both dedicated rights-of-way and dedicated easements were available via property to the north. On its face, Section 16.400 was a constitutional land use requirement; however, the applicants believed it was an unreasonable burden on an applicant to apply this to an infill redevelopment project. In this case, the design would have to change if they had to do additional sewer improvements. They would have to work with both the neighboring bank and church and have to coordinate it through the entire construction process.

Mr. Matt Schlicht of Engineering Solutions gave his address as 50 SE 30th Street in Lee's Summit. He remarked that item 14 in Code and Ordinance Requirements referred to the final plat. This was an error that they had discussed today, and a minor plat would be required before a building permit was issued.

Mr. Schlicht gave some history of the property. On the displayed plan he pointed out the Arvest Bank in the southwest corner and the platted lot of the Aldersgate Church immediately to the north. Most of the tract consisted of two large lots. Cheddington Drive, at the south end, would be extended and become a public roadway to the north property line. They would create an east-west dividing line to separate the church from the apartment project.

The applicants had a neighborhood meeting, with residents of all the surrounding subdivisions invited; and stormwater had been a major subject. Many of those attending were from Raintree; and the Raintree Property Owners Association was very concerned about stormwater issues in particular. Displaying an aerial view, Mr. Schlicht explained that the red line indicated the drainage channel of the Raintree watershed. This was an open channel that drained behind the fire station and went past the elementary and middle schools. The middle school had a series of detention facilities around the east and north sides of their property. The channel helped reduce the downstream impact on the downstream watershed. All 24 acres of the subject property were included in the 133 acres that drained down that open channel. The existing church and bank both had open-air detention facilities that would be maintained. The Cheddington Drive improvements would include improving and regrading as well as replacing some piping, which had been installed in the late 1990s.

Displaying the PDP, Mr. Schlicht pointed out a large center space that would be a BMP retention facility. It would be designed and used as an amenity in this open space. It would have walkable paths around the exterior, with stone landscaping and a fountain in the middle. The water would drain from this site into the school district's detention facility. That would increase the time of discharge in an upper portion of the watershed and limit how quickly it made its way down to the upper part of Raintree Lake. Raintree had some existing sediment traps had been blown out by increasing water flow; and Mr. Schlicht believed that this detention-retention facility would be helpful in slowing the water down.

Following this presentation, Chairperson Norbury asked for staff comments.

Ms. Stanton entered Exhibit (A), list of exhibits 1-16 into the record. She stated that this application was primarily for the 11.15 acres that would require replatting to adjust the property lines. There would be 8 apartment buildings, some with 3 stories and some split with 3 stories on the upper side and 4 on the opposite, lower side and garages on the lowest story. Materials

would be stone, Hardie panels and Hardie lap siding. Staff recommended approval, subject to their September 23, 2016 letter including Recommendation Items 1 through 4:

- (1) *"A modification shall be granted to the maximum allowed wattage for parking lot lighting, Section 7.250.G.1, to allow for a maximum wattage of 204 per the Photometric Site Plan date stamped September 6, 2016.*
- (2) *All light fixtures shall be LED.*
- (3) *Development standards including density, lot area, setbacks, shall be as shown on the Preliminary Development Plans date stamped September 6, 16 and 20, 2016.*
- (4) *Unless otherwise waived by MoDOT, the existing yield sign at the intersection of M-150 Highway and SW Hollywood Drive should be changed to a stop sign and such sign shall be visible to southbound traffic on SW Hollywood Drive with any sight conflict mitigated.*

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

Mr. Paul Landis gave his address as 825 SW Raintree Drive and stated that he was the Community Development liaison for the Raintree Lake Property Owners Association. He had been authorized to speak on their behalf. Raintree Lake had 2,053 residences, and water was their primary 'enemy.' He pointed out an open area in the southeast part of the lot as a particular trouble spot. It had a field drain that would directed the water southwest across the parking lot to the secondary detention facility. This was essentially a shortcut. Currently, a ridge ran along the development's east-west line and the water coming down the hill flowed to the northwest. The detention piped the water down to a storm sewer that went directly into Raintree Lake at Hidden Cove. The silt in Hidden Cove had been cleaned out twice in the last 20 years. Altogether Raintree spent \$56,000 a year on mitigating siltation.

Mr. Landis was disappointed that staff did not really address the zoning. The M-150 CDO had said that it should have the *same overall density that would be required for the base zoning district* and that the *PMIX district shall not be used to vary any of the design or development standards*. Mr. Landis asserted that the base zoning was not PMIX but either residential small scale or commercial and civic uses. The bank and church and some of the existing residences fit that description. The land had earlier been planned for commercial and offices. Mr. Landis displayed a chart showing 46% residential and 53% non-residential use and he stated that this did not fit. The project's density was 243 units, for an average 21.79 units per acre.

Mr. Landis asserted that this development was not really PMIX. The southern half of the property included detention that was already in place so they were not planning anything there. The development itself was basically a change from AG to R-4 zoning and disguising it by calling it a PMIX. Apartments were permitted in both those types of zoning, but the maximum was 12 units per acre.

The buildings themselves were 10 units per floor, 5 units on both sides. The CDO specified 8 as the maximum number of units per floor. One goal in designing apartment buildings was to avoid making them look like huge structures. The applicant had partially done that. Stepping back the third floor was a way to minimize visual impact, but what they had done was clip the corners and do odd rooflines. Mr. Landis stated that Raintree had been there since 1973 and it

had more than its share of such rooflines. He did not think the vertical articulation was very good. He also observed that there appeared to be only two models for the buildings and they did not have distinct building designs or variations in length of 30% or more. They were all the same length and the footprints of all the buildings were about the same.

He also saw a parking problem. Out of a total of 441 spaces, 227 were assigned as private. The carport and garage spaces were not necessarily assigned, as people would have to pay extra for them. They were not accessible to visitors, and people who did not want to rent one would have to struggle to find a place to park. This was likely to spill over into the church's parking lot and on nearby streets. Mr. Landis summarized that there was a slight problem with the water, a big problem with the zoning, the use was not consistent with the zoning, the density was double what it should be, the buildings were not in line with the CDO and the parking did not fit. The Raintree Homeowners Association was not supporting the project and did not think it complied with the M-150 Corridor district requirements.

Mr. Joe Lawson gave his address as SW 4242 Clipper Court in Raintree. He had been there for 23 years. He agreed with Mr. Landis' comments. He asked the Commission to postpone the rezoning until the Walmart opened. All the traffic and water studies were just theory at present, and he wanted to see how the day-to-day operation would work; and understand what impact it would have, before doing any more development north of Raintree.

Mr. Ken Gillespie gave his address as 1105 N. Pendley in Albany, MO. He was co-owner of the 10-acre property adjacent to this development, at Hollywood Drive and Cambridge Crossing. He had only a small drawing and wanted some time to look at this in more detail, to see how the project would impact his property.

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

Ms. Roberts asked the applicant to address some of Mr. Landis' concerns. Ms. Bushyhead summarized that Mr. Landis' concerns centered on zoning, architecture and parking ratios. Stormwater did not seem to be the overriding issue, but Mr. Schlicht could address that. She emphasized that it was essentially an infill project in that it was not being built from ground up. A look at the ratio of commercial and residential uses, the church had actually been classified as a commercial use. She did not believe this to be very fair, as a church use was allowed in any zoning classification so it was actually a neutral factor. When that was removed, the percentages were what they should be.

One of the key pieces to the zoning and the M-150 corridor goals was the idea of having a mixture of uses. That was the best choice for achieving walkability and for the 'rooftops' that would support future economic development. Without that kind of density, the buildout of projects like Arborwalk would not be possible. The applicants were aware of the high density; however, they had discussed it with staff; and were in agreement that this PMIX application that would assist in the in the infill redevelopment of an existing configuration that was already in place. They were trying to meet the spirit of the ordinance, and their sustainability score should not be overlooked. Ms. Bushyhead recalled that the discussions of the standards and sustainability goals were as lengthy and detailed as the discussions about land use while the corridor plan was being put together. The total slope of this

Mr. Brick Owens, principal and landscape architect with NSPJ, displayed a color rendering of the site plan, remarking that his job included working with a piece of ground to see how it could support sustainability. The land sloped a total of 30 feet, and he had used the buildings themselves to take up 20 feet of the grade and leave 10 feet of grade between the buildings. That area was fairly level and should be usable. The smaller ends of the buildings were facing Raintree and M-150 to the south. Mr. Owens stated that a goal had been to create a sense of self-sufficient place that had all the amenities residents needed. The buildings are actually angled to create different spaces between them.

NSPJ had designed about 3,000 apartments in the metropolitan area over the past three years. They had seen a lot of trends, including a preference for garages, with carports not always being desirable. The buildings were designed with garages underneath in order to maximize the open space and keep the use of asphalt down. In this project, almost all the units would have their own garages. Over the years people had used various standards to determine how many garages a development could have; but the one that seemed to work best was 1.75 cars per unit to allow for enough visitor parking. They were confident about their parking numbers, based on their professional experience.

Mr. Clint Evans, architect for the project, gave his address as 4731 Mercier in Kansas City, MO. He acknowledged that the facades definitely had a modern look. They were using all masonry construction, in the interest of highest durability and long-term maintenance as well as an attractive appearance. Windows were larger than typical and had varied configurations, and the buildings had highly contextual, dimensional facades. These elements gave them visual interest that did not always show up well in flat drawings. All corridors were interior. Four of the 8 buildings plus the clubhouse had community storm shelters. NSPJ was pleased to bring not only architectural quality but also something different and unique to this project.

Concerning the stormwater situation, Mr. Schlicht explained that the storm inlet was an existing one that the church had installed. It extended well into the building site. They were relocating it a little to the east and once the regrading was done, most of the drainage would be the current drainage behind the church. The amount of drainage on the project site would be considerably reduced. They would also be utilizing a drainage swale in back. Concerning traffic, the applicants had a traffic study done and both MoDOT and the City Traffic Engineer had approved the stormwater plan. Regarding Mr. Gillespie, who co-owned a neighboring property, Mr. Schlicht explained that they had contacted the property owner on the tax records, who was Mr. Gillespie's former wife.

Regarding the zoning districts, Chairperson Norbury had some concern about the amount of PMIX that was used recently. He understood that the City encouraged mixed uses and the Commission also did; as well as trying to look at projects in a more holistic way rather than considering each separately. Most of the zoning code had not caught up with that. However, the City had gone through a lengthy process with the M-150 Corridor plan and the overlay districts, much of which many people at Raintree had opposed although they now used it to their advantage. These were often used specifically to create situations where there was mixed use, and guidelines were put in place for it. However, they were talking about a rezoning and a change in use, whether it was called infill/redevelopment or a new project. People were using PMIX rather than the CDO classifications the City had and he did have some concern about that.

Ms. Bushyhead stated that in the pre-application meetings, this was the recommended zoning for the application. In moving forward they had believed that density was not an issue. The code's discussion of design standards for multi-family development (pp. 48-53) addressed aspects like common spaces, through access drives and pedestrian-scale lighting. It had a wealth of suggestions about designs in a larger context, such as the number of buildings. They had taken all this into consideration with the design.

Mr. Schlicht summarized that three projects had been done for the M-150 corridor and Engineering Solutions had been involved in all three. They all had unique characteristics. In the commercial development next to the Price Chopper, the developer had told them he could not meet the point goal under the existing system, especially in terms of costs. The City had granted a 20% reduction. Journey Church was the next, and the M-150 overlay had not anticipated a church to take up 10 acres so rules had to be bent again to make it work. The third and current project was being called a redevelopment for a purpose.

The site's situation was that the church on the property was using 13 acres of a parcel on M-150, where the City was trying to promote walkability, sustainability, good use of land and compatible neighborhood use. A bank was next to the church, and a strip center was to the east, a Walmart to the northeast, a school to the west and future development on the north. The latter would most likely be more commercial and retail. So the site was essentially 12 acres stuck behind a church and east of a school, sitting down in a hole. When the subject of density came up, it was evident that this was a good location for a multi-family type development and meeting the overall M-150 code. Mr. Schlicht observed that in the City's comparison of densities, this project's density of 27.9 acres was equivalent to other multi-family projects in the Lee's Summit area. Densities in New Longview were close to that. In short, the PMIX was a reflection of it making more sense to factor in the bank and church than to impose multiple zoning districts for the property and then try to make them fit the M-150 standards. He added that despite the high density for the apartments, the site had a remarkable amount of green space.

Chairperson Norbury stated that he liked the project. However, the point of the M-150 Corridor overlay did advocate minimizing the use of PMIX to vary design or development standards, as Mr. Landis had pointed out. He acknowledged that an apartment complex tucked into this kind of property was a compatible use. However, that did not mean slapping just any label on the property. He wanted to make sure that the City and applicants had given proper consideration to the CDO overlay districts and if that had not happened that was a staff problem they needed to fix. He also wanted to pull the reins back on using PMIX on every project just because it was a little challenging. The church did not have to be rezoned since a church was acceptable in any zoning district and the commercial district was already a commercial district. The next project that came through would have a very high bar to clear. He was not sure he would want to vote for the rezoning tonight because he had not heard a good reason for not putting it in one of the available CDO categories. If staff had a good reason, he wanted to hear it.

Mr. Soto explained that staff's reasoning was that they were dealing with a portion of underutilized property on an existing site. Half of the tract had already been developed. Staff had felt that PMIX was the best fit because of the existing development surrounding a somewhat remnant piece of property. Chairperson Norbury remarked that at some point, Arvest Bank might move some time in the future and right now they were proposing to give it PMIX zoning. He asked what that could mean in terms of restrictions on redevelopment. Mr. Soto

replied that redevelopment of any part of that property would require a preliminary development plan. It was still within the CDO area so it would still be subject to all the design standards that were spelled out in Article 6 of the UDO.

Chairperson Norbury noted that the PMIX designation was tied very closely to the development plan; and asked if how PMIX zoning might impact the future development of the other part of the lot, or if a change of ownership of the bank might mean that only multi-family residential could go on that property. He wanted to know if the PMIX designation would allow the redevelopment of the non-residential parts of the 24 acres. Mr. Soto explained that tonight's plan called for the development only for the acreage on the north end. Whatever the existing uses were on the rest of the property, the plan only called for them to continue as they were now. Any redevelopment would require some planning.

Ms. Roberts asked for some input from staff about the buildings. Ms. Stanton related that they did not meet the size for the CDO district but they were being rezoned to PMIX, not a CDO designation. This was an in-between situation in that they were meeting the CDO sustainability menu options but were not proposing to meet the same design criteria.

Chairperson Norbury then noted that the applicant had objected to including Public Works items 7 and 14, which addressed sanitary sewer issues. He asked staff for an explanation.

Mr. Monter stated that whether or not Section 16.400 was referenced, staff did believe that the section did apply which they had on page 5. He read the wording of the section, which stated that *sanitary sewers shall be extended to a subdivision boundary line to serve adjacent property*. Item 7 was referencing a UDO requirement and did not necessarily refer to whether a property had a minor plat or final plat. It was more a planning aspect. A sanitary sewer manhole was at the southern edge and if the property was developed, it could be a burden to the undeveloped property to the north to get sewer infrastructure. It might require the owner to go on someone else's property to get an easement. Staff's position was that the sewer had been extended to this undeveloped piece of property for the user to connect to; and from a planning point of view, that user should then extend it to be available to the next property. Staff believed that the sanitary sewer should be extended, both from a master planning standpoint and the perspective of this UDO section.

Chairperson Norbury noted that item 14 mentioned a final plat, and the applicants had indicated there would not be one. Mr. Monter answered that with four lots or less, the property could be minor platted. If public infrastructure was required as part of a platting process, they would need to do a final plat. That was based on his understanding of the UDO requirement. He added that a minor plat was a form of final plat. Item 14 would be accurate if, from a planning standpoint, the sanitary sewer would have to be extended. If the applicant did not have to extend the public infrastructure to the property to the north, then some applicant in the future would have to find some means to hook up with a public sanitary sewer.

Ms. Sheri Wells stated that Legal considered Section 16.400 would apply and the applicants would need to extend the sanitary sewer,

Chairperson Norbury asked if there were further questions for the applicant or staff. Hearing none, he closed the public hearing at 8:15 p.m. and asked for discussion among the Commission members.

Chairperson Norbury acknowledged that the M-150 corridor was, in a sense, an experiment. This was the first the Commission had seen an application there that involved a zoning change. He believed this was a good experiment but it was full of challenges, obstacles and gray areas. They had made a number of adjustments but he did not want to see this again and again. There needed to be a clear explanation.

Ms. Roberts observed that staff's reports and the other material the Commissioners got were very helpful – until they heard an application involving M-150. None of the issues they were discussing had been referenced in staff's report, including any guidelines about how the buildings should look and what size they should be. She did not feel that she had enough information to make a decision on this tonight. She could agree on the apartments getting a rezoning but was not sure about rezoning for the entire property for no apparent reason. The zoning made no difference to the church, and the bank's current zoning matched its use.

Chairperson Norbury stated that he liked this project and it did exactly what the City wanted to do according to every market study that had seen in recent years about a drastic need for more rental product. He also understood the Raintree residents' concerns. The water was always a concern, since Raintree was an especially sensitive watershed, but the applicants were being required to improve the situation and this was the general approach. He had also noted that every project in the M-150 corridor seemed to get strong opposition from the Raintree Homeowners Association. It was difficult to repeatedly hear “no” but never hear what might work for them. There would nevertheless, be more projects on M-150 and he advised the Association's board to have some discussions about what might work and be good for the area. It would encourage a more constructive dialogue. Nevertheless, he did share Ms. Roberts' concerns. He could approve the PMIX and PDP if the zoning was confined to the 11.15 acres. Ms. Bushyhead suggested that it would just take reducing the scope of the application to 11.15 acres.

Mr. DeMoro supported this change; however, he asked if the Commission was in agreement about the sanitary sewer requirement. Chairperson Norbury noted that this was something the Commission had “ done for almost every project it had heard. This was a preemptive requirement to ensure sanitary sewer access for future development. If there were objections, this could be dealt with in further conversations with staff, including Legal since it might involve statutory interpretation.

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

Mr. DeMoro made a motion to recommend approval of Application PL2016-149, Rezoning from AG and CP-1 to PMIX and Preliminary Development Plan: The Residences at Echelon, approximately 11.5 acres located at the northwest corner of SW M-150 Hwy. and SW Hollywood Dr.; Engineering Solutions, applicant; subject to staff's letter of September 23, 2016, specifically Recommendation Items 1 through 4. Mr. Rader seconded.

As Mr. DeMoro had erred in stating the acreage, Mr. Rader withdrew his second. Mr. DeMoro then restated the motion, identifying the property as approximately 11.15 acres. Mr. Rader seconded.

Ms. Wells pointed out that with the change, the zoning changed would now be “AG to PMIX” since the CP-2 part of the property was left out. Mr. Rader again withdrew his second.

Mr. DeMoro made a motion to recommend approval of Application PL2016-149, Rezoning from AG to PMIX and Preliminary Development Plan: The Residences at Echelon, approximately 11.15 acres located at the northwest corner of SW M-150 Hwy. and SW Hollywood Dr.; Engineering Solutions, applicant; subject to staff's letter of September 23, 2016, specifically Recommendation Items 1 through 4. Mr. Rader seconded.

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

On the motion of Mr. DeMoro, seconded by Mr. Rader, the Planning Commission members voted unanimously by voice vote of four “yes” and one “no” (Ms. Roberts) to recommend **APPROVAL** of Application PL2016-149, Rezoning from AG to PMIX and Preliminary Development Plan: The Residences at Echelon, approximately 11.15 acres located at the northwest corner of SW M-150 Hwy. and SW Hollywood Dr.; Engineering Solutions, applicant; subject to staff's letter of September 23, 2016, specifically Recommendation Items 1 through 4.

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

<b>6. Application #PL2016-153 - REZONING</b> from RP-2 to RP-3 - 202 SW 3rd St; Harlen & Liesl Hays, applicants
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Chairperson Norbury opened the hearing at 8:30 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Ms. Liesl Hays and Mr. Harlen Hays gave their address as 1320 NE Kenwood Drive in Lee's Summit. Ms. Hays stated that they wanted to open the first bed-and-breakfast business in Downtown Lee's Summit. They had discussed this concept with several Downtown business owners as well as Main Street and the Chamber of Commerce. Letters of support were included in the Commissioners' packets. These letters thoroughly covered the benefits of this kind of business Downtown. These advantages included historic preservation and supporting local businesses. Currently the property was zoned RP-2, which would require the owners to live on site. The Hays had a child as well as two large dogs, and this would not be practical. They were asking to change the zoning designation to RP-3, which would allow them to have an live-in, on-site manager.

Mr. Hays stated that the property at 202 SW 3rd Street was currently a residence with four bedrooms and four bathrooms. The size of the building would not change. They did plan to update the exterior parking area in order to have parking for each of the four bedrooms, one of which the manager would use. The home was built in 1889 and was an historic resource so they did not plan any other changes. They would comply with the City's requirements. He confirmed that the reason for the rezoning request was that the current zoning was for a “bed and breakfast homestay”, which would require them to live on site; and RP-3 zoning would allow a manager to do that as a “bed and breakfast inn.”



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

Mr. Soto entered Exhibit (A), list of exhibits 1-23 into the record. The application was for rezoning of a single-family home, on a lot slightly over a quarter acre. It was at a prominent intersection on the west side of Downtown. This was a transition zone. Mr. Soto displayed a color-coded zoning map and pointed out the subject property. The residential stretch on the north side of 3rd Street from Jefferson west was zoned RP-2, with R-1 on the south side. The dominant land use was single-family residential on both sides of the street. Four different zoning designations were on this particular corner: RP-2, CP-2, TNZ and PO immediately east of the subject property. The rezoning would allow the house to continue as a residence with no significant changes but also be able to offer use of the property as a bed and breakfast inn. The City had the two classifications for bed and breakfast businesses that the Hays had described. The intensity of use would not change whether the property was RP-2 or RP-3. It would provide a good transition from the residential use to the west to the commercial uses to the east. If the applicants should cease to operate it as a bed and breakfast inn, the residential use could continue. There was a mix of uses around the corner. Staff supported the rezoning request.

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 asked if the Commission had questions for the applicant or staff. As there were no questions, Chairperson Norbury closed the public hearing at 8:40 p.m. and asked for discussion among the Commission members, or for a motion.

Mr. DeMoro made a motion to recommend approval of Application PL2016-153, Rezoning from RP-2 to RP-3: 202 SW 3rd St; Harlen & Liesl Hays, applicants; subject to staff's letter of September 23, 2016. Mr. Rader seconded.

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

On the motion of Mr. DeMoro, seconded by Mr. Rader, the Planning Commission members voted unanimously by voice vote to recommend **APPROVAL** of Application PL2016-153, Rezoning from RP-2 to RP-3: 202 SW 3rd St; Harlen & Liesl Hays, applicants; subject to staff's letter of September 23, 2016.

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

<p>7. <b>Application #PL2016-154 - SPECIAL USE PERMIT</b> for a bed &amp; breakfast inn - The Browning, 202 SW 3rd St; Harlen &amp; Liesl Hays, applicants</p>
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Chairperson Norbury opened the hearing at 8:41 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Ms. Liesl Hays and Mr. Harlen Hays gave their address as 1320 NE Kenwood Drive in Lee's Summit. Mr. Hays stated that they were asking for a Special Use Permit in order to operate a bed and breakfast inn at the referenced location. They would adhere to all the listed 16 SUP requirements. They planned to retain the property's character on the exterior of the house as

well as the interior. They would also adhere the UDO's requirements for a bed and breakfast inn. That would include having three rooms available and have adequate screened parking by a fence, with four parking spots including one that was ADA compliant.

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

Mr. Soto entered Exhibit (A), list of exhibits 1-23 into the record. He stated that the applicants were willing to comply with all the SUP and UDO requirements for operating a bed and breakfast inn. Staff found the use compatible with the existing neighborhood and surrounding properties. Staff recommended approval, subject to Recommendation Items 1 and 2.

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. As there were none, he then asked if the Commission had questions for the applicant or staff.

Mr. Funk suggested that Mr. and Ms. Hays might introduce themselves to the Historic Preservation Commission. Ms. Hayes stated that they had met and were working with Ms. Kathy Smith; and she was working to ensure that they had all the information they needed for the historic property. She had not mentioned the Commission meetings but they were look into a visit.

Chairperson Norbury noted that Downtown Main Street had submitted a letter in support of the application.

Chairperson Norbury asked if there were further questions for the applicant or staff. Hearing none, he closed the public hearing at 8:50 p.m. and asked for discussion among the Commission members.or for a motion.

Mr. DeMoro made a motion to recommend approval of Application PL2016-154, Special Use Permit for a bed & breakfast inn: The Browning, 202 SW 3rd St; Harlen & Liesl Hays, applicants; subject to staff's letter of September 23, 2016, specifically Recommendation Items 1 and 2. Mr. Rader seconded.

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

On the motion of Mr. DeMoro, seconded by Mr. Rader, the Planning Commission members voted unanimously by voice vote to recommend **APPROVAL** of Application PL2016-154, Special Use Permit for a bed & breakfast inn: The Browning, 202 SW 3rd St; Harlen & Liesl Hays, applicants; subject to staff's letter of September 23, 2016, specifically Recommendation Items 1 and 2.

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

## **PUBLIC COMMENTS**

There were no public comments at the meeting.

## **ROUNDTABLE**

Mr. McKay announced that at the next meeting on October 11th the Commission would hear the application for the City-initiating rezoning to PMIX. This was for all the area around the new interchange at US 50 and M-291 including the Odessa site, Pine Tree shopping center, the Westcott property, all the businesses along Jefferson and 16th Street and Persels. The City had hosted two open houses to discuss it with the property owners and had a full room at the second meeting with some good comments.

Chairperson Norbury asked that applications for PMIX include, in the future, some commentary on what the PMIX designation was for.

## **ADJOURNMENT**

There being no further business, Chairperson Norbury adjourned the meeting at 8:55 p.m.

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