



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

Tuesday, November 22, 2016

5:00 PM

City Council Chambers

City Hall

220 SE Green Street

Lee's Summit, MO 64063

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CALL TO ORDER

ROLL CALL

**Present:** 8 - Board Member Fred Delibero  
Board Member Jason Norbury  
Board Member Fred DeMoro  
Board Member Don Gustafson  
Board Member Donnie Funk  
Board Member J.Beto Lopez  
Board Member Herman Watson  
Board Member Brandon Rader

**Absent:** 1 - Board Member Colene Roberts

APPROVAL OF AGENDA

**A motion was made by Board Member Delibero, seconded by Board Member DeMoro, that this was approved. The motion carried unanimously.**

APPROVAL OF CONSENT AGENDA

[2016-0738](#) Approval of the November 8, 2016 Planning Commission minutes

**ACTION: A motion was made by Board Member Delibero, seconded by Board Member DeMoro, that the Minutes be approved. The motion carried by a unanimous vote.**

PUBLIC HEARINGS

**2016-0736** PUBLIC HEARING - Appl. #PL2016-199 - PRELIMINARY DEVELOPMENT PLAN - co-work Lee's Summit, 210 SW Market St. and 211 SW Jefferson St.; Ben Rao, applicant

Chairperson Norbury opened the hearing at 5:02 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Mr. Ben Rao gave his address as 508 SE Douglas Street in Lee's Summit. He illustrated his presentation with PowerPoint slides. The first showed the former Post Office location at 210 and 211 Market Street. He proposed to redevelop the site, leaving the building

intact, with a phased approach to a long-term development plan. The building had been empty for almost a year; and there would be benefits to both the environment and the continued redevelopment of Downtown. The plan would include a coffee shop and small deli in the building, which would have a 'green' wall and roof. Mr. Rao was not sure about the signage in terms of the City's requirements. He explained that "co-working" referred to a space where small independent companies or individuals could rent desks, on a month-to-month basis. The idea was to create a hub to allow small businesses to have a base and to collaborate in support of each other. Having this option would also encourage local businesses to stay locally-based. A slide showed a common front area that would be secure, with tenants accessing it via a key fob. The space would also have offices available for lease. The subscription or rent would include Wi-Fi access as well as amenities like free coffee and tea. Much of the space would be devoted to collaborative and meeting spaces, including meeting rooms.

Mr. Rao pointed out that the Kansas City market had about a dozen co-working; but the only one in Jackson County was the Truman Innovation Center, which specialized in commercial kitchens. Companies could visit the proposed facility for off-site meetings. The meeting space was not intended for events such as weddings; but rather venues for professional gatherings including speakers and presentations. These spaces could accommodate up to about 300 people, and they would be available to tenants at other times.

The area around the site would need some beautification, as it had been neglected for awhile. Mr. Rao remarked that he had lived in Downtown Lee's Summit for ten years, and his offices were above the Bike America shop; so he had a practical interest in the area being improved. He was working with Mr. Will Gibson, who specialized in landscaping with native plants and using water from runoff. The plan was to add medians as well as rain barrels that would capture stormwater; which was especially important in view of site's impervious coverage being almost 100 percent. He would also put solar panels on the entire roof, and had called in structural engineers to determine that the structure could support that. This could provide power for 50 to 75 percent (with LED lighting) of the building's needs.

Mr. Rao emphasized that bringing a number of businesses, as many as 70 or 80, together to create a community was an essential part of this kind of development apart from just shared office space. It was a way to develop small businesses at a stage where they needed support. If this was successful, many of these businesses would remain based in Lee's Summit. These people who came into town for meetings and as speakers could potentially fuel significant economic growth. A well-attended meeting might bring in as many as 150 to 200 people into Downtown. He added that his background was in real estate investment, mostly single-family and small multi-family residential. The EDC had helped him contact several developers with experience in raising capital. He had met with nearby homeowners and their reaction had been very positive. Mr. Rao then displayed an aerial view rendering showing multi-family residential, retail and parking. He asked for approval of Phase 1 of the project.

Following Mr. Rao's presentation, Chairperson Norbury asked for staff comments. She related that this plan proposed to redevelop the 12,400 square foot former Post Office building as a co-work facility. The property was currently zoned PMIX, and this zoning district required a preliminary development plan for proposed development. The applicant proposed extensive site and building improvements, which including eliminating the Jefferson Street driveway, adding landscape islands and installing outdoor patios, a sculpture garden and the solar paneled roof Mr. Rao had described. These improvements supported the principles of the City's Downtown design standards and would enhance the existing building's character. Proposed uses within the building included not only office space but also a deli and coffee shop and a fitness center. Staff supported the application

and recommended approval.

Ms. Thompson entered Exhibit (A), list of exhibits 1-15 into the record.

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

Mr. Delibero asked Mr. Park about the traffic impact, should Mr. Rao be correct about meetings attracting 150 to 200 people. Mr. Park answered that the City had not previously looked at this site as being an event space. If it was a matter of meetings occasionally bringing in that number of people, as opposed to that much increase daily, it would not likely be an issue. The applicant would need to clarify whether this would be a typical business operation. Mr. Rao stated that this number would be the typical membership of the co-working space; however, having that many people there at one time would not be an everyday occurrence. However, if a group such as the Chamber of Commerce held regular membership luncheon meetings there, it would generate 100 to 200 people on a scheduled basis. The site had about 75 parking spaces, in addition to the 65 to 70 available at the City parking lot next door.

Mr. Delibero then asked Mr. Rao what the height of the main sign would be. Mr. Rao clarified that this was a conceptual drawing but he did not know if the City would approve it. It was above the roof line, about 8 to 9 feet high. Mr. Delibero asked Ms. Thompson how this fit into the sign requirements, and Ms. Thompson answered that the UDO's Article 13 prohibited roof signs, so staff had not approved this one; although they could help with reworking the design. The Commission were not being asked to specifically approve the sign or any particular rendering of the building at this stage.

Chairperson Norbury asked if there were further questions for the applicant or staff. Hearing none, he closed the public hearing at 5:18 p.m. and asked for discussion among the Commission members, or for a motion.

Mr. Delibero made a motion to recommend approval of Application PL20199, Preliminary Development Plan, Co-work Lee's Summit, 210 SW Market Street and 211 SW Jefferson Street; Ben Rao, applicant; subject to staff's letter of November 18, 2016. 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. Delibero, seconded by Mr. Radar, the Planning Commission members voted unanimously by voice vote to recommend APPROVAL of Application PL20199, Preliminary Development Plan, Co-work Lee's Summit, 210 SW Market Street and 211 SW Jefferson Street; Ben Rao, applicant; subject to staff's letter of November 18, 2016.

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

**ACTION:** A motion was made by Board Member Delibero, seconded by Board Member Rader, that this Public Hearing - Sworn be recommended for approval to the City Council - Regular Session, due back by 12/8/2016 The motion carried by a unanimous vote.

[2016-0711](#)

PUBLIC HEARING - Appl. #PL2016-200 - Unified Development Ordinance (UDO) AMENDMENT #59 - Article 6 Overlay Districts, revisions to the

Floodplain Overlay District regulations; City of Lee's Summit, applicant.

Chairperson Norbury opened the hearing at 5:20 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Mr. Binger entered Exhibit (A), list of exhibits 1-8 into the record. He related that FEMA (Federal Emergency Management Agency) regularly updated floodplain maps via hydraulic studies. The last update was launched in 2006 and completed in 2014; a procedure that had been followed since the 1970s. The amendment was a proposal to adopt these updated maps. This had to be done, by January of 2017, in order for the City to participate in the national flood insurance program. Over the years updates had been based on USGS topographical maps, which had 10- to 100-meter contour intervals; and more accurate topographical information had become available over the decades due to aerial imagery and other improved technology. Contour intervals were now down to about one or two feet. Using the better contours, FEMA basically reran the models of streams and hydraulic flow; and this changed the boundaries. The ordinance amendment would adopt the new maps, following a public comment period.

Mr. Binger added that the packets included a listing of 129 properties currently covered by the national flood insurance program. These properties would include structures, since FEMA dealt with insurable structures. Adoption of the new maps would add about 450 acres altogether; and in this case the addition did not necessarily indicate that a structure existed on the land. Another 450 acres were being removed from inclusion in a flood hazard area. The amendment would also update some of the administrative processes for floodplain development permits. It more clearly defined the roles of a floodplain administrator, the Board of Zoning appeals process and some of the violation penalties. While the 'changes version' of the amended ordinance in the packets looked confusing; however, it did summarize the changes.

Mr. Binger then displayed an example of some of the changes to the floodplain overlay, noting that since this was an overlay district it did change the zoning on the maps. He pointed out the regulated floodway indicated on the map as a red or lavender strip. These were areas where a waterway was going directly through and development was generally prohibited unless there would be no change in the flood water elevation – a 'no rise' condition. If a structure was being put across a stream, it went through a permitting process. The bands of dotted blue or green indicated the 2006 floodway fringe, or floodplain. These indicated a one percent chance of flooding during a rain event. Beyond the floodway, indicated in solid blue, was the change in the boundary; with the floodplain moving outward. Mr. Binger pointed out a small area indicated in green that had been removed from the floodplain.

The rainfall data had changed as well; and had been updated based on local conditions instead of regional or statewide. Formerly in Lee's Summit, a 'one percent storm' had been 7 inches of rain within 24 hours. The new data indicated 9 inches in 24 hours, a noticeable change in volume of water.

Mr. DeMoro asked how homeowners whose land was now in the new floodplain were being notified. Mr. Binger replied that FEMA basically routed notification through mortgage lenders, who were responsible for enforcing the flood insurance requirements for structures built on properties in a flood area. Next spring, lenders would send notices to property owners of being added to or removed from a flood area and that their insurance requirements would change accordingly. Mr. DeMoro asked how owners who had inherited property or paid off mortgages would be notified, and Mr. Binger acknowledged that these situations amounted to a gap in the enforcement. Mr. DeMoro asked if the City would initiate notices for these owners, and Mr. Binger replied that traditionally this was not something the City was responsible for, since it was enforced through lenders. They could look into taking that on, although it would take some time

and work to identify these properties. Sometimes the City met with property owners about issues or questions relating to stormwater, and they could notify some in that way.

Chairperson Norbury noted the reference in the summary to clarifying the appeals and variance process; and asked if this was a change in that process. Mr. Binger replied that there were no changes; however, the former language had just stated that an applicant could appeal, and had been rather vague. It had been necessary to search through the UDO to find that an appeal should be taken to the Board of Zoning Adjustments. The amendment also clarified what were grounds for an appeal, and explained the process. Chairperson Norbury asked if this was dictated by FEMA or was local jurisdiction. Mr. Binger answered that appeals to the floodplain development permit process were locally-based; and the City's role was basically preventive, by identifying flood hazard areas as development and building permit applications came through and making requirements for a floodplain development permit clear to applicants.

Mr. Delibero commented that the City's approval of the amendment was necessary for affected property owners to get flood insurance; and in doing that the City was imposing insurance requirements on some residents and removing them from others. Mr. Binger responded that this was correct.

Chairperson Norbury asked if there were further questions for the applicant or staff; or any comments from the public. Hearing none, he closed the public hearing at 5:30 p.m. and asked for discussion among the Commission members, or for a motion.

Mr. DeMoro asked if it was correct that the Commission would be approving the amendment application, and not giving a recommendation for approval. Mr. Soto answered that it would go to the City Council,

Mr. DeMoro made a motion to recommend approval of Application PL2016-200, Unified Development Ordinance (UDO) Amendment 59: Article 6 Overlay Districts, revisions to the Floodplain Overlay District regulations; City of Lee's Summit, applicant; subject to staff's [undated] report. 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. Radar the Planning Commission members voted unanimously by voice vote to recommend APPROVAL of Application PL2016-200, Unified Development Ordinance (UDO) Amendment 59: Article 6 Overlay Districts, revisions to the Floodplain Overlay District regulations; City of Lee's Summit, applicant; subject to staff's [undated] report.

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

**ACTION:** A motion was made by Board Member DeMoro, seconded by Board Member Rader, that this Public Hearing - Sworn be recommended for approval to the City Council - Regular Session, due back by 12/8/2016 The motion carried by a unanimous vote.

## OTHER AGENDA ITEMS

### [2016-0735](#)

#### Discussion - Livable Streets Lee's Summit

Mr. Park reviewed that some of the Commissioners had requested an open discussion. He first gave some background on the livable streets concept. It was also referred to as 'complete' or, more recently, 'green' streets. Designing right-of-way corridors included not only the physical infrastructure but all the users. These included people who rode bicycles, or

walked or used public transit as well as those driving a vehicle. It pertained to relating to mobility, moving freight and commerce; and the design of rights-of-way had to make all these uses efficient and safe. There was an increased emphasis on non-motorized traffic, because historically motorized traffic had received much more attention. That was part of what "complete streets" meant. The role of elements such as landscaping, lighting, streetscapes and benches was that they helped make the environment inviting enough for people to get out and moving. Mr. Park added that cycling in particular had wide variation in type of use. Some cyclists liked to be on the road and others on a side bike path next to the road; and cycling could include families as well as a single racer who might ride 100 miles a day. It included people of all ages and levels of ability.

Mr. Park added that the term "complete streets" had been in general use for decades but was not familiar in the Midwest until about a decade ago. "Livable streets" was more commonly used in Lee's Summit. Each right-of-way corridor had its own context, and should be planned accordingly, as their intended purposes were not all the same. Not every roadway in Lee's Summit would be appropriate for bike lanes, sidewalks and bus stops. They could have plans specifically focusing on bike use, greenways, or sidewalks; or transit.

In late 2010, the City adopted a livable streets policy through the Lee's Summit 360 planning project. Shortly after that it approved a livable streets advisory board to oversee the policy's implementation. Former chair members Dr. Ed Kramer and Mr. Bob Busbee were present at tonight's discussion and were still active on the board, which met monthly.

Chairperson Norbury noted that the Commission regularly saw the input of livable streets when the packets included a traffic analysis. This was often rote language, and he asked for some specifics. Mr. Park said one of the aspects of the policy was to list and define any exceptions. For example, if a roadway was going in and the City was requested to not include a sidewalk, the policy would clearly define what reasons to deviate from including that element were acceptable. It made it clear not only to the City but potentially to the public why an exception was or was not being made. In the Traffic Impact Analysis, the paragraph dealing with Livable Streets compliance reflected a review of that development and a note of any modification to the policy. This might be a variance to sidewalk requirements or a greenway path identified by the greenway master plan; or a bike lane might be left off a stretch of road that the plan showed as having one. Any modification would be pointed out in that paragraph. Occasionally it would mention extra items that were not required, such as bike racks. After this notification made it clear that the criteria were met as established. After that it was up to the City and City staff to keep reviewing the UDO and other ordinances; and possibly raising standards and setting new expectations.

Mr. DeMoro asked what constituted a bikeway plan. Mr. Park first clarified that the Commission had actually adopted the bikeway plan in 2012; and this was one of the Commission decisions that did not go on to the Council. The plan identified all the routes in the City. These could be bike lanes, wide curb lanes through neighborhoods, paved shoulders or shared roadways. If a development application started to look at a different street network, staff would first look at whether it complied with the master plan and if it would affect related plans such as the bikeway plan. A developer might propose a new route and staff would certainly consider that; but that was not mandatory. If a developer or applicant wanted to deviate from something like a sidewalk requirement, staff would have to make it clear whether they supported or opposed the modification, and state the reasons.

Mr. DeMoro asked if designated bike paths would be striped on City streets in the future. He had noted signs informing drivers of bike traffic; but motorists did not always know what these signs meant. Mr. Park answered that this was a kind of transitional approach. More recently 2nd Street had been reconfigured to create some space for cyclists, and the City had continued the paved shoulders and striped delineation up to Blue Parkway. They had taken a similar approach on Blackwell, Jefferson Street and Chipman Road west of Pryor. Some

political arguments had been made that the City did not need to spend money on lanes for bicyclists; and the cost was influenced by standards in place for bike lanes. Changing from wide lanes with no striping to standard lanes with paved shoulders was an option and these served the same function, including notifying drivers of bicyclists on the road. More public support and awareness might make it possible to transition those paved shoulders. The City was already marking the routes with bike route signs; and some roads would have alternating signs for greenway loops and bike routes.

Answering Mr. Gustafson's question about Lee's Summit 360, Mr. Park related that its committee had recently approved a few ordinances regarding bicycle safety as well as one regarding sidewalks and encroachments from driveways. That was basically low-hanging fruit that they were willing to address; but now they were looking into the developmental standards concerning sidewalk construction in the UDO; including timing and whether sidewalks should be on one side of the street or on both sides, as in the M-150 Corridor district. They were starting to approach questions concerning whether some of these standards, such as required bike racks, be passed for the city in general.

Dr. Ed Kramer, remarked that Mr. Park was considered a regional expert on complete/livable streets and was in fairly high demand as a speaker. He emphasized that this represented a lot of common goals and objectives between the Livable Streets Advisory Board and the Planning Commission. The terms "complete" and "livable" streets technically had the same meaning; but "livable" streets had a more dynamic connotation for Lee's Summit. The Livable Streets Advisory Board had come directly from the Lee's Summit 360 project; and he and Mr. Steve Silansky had approached (former) Mayor Messerli about introducing the City Council to the complete/livable streets concept. He had been very pleased by the reaction to the concept; although this represented several months of hard work. It became one of Lee's Summit 360's top priorities.

The Board had done a number of policy reviews including working with the Police department on updates to laws concerning bicycles as well as discussion of rules about sidewalks and motorized vehicles. They had also been active in establishing the M-150 district overlay district, which had many livable streets elements. Going from discussing and making plans to seeing results took some time; but he was seeing some visible results around town that were very encouraging; and Downtown already provided some good examples, including pedestrian activity and Downtown streets being generally bicycle-friendly. Dr. Kramer especially liked the 'road diet', of which 2nd Street was a good example. The intersection of Douglas and 2nd in particular had been dangerous; and after resurfacing and some re-striping had turned a difficult four-lane road into a very livable three-lane one with a center turn lane and paved shoulders for bicycles. Jefferson Street, a short section of Independence and Chipman Road west of Pryor were other examples. He added that he would be willing to come back and present a slide show with examples of the positive changes. The Commission and the Livable Streets advisory board had a number of goals in common, and the City had recently won a "Walk Friendly" award and had been upgraded from "bronze" to "silver" level. It had also won the Bicycle Friendly community award in 2012. Lee's Summit was the only city within about 500 miles that had both these designations. Even tonight the Board's current chair, Mr. Eric Vaughn, was attending the Longview Lake Christmas In the Park event, at which people were encouraged to ride bicycles through the park.

A member from the audience stated that as a focus board, the Livable Streets Advisory Board got into minute details, including City regulations. Some of them had been on the books for a long time and the ones about bicycles in particular were sometimes contradictory. One specified that someone riding a bicycle should keep both hands on the handlebars at all times; another said that a bicyclist should always signal either left or right at an intersection. Obviously it was not possible to obey both these rules. He emphasized that in addition to the larger picture, the Board also looked at small details that could make a difference or generate problems. There were many levels of non-automotive vehicles, from a child's tricycle to the

largest Harley-Davidson motorcycle and most of those levels were in between those two extremes. They could not all be subject to exactly the same regulations.

Dr. Kramer added that he had previously avoided Lee's Summit Road on account of it being so dangerous; and had recently driven on it for the first time since it had been redone. He recalled being before the Commission before this particular plan was approved and the end result was far superior to the original plan, which had looked more like an interstate. At present, it was only the middle stretch to be done. Chairperson Norbury recalled that Dr. Kramer had been very concerned at the time about how bike-friendly the proposed new Lee's Summit Road would be. The road being in a multi-jurisdictional area had added a level of complexity to getting this done.

Mr. Gustafson asked Mr. Park if the City had a bike lane requirement for streets at a certain level. Mr. Park answered that all bike lane requirements were established at a national level and had specific criteria including sign faces and types, pavement marking symbols and how much space could be between them. The signs and symbols actually represented a good percentage of the expense. Arterial and collector streets to be made bike-friendly were identified in the bikeway plan. Colbern was one of the major streets earmarked for side paths; however, not all collector or arterial streets were included. The plan did provide a well-defined grid of parallel or alternative routes, such as Murray Road as a surrogate for Pryor Road or Murray Road as a route over US 50 for bicyclists to use. In putting the plan together, staff had found it useful to take a close look at streets that were already often used by bicyclists.

Chairperson Norbury asked Mr. Park if he could email Commission members a presentation or pdf document about the bike plan. Mr. Park responded that he had done a presentation earlier this year that would be helpful, and he could send this out to the Commissioners. He added that in addition to the testimony tonight, the Livable Streets Advisory Board did a lot of public education and spent a lot of time on media and events that could promote walking and bicycling as an alternative. They had a great deal of related information pertaining to the UDO, such as parking requirements Downtown and making shared parking more feasible; and he expected that the Board would be very active in that in the near future. Some of the content of the M-150 Overlay district provided excellent examples of livable streets policies; and they were working with Mr. McKay and the Planning staff to see what could be applied city-wide. He added that livable streets had been thoroughly incorporated into the Thoroughfare Master Plan.

## PUBLIC COMMENTS

## ROUNDTABLE

## ADJOURNMENT

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