

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

Thursday, August 26, 2021

5:00 PM

City Council Chambers and Videoconference

City Hall

220 SE Green Street

Lee's Summit, MO 64063

Notice is hereby given that the Planning Commission for the City of Lee's Summit will meet on Thursday, August 26, 2021 at 5:00 pm in the City Council Chambers at City Hall, 220 SE Green Street, Lee's Summit, Missouri, and via video conference as provided by Section 2-50 of the City of Lee's Summit Code of Ordinances, adopted by the City Council on June 15, 2021, Ordinance No. 9172.

Persons wishing to comment on any item of business on the agenda, including public testimony during a Public Hearing, via video conference may do so by sending a request prior to 5:00 p.m. on Wednesday, August 25, 2021, to the City Clerk at clerk@cityofls.net to attend the meeting on the video conferencing platform. The City Clerk will provide instructions regarding how to attend by this method.

Call to Order

Roll Call

Present: 6 - Chairperson Donnie Funk
Vice Chair Dana Arth
Board Member Randy Benbrook
Board Member Tanya Jana-Ford
Board Member Cynda Rader
Board Member Terry Trafton

Absent: 3 - Board Member Mark Kitchens
Board Member Jake Loveless
Board Member Matt Sanning

Approval of Agenda

Commissioner Trafton made a recommendation to move Application #PL2021-142 - Sign Application - Crown Pointe Church, 5950 NE Lakewood Way; Impacts Signs Awnings Wraps, Inc., applicant to other agenda items for discussion.

A motion was made by Board Member Trafton, seconded by Board Member Rader, that this agenda be approved as amended. The motion carried unanimously.

Public Comments

There were no public comments at the meeting.

Approval of Consent Agenda

[2021-4328](#) Appl. #PL2021-142 - SIGN APPLICATION - Crown Pointe Church, 5950 NE Lakewood Way; Impacts Signs Awnings Wraps, Inc., applicant

Mr. Soto stated that a closed session of the City Council was scheduled for 6:00 p.m. If this item was not concluded by then, it would need to be continued to the next Planning Commission meeting on September 9th.

Commissioner Trafton noted that a number of variances had previously been made for uses that are not in alignment with the UDO standards in terms of zoning. In this particular application the zoning was Agricultural [AG]. That in itself would raise a question as to why that was not changed in 2002. The Comprehensive Plan classified it as commercial zoning. This was a kind of litmus test to make comparisons to other signs in other commercial areas. The Commission had discussed needing to amend UDO standards regarding sign variances.

This sign did not meet the requirements for sign variances in AG zoning. It was much larger than what was typically approved for this zoning. The sign was also 8 inches higher than UDO standards allowed for CP-2. The area of this sign would be within the allowed square footage, but it was about three times as large as it should be for that area. The applicants might be wanting it to be visible to traffic on the highway; although potential customers headed for this location probably knew where the business was.

The sign measured 53 feet long by 5.5 feet tall, which Commissioner Trafton considered both unnecessary and not compatible with the zoning for the district. He was not in favor of this variance. He noted that this was in a residential area, and asked for an explanation from staff including senior staff engineer Ms. Sue Pyles. Mr. Monter explained that Ms. Pyles would have reviewed staff's report for content; but Mr. Soto might address Commissioner Trafton's concerns as a planning question.

Mr. Soto related that the church property was zoned AG; and the UDO allowed for churches in any zoning district; which was the reason for no rezoning being required when the property was developed. The standard for CP-2 was provided as a reference point to give an idea of the scale perspective. The size of the structure, in this case a church building, was equivalent to structures seen in many commercially zoned areas. The comparison was provided to show what the design standards would be for a building of similar size in other parts of town. In terms of size, the closest point where a driver on I-470 could see the location would be at least a quarter mile away; and a sign two feet tall would be much less legible.

Mr. Soto added that one thing the City could do was place a moratorium on any additional sign applications that included requests for larger signs or a greater of signs than the UDO allowed, while staff considered a future UDO amendment.

Chairperson Funk noted that the maximum height for a monument sign was six feet and the applicant was proposing something that was double in size. Following UDO standards, the wall signs' height was two feet; and the applicants were proposing five feet six inches. He asked if the Commission wanted to move this to the September 9th meeting date, so that the applicants can give a presentation. They could take the approach of rezoning to CP-2 in order to get closer to complying with the standards. The sign's curb appeal might be an issue.

Mr. Bushek commented that the option of rezoning to address this issue was not a constructive approach; since churches were allowed in every zoning district. He did not think that forcing the church into a different district was the best alternative.

Commissioner Trafton asked Mr. Bushek would this be something that the Commission would vote to deny the application at this meeting, or if continuing it to allow the applicant to make a

presentation would be a better alternative. Mr. Bushek answered that this was up to the Commissioners' discretion. They could choose to vote on the application tonight, which would be a final decision; or to give the applicant an opportunity to consider other options including participating in a hearing at a later Commission meeting.

Chairperson Funk asked the other Commissioners if they supported moving this application to a date certain of September 9th, or vote to deny the application, and the applicant could apply again at a later date.

Mr. Soto announced that the applicant was now online after having some trouble logging in to the meeting; and could answer questions. Chairperson Funk wanted to know if the applicant was in favor of continuing the application or perhaps amending the application to bring it into compliance with UDO standards for an AG district. Mr. Soto wanted to know if the issue was concerns relating to the wall sign, the monument sign or both. Chairperson Funk remarked that for him, these were two equal concerns.

Commissioner Trafton stated that he also had reservations about both signs; and that the distance from UDO standards was too far from the standards the City needed to uphold. Commissioner Benbrook said he shared the concerns with the proposed sizes of the signs but would like an opportunity to discuss it further.

Commissioner Rader agreed, adding that the Commission needed to be careful in the future with sign approvals in terms of staying as close to the UDO requirements as possible. They should grant variances when these were needed; but she also wanted to hear more from this applicant and see if changes could be made to bring the signs closer to UDO standards for signs in AG zoning.

Commissioner Arth also had concerns about both sides being this far off the UDO standard. She believed that continuing this application would give the applicant an opportunity to present an additional proposal.

Chairperson Funk asked if the applicant was comfortable with continuing the application to a date certain of September 9th in order to revisit the sign standards for signs in an AG district, specifically pertaining to sign height. Mr. Darrin Goodson, representing the applicant, asked if the height of the height of both the sign and the wall sign's letters was the only issue. The signs would have a viewing angle of about 1,300 feet down to 270 feet on the back side of the building. Chairperson Funk replied that the size was the issue. The UDO specified a letter height for a wall sign of two feet, and the proposal was for 5 feet six inches. For the monument sign, the UDO standard for an AG district was six feet; and the proposal was for 12 feet 8 inches.

Commissioner Trafton asked if the wall sign would be lighted. Mr. Goodson answered that it would be halo lit and would not emit any direct front-facing light. He had discussed this with staff previously. He defined halo lighting as light that would come out of the back of a letter onto the wall rather than directly out of the picture face of the sign. Commissioner Trafton emphasized that the length of 53 feet and height five feet six inches was a concern in terms of granting a variance on that basis.

Chairperson Funk stated that the Commission seemed to have reached a consensus about continuing this application. He asked for a motion to continue Application 2021-142 to a date certain of September 9, 2021; and asked that if this would be a public hearing. Mr. Bushek answered that this item had been moved from the Consent Agenda as an item for discussion; so it would not be a public hearing on the new date. Chairperson Funk then called for a motion.

A motion was made by Board Member Trafton, seconded by Board Member Rader, that this

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application be continued to the Planning Commission, due back on 9/9/2021, to allow the applicant to provide revised drawings addressing concerns regarding the size of the proposed signs. The motion carried unanimously.

TMP-2006 An Ordinance approving Appl. #PL2021-250 - VACATION OF EASEMENT - 2861 NE Independence Ave; LSMOB Owner, LLC, applicant

A motion was made by Vice Chair Arth, seconded by Board Member Rader, that this application be recommended for approval to the City Council - Regular Session, due back on 9/14/2021. The motion carried unanimously.

[2021-4319](#)

A motion was made by Vice Chair Arth, seconded by Board Member Rader, that the minutes be approved. The motion carried unanimously.

Roundtable

Commissioner Rader gave an update on her mention at the last meeting about the need for mowing on M-291. The grass on the median had apparently not been mowed all year. She had contacted Mr. Mike Cierpointe about this and he had contacted MoDOT. The MoDOT contact had promised that it would be mowed within ten days. This had been eight days ago, so she hoped this would be done soon. This was one of the city's gateway roads and the overgrown median and needed to be maintained regularly.

Commissioner Trafton said he probably needed to talk with more City leaders including the Mayor and the City Manager about moving forward on the issue of sign variances. An alternative would be to place a moratorium on sign variances. He emphasized that the Commission was charged with making sure that the guidelines for development were being followed.

Chairperson Funk asked Mr. Bushek if there was a procedure for asking the City Council to place that moratorium. Mr. Bushek answered that the UDO did have a provision allowing for temporary suspension of regulations under certain circumstances. He was not sure if a formal process was in place for asking the City Council for this kind of suspension. The best vehicle would be to vote on a motion to make a recommendation to the Council.

Regarding the sign issue, Mr. Elam noted that the agenda for the September 9th meeting had six items; and looked rather full. He offered to discuss this issue with Mr. Hector Soto and Mr. Josh Johnson about reserving this discussion for the second September meeting.

Adjournment

There being no further business Chairperson Funk adjourned the meeting at 5:31 p.m.

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