

The City of Lee's Summit
Action Letter
Planning Commission

Tuesday, July 24, 2018

5:00 PM

City Council Chambers

City Hall

220 SE Green Street

Lee's Summit, MO 64063

Call to Order

Roll Call

Present: 7 - Board Member Carla Dial
Board Member Jason Norbury
Board Member Colene Roberts
Board Member Dana Arth
Board Member Don Gustafson
Board Member Jeff Sims
Board Member Jake Loveless

Absent: 2 - Board Member Donnie Funk
Board Member Herman Watson

Approval of Agenda

A motion was made by Board Member Roberts, seconded by Board Member Sims, that this agenda be approved. The motion carried unanimously.

Public Comments

There were no public comments at the meeting.

1 Approval of Consent Agenda

A [2018-2175](#) Appl. #PL2018-120 - SIGN APPLICATION - New Axiom Brewing Company, 949 NE Columbus St; Signway, LLC, applicant

A motion was made by Board Member Roberts, seconded by Board Member Dial, that this application be approved. The motion carried unanimously.

B [2018-2168](#) Approval of the July 10, 2018 Planning Commission minutes

A motion was made by Board Member Roberts, seconded by Board Member Dial, that the minutes be approved. The motion carried unanimously.

Public Hearings

[2018-2177](#) Appl. #PL2018-081 - PRELIMINARY DEVELOPMENT PLAN - Kessler View,

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generally located at the intersection of SW Kessler Dr. and SW Fascination Dr.;
Inspired View, 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. He requested that participants keep remarks to about three minutes, as there were a number of people present wanting to comment.

Mr. John Erpelding of Olsson Associates, introduced Mr. Corey Walker, representing the M3 ownership group and Mr. Nick Greer, representing the applicant, Inspired Homes. He displayed a slide of the conceptual master plan, commenting that the New Longview had evolved somewhat since 2008. A plan was submitted and approved in 2006 that focused on commercial development on the north side of Fascination Drive, which Mr. Erpelding pointed out on the displayed map. In 2015, Inspired Homes submitted a preliminary development plan for single-family development on Kessler Ridge, adjacent to the south. In 2016, the City Council had approved a preliminary development plan for the central portion of the commercial area. That had included the existing B&B Theater and some senior apartments and townhomes, which had gone through a permit review and should start construction shortly.

The first plat now included several homes and the second plat would be moving forward shortly. At present, these plans included several undeveloped commercial parcels on the north side of Fascination Drive which the applicants wanted to consolidate into one. They had worked with in putting together a PDP that would include a proposal for the five-acre parcel immediately to the east. It was originally planned for medical/office use but now would be a daycare center and nine townhome buildings, with a total of 45 units. He pointed out other commercial buildings as well as a proposed parking structure. These commercial uses were part of the 2015-2016 PDP, and no changes were planned to the building elevations. The two buildings on the north side of Fascination Drive had been changed from one to two stories. The daycare and townhomes on the east side were the biggest change.

The 10,000 square foot daycare building would be on a 1.3 acre lot and have 45 parking spaces. It would house a Primrose daycare, which was a nationally recognized company that had done significant market research in this area and found a need for this service. A sample photo showed the brick and stone used on the front of the building, and a somewhat barnlike design with a cupola at the peak. Another slide showed the playground. The plan was to start construction in 2019 and completed in 2020.

The townhomes would be on two lots, with the existing Curry Drive stub street in Bridlewood being extended to connect to Kessler Drive. That would create two townhome lots, with a total 3.9 acres. The 45 units would occupy nine buildings. The ordinance required two parking spaces per unit; however, the townhomes at Eagle Creek had some issues over on-street parking due to not enough parking elsewhere. This plan had set aside space for 43 parking slots, plus some on-street parking allowed on Curry Drive. The average for the townhome lots would be 2.9 per unit instead of the required 2.0.

The next image showed a cross section of a townhome with the required landscape buffer. Since the back of the buildings faced Bridlewood, the City required a 20-foot wide high-impact screen. The vegetation was a mix of shrubs, evergreens and deciduous trees with a 6-foot vinyl fence. A view of the back of the townhomes as facing Bridlewood showed the landscape screening and fence. It contrasted with the original elevations submitted, with uniform horizontal spaces. Mr. Erpelding added that staff was adding conditions addressing more variety of color and material on the back. An elevation of a front view showed uniform design but three different colors and materials. The materials would be durable and high quality, including 40-year asphalt roofing, hardi-plank shingles, fiber-cement lap siding and shingle siding. They also proposed cultured stone wainscoting to 'wrap around' the sides and back.

This would be a higher-end product, with 2- and 3-bedroom rental units, and rents from \$1,800 to \$1,900 a month. Inspired Homes was a reputable contractor and developer, and one of the larger home builders in the metro area. If the preliminary development plan was approved tonight, they hoped to start construction on the townhomes within a year.

Mr. Erpelding then summarized the neighborhood meeting with Bridlewood residents on July 17th. About 15 people had attended, some of whom attended tonight's meeting. He summarized topics that were discussed. The Curry Drive connection between Bridlewood and Kessler Drive was the subject of many questions. The applicants did not originally to not have the street, as it would have been their development easier and the townhome section could have had a higher density as well. The applicants were aware of the need to provide access for emergency vehicles that was the reason for the requirement.

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The townhomes' density of 11.5 units per acre was also a concern; although it was consistent with a medium-to-high density product like townhomes in a mixed-use development. This was also a transitional use that fit in with single-family residences, commercial development and day care center. Concerning the number of units, this was necessary to make the project financially feasible. The PDP would have a higher density if the connector via Curry Drive had not been mandatory. Parking had been a concern; but the plan was already providing three spaces per unit, which was more than typical for subdivisions with townhomes. Mr. Erpelding added that everyone would not be using the garages and driveways at the same time.

Home values were always a concern for housing like townhomes adjacent to single-family development. Regarding security issues at Longview, it was important for people to speak up in a broader discussion; however, this townhome development in particular would be an upscale project and Inspired Homes would keep track of visible maintenance. A safe and well-maintained environment would be in their own best interests. Concerns were also raised about a lack of amenities in the townhomes, with the potential for residence to use those at Bridlewood. The common open space for the townhomes did not have facilities for active recreation, such as a swimming pool; however, there was space for people to congregate and have cookouts in the summer. Considering the rents it was not clear how many children, the most likely users of a pool, would be living in this part of Kessler View.

The screening buffer was another issue at the meeting. Mr. Erpelding acknowledged that at the time the plan did not show the buffer that tonight's PDP did. Since the meeting the applicants had added considerably more vegetation as well as the fence. Some questions were raised about local schools having little space for new students; but this was a broader topic and one for the City to address. The subject of lighting had come up; and the applicants would submit a photometric lighting plan, showing zero footcandles at the property line, along with the final development plan. Concerning stormwater control, a portion of the property drained to the north and it could drain into an existing basin before continuing to the north, ending at a regional basin in Winterset Valley. Part of the townhome/daycare area drained to the south, to an existing detention basin at Kessler Ridge. Mr. Erpelding added that Kessler Ridge also had a trail around the basin connecting to Bridlewood and the rest of New Longview; and the proposed townhome development would provide connections to that trail. The trail already had many users and would be an asset to the development. Trash would be handled in the usual way of putting trash at the curb on scheduled pickup days. The Longview Alliance had raised concerns about the TIF for New Longview, which was intended to encourage commercial tax revenue. Current calculations showed more commercial revenue than for the previous TIF, due to more commercial square footage.

Mr. Erpelding then stated that the applicant agreed with staff's amended conditions. He added that working with staff had been very productive.

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

Ms. Thompson entered Exhibit (A), list of exhibits 1-16 into the record, adding exhibit 17. This was the July 24, 2018 memo to the Planning Commission.

Chairperson Norbury then asked if there was anyone present wishing to give testimony, either in support for or opposition to the application. Displaying a location map for the project, she summarized the project as 45 townhome units on 12.88 acres, with 8 commercial pad sites and two common area tracts. The overall density including common areas was 11.52 units per acre, less than the maximum allowed in RP-4 zoning. The development was basically in three areas. Some unplatted land was to the east side of Kessler and just south of the Autumn Leaves memory care facility and west of the single-family development at Bridlewood. The applicants proposed a daycare center and townhome development for this part.

The second area in the development was bounded by SW Longview Boulevard to the west, SW Fascination Drive to the north and SW Kessler Drive to the south and east. It consisted of platted lots within the New Longview commercial district. Proposed uses were office, restaurant, retail and multi-use event space. The third area was on the north side of SW Fascination Drive and had unplatted lots within the Fascination/New Longview plat; and office and retail uses were proposed. The zoning for the development was PMIX, and surrounded by PMIX zoning other than the R-1 development at Bridlewood.

Ms. Thompson then displayed elevations of proposed office and retail buildings, and stated that the commercial development would be on the 8 pad sites, whose total area 165,163 square feet. The inset site plan indicated their locations. Materials for the day care center would be red brick, stone wainscoting, dark

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green vinyl shutters and 'weathered wood' asphalt shingles. Commercial buildings would be various combinations of brick, cast stone, EIFS, metal and painted concrete. Some would have aluminum storefronts and glass overhead doors. The town homes would be painted James Hardie fiber cement and exterior trim, and asphalt shingles. The slide titled "Townhome Rear Elevations" showed the view of the back of the townhomes from Bridlewood. The side view showed the distance between the two developments. The updated New Longview conceptual plan showed the subject property as a mixed use development with commercial and office uses but without residential uses. Staff considered the proposed townhomes an element that would make the project more compatible with the residential development to the east.

Ms. Thompson then summarized staff's eight Recommendation Items, some of which were revised as indicated in their July 24th memo. These amended conditions were in response to the applicant's revised and corrected plan sheet. Item 4 was amended to read *"the rear and side elevations of all townhomes shall incorporate material changes, as shown on the front elevations submitted on July 24, 2018. The rear and side elevations shall incorporate landscaping, as shown on the submitted elevations dated July 24, 2018."* Staff had requested the same material changes in the rear elevations as in the front. Items 5 and 6 stipulated architectural detail for buildings A, B and D, to add visual variety and interest and break up expanses of painted concrete and EIFS. Item 7 granted a modification to the 20-foot width of a high-impact screen. It would allow for the six-foot vinyl fence on the western side of the buffer, with the vegetation on the fence's east side. This was partly because some of the rear yards of Bridlewood homes had fences and others did not. Item 8 stipulated that *"a medium-impact landscape buffer shall be required between the daycare and the townhomes."* Some landscaping was already shown on the plan, but applicant would be required to add more.

Ms. Thompson clarified some errors on page 6 of their report. In the paragraph titled "PMIX District", the statement that *"the proposed residential density for this [townhome] project is higher than allowed in a standard RP-4 zoning district"* was incorrect. It was actually slightly lower. The next sentence made a reference to *"age-restricted apartments and townhomes"*, and the townhomes were in fact not age-restricted. On the table below, the "New Longview Apartments (AML1)" were now called the "New Longview Luxury Apartments" and so were being listed twice. "Kessler View Apartments" were under review.

Chairperson Norbury noted that a number of other people had joined the meeting and asked that any of the new arrivals who wanted to give testimony be sworn in. He then opened the meeting for testimony from the public, either in support or opposition to the application. He asked that participants give their name and address and keep comments to about three minutes, due to the number of people present.

Ms. Kathy Arnwright gave her address as 3204 SW Rockbridge Drive, and stated that she was present representing the Longview Alliance. It was a grassroots group of Lee's Summit residents and others whose missions were the protection and restoration of Longview Farm historic structures and the preservation of New Longview's unique character as a mixed-use neighborhood. They had learned of this project by reaching out to the City. Some of the Board members were away on summer vacations and so had not been able to attend or to review the submissions. Consequently, the Alliance had no advance knowledge of this development. The project as presented tonight did differ considerably from New Longview's 2015 TIF concept plan. The new plan had replaced some future commercial development with residential. The TIF revenue stream was definitely a concern. Chairperson Norbury clarified for the participants that the Planning Commission had no purview for Tax Increment Financing Plan.

Ms. Arnwright said that she'd intended to point out that 'second-story commercial' would generate property taxes but not sales taxes. Many Alliance members and neighbors were not happy about the inclusion of townhome units. Two issues were involved: whether more residential was appropriate in general and the townhome design in particular. She acknowledged that some changes were mentioned at tonight's meeting; however, the Alliance would not be supporting the plan until affected residents' concerns could be fully addressed and the Alliance could review designs. They did support the plan for a daycare center and would have liked that to be approved separately. They were requesting that a meeting with the developer to discuss the architectural plans for the commercial area, and asked that the Commission recommend denial.

Mr. Ryan Murdochs gave his address as 3122 SW Longview Road. He noted that while the applicant had held a neighborhood meeting for Bridlewood residents, the project would affect everyone in New Longview especially those on the west side of Winterset Valley. Many of the neighbors, like Ms.

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Arnwright, were in favor of the daycare facility but not the townhomes in either concept or design. Inspired Homes was building unpurchased 'spec' homes throughout Kessler Ridge so the prospect of buyers to occupy these homes was unclear and the townhomes would add another 45 dwellings. The proposed rents were very similar to those for the Residences At New Longview properties across the street. Those were not at capacity at present; and people were questioning the need for more. Mr. Murdochs also noted that residents were seeing these plans rather late in the process. He asked the Commission to at least recommend a delay to give residents a chance to look at the project.

Ms. Sherry Frasier gave her address as 3041 SW Gentry Court, on the far west side of Bridlewood. Her property would be adjacent to the townhomes. She did not think the proposed six-foot vinyl fence was in line with HOA standard; and was also concerned about the number of units. This was a concern that a number of people had brought up at the Bridlewood meeting. There was a possibility of parking problems. It was not clear whether the screening would really provide privacy due to the height of the buildings. Concerning the daycare, she noted that there was already one directly across from Longview Farm Elementary.

Ms. Rachel Doherty gave her address as 3192 SW Muir in Winterset Valley. She was also concerned about vacancy rates for existing apartments in Longview, as well as one on the other side of Winterset Valley. Concerning the daycare, she had a child in daycare and there did not seem to be any shortage of daycares competing for business. Her experience with neighboring townhomes was having no buffer except a fence. That fence had illustrated how necessary maintenance was, as there were problems with weeds and the condition of the fence itself. She also wanted to know if the rental townhomes would ever be changed to condominiums and if neighbors would be notified. The excessive parking was part of Primrose Daycare's standard package.

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

Ms. Roberts noted that the number of proposed parking spaces at the daycare was well above the City's requirement; and asked if this was part of a shared parking plan. Mr. Erpelding answered that it was not part of the shared parking model, which addressed commercial areas to the west. Ms. Roberts remarked that she was not a fan of unneeded excessive asphalt.

Ms. Arth noted that impervious coverage was an issue brought up at Commission meetings regularly; and asked if the coverage was 80 percent or less. Mr. Erpelding replied that he did not know the percentage but did know from the project's engineers that they were meeting the City's requirements. Ms. Arth then asked for some clarification about where on-street parking would be allowed. Mr. Erpelding answered that they proposed some head-on parking on Curry.

Mr. Gustafson asked if staff considered that they'd had enough time to respond to concerns that had been brought up. Ms. Thompson answered that they had, and had covered a number of issues over the past four days. She did not know to what extent neighbors had been involved in discussions. Mr. Gustafson then noted the reference to aluminum storefronts, and asked for details. Ms. Thompson answered that this referred to the framing of the glass in a storefront. Mr. Gustafson asked what was the distance from sidewalk to building for the townhomes on the north side along Curry. Mr. Erpelding answered that the townhomes on the public street actually had a longer driveway depth, due to the right-of-way and required setback. From the building to the sidewalk would be about 25 feet. Ms. Thompson confirmed that staff had checked and made sure that every driveway was long enough to safely accommodate a car. That would be equally true on the south side, with perpendicular parking. Mr. Park confirmed that head-on parking on a street was occasionally allowed in Lee's Summit subdivisions. It would be provided off the right-of-way or within a tract, and it would typically be maintained via an HOA.

Mr. Gustafson asked what was the reasoning for changing the use from all medical office use to part residential. Mr. Erpelding answered that much of it was in response to market research. In this case, daycare had a bigger potential market than medical/office use. Much of the reason for townhomes was for a residential use to help support the commercial uses on the property.

Mr. Corey Walker, representing the owner M3, related that it had been difficult finding a user for the interior piece of land off Kessler Drive to the east. Finding a use for it had been a factor in the decision to include townhomes. They were trying to concentrate the retail and general office, plus some medical office, on the development to the west side of Kessler Drive. Concerning the TIF, these changes did leave 60,000 square feet as part of the new proposal that was approved with the 2016 TIF plan. Mr. Gustafson asked

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Mr. Erpelding if he'd had a chance to discuss the changes with neighbors, and to the best of Mr. Walker's knowledge the July 17th meeting was the only one; although he did not know whether or not Inspired Homes had held any meetings.

Mr. Erpelding clarified that many of the changes to the plan had come about as a result of the meeting. While he was in favor of neighborhood meetings, this hearing would be an appropriate forum for that. As far as the residential use, they could have ten more meetings and still not agree; and the applicants would still come back with the townhome proposal. He had not met with the Longview Alliance, although there had been email exchanges. The elevations for the commercial uses were the same ones approved in the 2016 plan. This plan essentially consolidated some earlier PDPs into one. They did not have any committed commercial users at this point; although that might change by the time the final development plan was submitted.

Noting that stormwater was being split between two existing detention facilities, Mr. Sims asked if these facilities had been designed to operate to full buildout. Mr. Erpelding answered that the preliminary storm drainage study had taken that into account.

Mr. Loveless asked if Inspired Homes had built and managed product like townhomes in the past, in addition to single-family homes. Mr. Nick Greer replied that they had not. However, a public management company within the ownership group did something very similar. Mr. Loveless asked if the applicant's intent to develop and manage the site on their own, and Mr. Greer said that was correct. Mr. Loveless asked if individual townhome units could be sold, and Mr. Greer answered that it would be difficult since they were all on a single lot separated by Curry.

Mr. Loveless then asked if Curry Drive was maintained by the City, and Ms. Thompson answered it currently was, on the east side. Mr. Park clarified that Curry was a public street and would be to the intersection with Kessler. The parking set off that street would be privately maintained, and the driveways on shown on the plan north of Curry were all private driveways. This was not an uncommon approach, and in fact existed elsewhere in New Longview near the Pergola.

Ms. Dial asked how likely it might be that some of the remaining commercial use would be changed to residential. Mr. Walker answered that this five-acre piece of land was the last one that had not been on a PDP, and the last piece that would have any sort of variable.

Chairperson Norbury asked Ms. Thompson if planning would consider office use to be more or less intense than a multi-family residential one. Ms. Thompson answered that a commercial use would generally be more intense, despite an office generally being unoccupied after business hours. That was the reason for the high-impact buffer required. Chairperson Norbury stated that Lee's Summit had an ordinance specifying notification requirements, and asked who would be required to receive notification of this type of land use change. Ms. Thompson answered that it would be all property owners within 185 feet. Chairperson Norbury remarked that this was not the first change to the New Longview plan that the Commission had seen. Ms. Thompson reviewed that the first was in 2002 and a major shift in 2015. Chairperson Norbury noted that there was a long period of inactivity in the middle of that period.

Chairperson Norbury asked Mr. Park what were the reasons for requiring the Curry Drive connection. Mr. Park considered this good transportation planning. The City did plan for local and connector roads in new subdivisions. Highland Meadows arterials were stubbed for future extensions that would provide access or cross-access between a variety of land uses. This was another example of extending former stub streets for future land use. They expected the Curry Drive extension to be used mostly by Bridlewood residents. People tended to look for the shortest route; and to go from New Longview through Bridlewood to 3rd Street or Longview Boulevard would be to take the longest one. The City Council had the option to waive this; however, that would mean a redesign of the site with higher density and it would not be in the best interest of Bridlewood and Lee's Summit in general. Chairperson Norbury remarked that the trip distribution maps in the traffic study showed small comparative numbers of drivers accessing Curry Drive. Mr. Park replied that "comparative" was significant since this was a low-volume roadway and the townhomes would not generate significant traffic.

Mr. Gustafson noted that the connection to the west was already shown when Bridlewood was developed. Mr. Park responded that it had been there since the earliest plans for Bridlewood, and Mr. Gustafson asked what was proposed on its west side. Mr. Park recalled that at that time, the concept for New Longview was also in the developing stage. It was intended to connect Bridlewood to other

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transportation and that was shown on tonight's plan.

Mr. Murdoch stated that he respected this being a forum that could address citizens' concerns. However, for this plan it amounted to the neighbors seeing the plan at the public hearing level without any requirement to allow affected neighbors to see it any earlier. That did not amount to giving the neighbors a forum, as they had not had a chance to address the changes proposed. Although the applicant did have a meeting with the Bridlewood residents, but the other New Longview neighborhoods nearby that would be supporting this commercial district. He would have preferred that more people had been included the conversation before the application came to the Planning Commission. It was a lack of communication on the part of the developer; and the neighbors would have liked to be informed and have a voice. It appeared that this particular plan was not supported by the neighborhood but was supported by City staff.

Ms. Doherty noted Mr. Thompson's remark that staff had to respond to neighbors' concerns, a matter of four days. However, the neighbors had lives and jobs and for them four days was not enough time. She lived in Winterset Valley and could see the location of the townhomes would be from her home; however, she was not notified about the plans. Although the City was technically correct in view of the required distance, nearby residents would be affected and they had no input. She also objected to Mr. Erpelding's statement that they could hold several meetings and still not agree. At Winterset Valley, the residents had worked together with the builders concerning apartments and had reached a workable agreement. The commercial her neighborhood had been at 100% capacity for some time; so it was not likely that the applicants were unable to find any potential commercial users. Concerning the stormwater basin that would drain to Winterset Valley, Ms. Doherty wanted to know if the stated capacity would be enough for the next phases. She also wanted more information from the school district about the impact on nearby schools.

Ms. Roberts stated that this meeting was, in effect, a meeting of the neighborhood with the developer and she had heard the testimony of people who said they did not like the townhomes. However, she had not heard much specific information about exactly what it was they did not like. That did not leave much of a basis for denial.

Ms. Dorothy Peters gave her address as 3040 SW Gentry Court. Her home faced the site of the townhomes. Her specific objection was that the density was too high and the townhomes would bring in enough cars to create parking problems especially on Curry. The 45 units would have two or three bedrooms and there was no guarantee that none of the tenants would have children; so it was not realistic to expect that tenants would be one-car families. This did not even take into account the common practice of using a garage as storage space. Further, she had seen children and teenagers cutting through the area while walking to the commercial area and a significant increase in the number of cars would increase hazards. She added that renters could move when property values changed but homeowners had to deal with them. A single-family development might have 3 or 4 homes on one acre and this proposal was for 9 townhome buildings on 5 acres. Like many other neighbors, she would have preferred to see commercial development, especially since most businesses were not open 24 hours a day. She shared Ms. Doherty's concern about school capacity.

Mr. Justin Biers gave his address as 3032 SW Saddlewood Place in Bridlewood. He wanted to respond to Ms. Roberts' remark that the neighbors had not given specific reasons for objecting to the townhomes. Tonight's meeting was attended by 40 people representing at least three area subdivisions. He was not sure how everyone found out about tonight's Planning Commission hearing; however, he was sure that if the one meeting had not been held last week, they would have had no idea it was happening. He felt that the City should do more to communicate with residents other than an orange placard in a vacant lot. Some of the concerns about rental units had to do with increases in crime, traffic and population density. This was a quiet subdivision and the applicant planned to bring in over 100 additional cars; and anyone at tonight's meeting could state that Curry would be used mainly by Bridlewood residents and not the other way around but it was a two-way street and no one could guarantee who would and would not be using it. Regarding the subject of schools, he did not know if Longview Farm school was at capacity but it was near it and so was Cedar Creek. That was brought up at the meeting, and the applicants did not know. He asked for at least more time if not a denial.

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

Ms. Roberts stated that she had never seen any studies associating renters with increased crime.

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Chairperson Norbury then closed the public hearing at 6:27 p.m.

Chairperson Norbury emphasized that he gave little credibility to people who came to Planning Commission meetings and complain about renters. There was nothing inferior about the choice to rent a home instead of purchasing one. Many people owned homes for years and then switched to renting or vice versa and there was no reason why people should not have fine rental facilities available. Not everyone in Lee's Summit wanted to live in a single-family house on one-third of an acre. The increased traffic that residents had mentioned were a consequence of more people, not renters. He would not take any implication or direct statement to that effect.

Chairperson Norbury understood that there was something to be said for the argument that the use of the land immediately adjacent to the subdivision had changed. He took a relatively dim view of people who wanted a specific land use on land they did not own. If the neighbors had wanted to control what part of New Longview developed into, they could just buy the land. He acknowledged that when people were sold a package of a medical office building or some other commercial use that was relatively less intense and the developer presented a different use, a little more caution was warranted. The City needed to give a little space to that conversation and what the best use was; and this was what the Planning Commission would decide. Reasonable minds could disagree. He was personally comfortable with the slight increase in residential properties, since the more people were living there the more people would go shopping and the happier everyone would be. There were impacts that came with that and the community would have to deal with them. He assured the neighbors present that he understood the concerns that neighbors had raised about the change in use and they could agree to disagree.

Exhibit 17 that staff had given the Commission earlier gave a summary of some of the communications that happened in the last week. When Chairperson Norbury had seen the packet he initially had concerns about certain vagaries. He read an example: "The side elevations of the townhomes that are facing the neighborhood shall incorporate additional windows to provide architectural interest and four-sided architecture." This was a red flag, as the City generally required four-sided architecture except on some industrial use buildings. That this was not intended on the front end did raise a question of how much thought and care the developer was putting into it. There had been a set of revisions on Friday, a number of communications on Monday and a final set of revisions the day of the Commission meeting. While an ongoing conversation involving staff had been going on for a matter of weeks, a matter of hours was not enough for the Commission to evaluate the information or for the public to respond. While he did think that the revised Recommendation Items was an improvement, he was in favor of a two-week continuance. That would still allow the application to be set for the current City Council meeting so it should not delay development.

Ms. Roberts remarked that the City had done numerous housing studies over the last few years and they showed a significant shortage of multi-family units and rentals. She acknowledged that the proposed townhome rents could be a problem for many people looking for rentals. Nevertheless, the studies had shown that Lee's Summit was needed more rental properties.

Mr. Gustafson supported the suggestion to continue the application. It would give the developer more time to discuss these issues with neighbors and give them some input. He was not convinced that their concerns had been heard after only one meeting plus tonight's hearing.

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

Mr. Gustafson made a motion to continue Application PL2018-081, Preliminary Development Plan: Kessler View, generally located at the intersection of SW Kessler Drive and SW Fascination Drive; Inspired Homes LLC, applicant; to a date certain of August 14, 2018. Ms. Dial seconded.

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

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for a vote.

A motion was made by Board Member Gustafson, seconded by Board Member Dial, that this application be continued to the Planning Commission, due back on 8/14/2018. The motion carried unanimously.

[2018-2176](#)

CONTINUED PUBLIC HEARING - Application #PL2018-084 - PRELIMINARY DEVELOPMENT PLAN and Application #PL2018-085 - SPECIAL USE PERMIT for indoor/outdoor storage facility - Extra Space Lee's Summit, 700 SE Oldham Ct.; WSKF Architects, Inc., applicant

Chairperson Norbury opened the hearing at 6:35 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Mr. Darrell Izie gave his address as 17620 Jones Street in Omaha, Nebraska. He had worked on self-storage projects with several municipalities near Omaha as well as in Des Moines and Kansas City. There was an ongoing need for storage facilities throughout the Kansas City metro area, and the proposed storage business would actually be a drive-through one. They looked for high-traffic locations that would also be convenient. Chairperson Norbury asked Mr. Izie if the applicant agreed with staff's eight Recommendation Items, and Mr. Izie answered that they did. Chairperson Norbury then asked for staff comments.

Ms. Thompson entered Exhibit (A), list of exhibits 1-17 into the record. She stated that the mini-warehouse storage business that offered both outdoor and indoor climate-controlled storage rooms. The subject property was a vacant, platted 2.8 acre lot located east of SE Hamblen Road on the north side of SE Oldham Parkway. It was zoned CS (Commercial Services), with surrounding properties zoned CP-2, PMIX and CS. The nearby development was a small hotel, restaurant and a grocery store to the west and a Home Depot store to the south. A car dealership was currently proposed on property to the east. The UDO required a Special Use Permit for mini-warehouse businesses in CS zoning. The applicant proposed four buildings, three at the north side of the lot that would contain 54 outdoor units. The fourth three-story, 120,000 square foot building would contain 620 indoor units. A displayed site plan showed the landscape plan, as some medium-impact screening was required on the west, north and east sides. Elevations for the indoor facility showed a color palette and materials of gray modular brick, prefinished metal in slate and ash gray and white aluminum panels. The applicant would need a modification for the amount of metal proposed. Elevations of the outdoor buildings that would border US 50 on the north side, although one of them would be in the middle of the lot. Ms. Thompson also displayed photos of the nearby businesses.

The first of five requested modifications would be for the building material. The applicant had proposed aluminum rain screen and concealed fastener wave metal panels. The UDO required masonry, concrete, stucco and glass, with architectural metal siding "*to be used in an incidental role*". The modification would allow the metal shown on the plans, and Ms. Thompson noted that the quality of these materials had improved over the past few years. Staff's informal standard had been 30% or less of metal material; and this project was within that standard. The other 70% of the materials would be modular brick and glass.

The second requested modification was to floor area ration (FAR), which was proposed as 1.03. The PI zoning district had a 1.0 FAR maximum but for the CS district it was 65 percent, about one-third. FAR was essentially a zoning tool to regulate the mass and scale of buildings as well as to limit the impact of development on adjoining land uses and existing infrastructure. In this case, while the maximum building height in CS was 50 feet, the proposed height of the indoor storage building was 45 feet. In comparison, the nearby hotel and Home Depot were 30 feet and 42 feet tall. Further, storage facilities typically generated low traffic levels and made low demands on water and sewer services considering their size. Staff supported the proposed FAR as a modification in view of these circumstances.

Recommendation Item 3 was a modification to the side yard setback on the west property line. A 20-foot setback was required in CS zoning. Staff recommended approval of the requested 10 feet, as it would create needed space for stormwater "Best Management Practices" (BMP). It would also mean additional space for emergency access to the property. Ms. Thompson explained that the lot narrowed at the north end. This made a modification to the landscape buffer yard necessary (Recommendation Item 5). A medium-impact landscape buffer was required along the west property line since it abutted the CP-2 district. Again, granting a modification would create more space; in this case for compliance with fire code

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and stormwater requirements. The modification would have little to no effect on the neighboring property. The applicant would be putting in the same quantity of landscaping required for a 20-foot buffer; so that 10-foot width would have plenty of landscaping. The landscape architect had chosen plants with a high survival rate.

The applicant had also proposed five additional wall signs (Recommendation Item 6). Two would be on the north elevation of the exterior buildings, which faced US-50; and the other three would be for the south and west elevations of the interior building and faced SE Oldham Parkway. One wall sign per facade with a maximum of two, covering no more than 10% of the wall, was allowed in the CS district. Staff recommended approval, due to the size of the signs relative to the mass of the buildings. The proposed signs conformed with the minimum percentage.

The UDO cited three conditions for an SUP covering a mini-warehouse facility. If it was in a non-industrial district, the facility *"must be enclosed on all sides by a wall or earthen berm that shields the development from view."* The walls of the storage buildings and units would effectively shield the property on the north, east and west sides. The walls would be an attractive brick with some metal accents. Staff believed that the requirement had been met, especially with extensive landscaping and berming on the north and east property lines. The berm's height would range from 5 to 7 feet, with evergreen trees planted at the top. Staff had requested extra evergreens to screen any possible gaps. The second requirement was that *"colors must be of muted shades"* and the applicants proposed light to medium-light grays with white accents. The third was that the *"roof pitch shall be 1:3"* which three of the four buildings did not have. However, roofs were shielded from view by parapets on all sides and were exposed only on the interior. Staff recommended a modification to the roof pitch (Recommendation Item 4).

The applicant requested a 25-year term for the SUP (Recommendation Item 8), which staff also supported. This term was consistent with those of other approved mini-warehouse businesses. Staff recommended approval, subject to Recommendation Items 1 through 8.

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 Kline gave his address as 2105 SW Moreland School Road in Blue Springs. He owned 50 Highway Self-Storage, a storage facility down the street from the subject property; and had been in the business since 1995, building, owning and operating a total of five self-storage businesses. He recalled having a difficult time getting approval for 50 Highway Self Storage, as the Planning Department at that time did not seem to like this kind of business. He had not been offered any the staff-approved modifications that this business would get. The modification for the FAR alone amounted to a 60% increase, which he would never have been allowed. No traffic study was required for this application and the applicant was putting in over twice the number of units his business. The lack of a traffic study was rather surprising considering the traffic that adjacent businesses generated; and the proposed business would share a driveway with the grocery store. That amounted to noticeable traffic, due to the large number of units. He requested that the Planning Commission and City Council be consistent when it came to approving self-storage businesses and require them to meet UDO standards.

Mr. Kline added that in this business, doors visible from the street were a kind of signage alternative that told the public what kind of business this was. When elevations for this kind of business included glass, the glass was often to keep the doors behind it visible. Consequently, the interior self-storage the applicant proposed was not actually enclosed. In the SUP comments document, the applicant had stated that the business had *"no potential to injure or cause detrimental effects on neighboring properties"* but in fact it could have a very negative impact on the three other businesses of that type in the area.

In terms of economic impact on the community, this kind of business generated very few jobs. Mr. Kline remarked that much of the hostility to self-storage businesses he had encountered in his former dealings with the City had to do with some of these businesses being on major streets but generating little to no sales tax. Moreover, as an owner of a self-storage business he knew that there was no great need for more storage facilities in Lee's Summit. His self-storage business and others he knew of in the area were not full.

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

Ms. Roberts asked if Oldham Court was a City street or a private one. Mr. Soto answered that it was a

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private street.

Chairperson Norbury noted Ms. Thompson's remark that the landscaping materials were chosen with long-term survival in mind; and remarked that this not being a requirement to start with was rather surprising. Ms. Thompson answered that staff met some landscape architects who were committed enough to do extra homework on what would have the highest survival rate. It was not a UDO requirement. Chairperson Norbury replied that while this was laudable, the UDO was essentially relying on landscape architects going the extra mile to ensure that landscaping buffers would not die. He suggested that staff take a look at UDO requirements, since as written there was no effort to ensure that required landscape buffers would survive.

Ms. Roberts added that plants native to the area would have more longevity.

Chairperson Norbury asked if there were further questions for the applicant or staff. Hearing none, he closed the public hearing at 7:05 p.m. and asked for discussion among the Commission members.

Concerning Mr. Kline's remark about demand, Ms. Arth asked if there was any information, remarking that Lee's Summit did seem to have a lot of self-storage businesses. Chairperson Norbury told her that the Planning Commission's purview was not to evaluate business decisions. It had traditionally let the market decide within the bounds of what it considered appropriate development and placement. He understood Mr. Kline's concerns and did not know how long ago the 50 Highway facility was built. There had been changes to the UDO and community standards since then and they had not worked to everyone's advantage. He wanted to give Mr. Kline's objections some weight and not just dismiss them as the sour grapes of someone who did not want a competitor moving in nearby. He sympathized but the Commission had to deal with the application before it tonight.

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

Ms. Roberts made a motion to recommend approval of continued Application PL2018-084, Preliminary Development Plan and Application #PL2018-085, Special Use Permit for indoor/outdoor storage facility: Extra Space Lee's Summit, 700 SE Oldham Court; WSKF Architects, Inc., applicant; subject to staff's letter of July 20, 2018, specifically Recommendation Items 1 through 8. Mr. Gustafson seconded.

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

A motion was made by Board Member Roberts, seconded by Board Member Gustafson, that this application be recommended for approval to the City Council - Regular Session, due back on 8/9/2018. The motion carried unanimously.

[2018-1985](#)

Appl. #PL2018-088 - UNIFIED DEVELOPMENT ORDINANCE (UDO) AMENDMENT #67 - Article 5 Zoning Districts, Article 8 Accessory Uses, Article 9 Uses Permitted with Conditions and Article 10 Special Use Permits, to allow in-home massage therapy as a conditional use for a home occupation in the R-1 (Single-family Residential) zoning district; City of Lee's Summit, applicant

Chairperson Norbury opened the hearing at 7:10 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Mr. Soto entered Exhibit (A), list of exhibits 1-7 into the record. He related that this amendment was in response to applications that had come in over the past few years. In 2005 a citizen made an application to conduct a massage therapy business from his residence. The CEDC [CDC in 2005] approved it for a hearing by the Planning Commission and the City Council. The result was Ordinance 6099 that adopted UDO amendment 16. This amendment allowed in-home massage therapy as a special use in the R-1 zoning district. The same individual submitted an SUP application, which was approved, the following year. Since then there had been four applications, which were approved but for varying terms. The first SUP was for five years but was not renewed since the applicant had relocated. No negative impacts on a neighborhood had occurred nor had there be any complaints; and the subsequent SUPs were for ten year terms. Eventually staff was directed to consider making this use subject to conditions. Staff proposed to convert this type of business from a special use to a conditional use, which was not required to go through the public hearing process if the conditions were met. That would make it a use permitted by right, subject to

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compliance of conditions.

In the existing ordinance, home massage therapy was allowed only in the R-1 district, with a limit of one licensed therapist operating out of a residence. Hours of operation were limited to hours between 7:00 a.m. and 9:00 p.m. The amendment would change home massage therapy from a special use to one permitted by right with conditions (Article 5). Some language in Article 8 would be amended to reflect that change in status. The use conditions would be moved from the Special Use to the Conditional Use section, language in Article 10 referring to massage therapy as a special use would be deleted. Staff recommended approval of UDO Amendment 67.

Chairperson Norbury asked if there was anyone present wishing to give testimony, either in support for or opposition to the application. Seeing none, he opened the hearing for questions from the Commission.

Chairperson Norbury thanked staff for their work, mentioning that he had advocated making the approval process for this kind of business less burdensome.

Chairperson Norbury asked if there were further questions for the applicant or staff. Hearing none, he closed the public hearing at 7:20 p.m. and asked for discussion among the Commission members, or for a motion.

Ms. Dial made a motion to recommend approval of Application PL2018-088, Unified Development Ordinance (UDO) Amendment #67: Article 5 Zoning Districts, Article 8 Accessory Uses, Article 9 Uses Permitted with Conditions and Article 10 Special Use Permits, to allow in-home massage therapy as a conditional use for a home occupation in the R-1 (Single-family Residential) zoning district; City of Lee's Summit, applicant. Ms. Roberts seconded.

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

A motion was made by Board Member Dial, seconded by Board Member Roberts, that this UDO Amendment be recommended for approval to the City Council - Regular Session, due back on 8/23/2018. The motion carried unanimously.

[2018-2037](#)

Appl. #PL2018-089 - UNIFIED DEVELOPMENT ORDINANCE (UDO) AMENDMENT #68 - Article 5 Zoning Districts and Article 9 Uses Permitted with Conditions, to allow indoor climate controlled storage facilities as a permitted use by right in the PI (Planned Industrial) zoning district and a conditional use in the CP-2 (Planned Community Commercial), CS (Commercial Service) and AZ (Airport) zoning districts; and to allow municipal fire stations as a conditional use in all zoning districts; City of Lee's Summit, applicant

Chairperson Norbury opened the hearing at 7:22 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Mr. Soto entered Exhibit (A), list of exhibits 1-7 into the record. He gave some background on City policies regarding storage facilities. At present the only kind of storage business mentioned in the UDO was the standard outdoor mini-warehouse version. This was a special use in the CS (Commercial Services) and PI (Planned Industrial) zoning districts. Regarding tonight's earlier hearing, Mr. Soto remarked that this business would offer that kind of storage plus indoor climate-controlled storage. Another recent application was for a storage business in front of the Polytainer site off Douglas. The trend was for somewhat more secure facilities with this indoor option. All activities in the latter type of business would be indoors or within an enclosure and had a more 'office-like' appearance. That made them more acceptable for a wider range of zoning districts. Mr. Soto displayed renderings of this different appearance, including a sketch of the OK Storage building near Douglas. The newer facilities did blend in better in commercial areas than they used to. Given these changes, staff supported changing the status from a permitted use by right in Planned Industrial zoning and a conditional use in the CP-2, CS and AZ (Airport) zoning districts.

The conditions were listed in Article 9. All activities had to take place inside the structure; four-sided

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architecture was required; no outside structures were allowed; aspects such as building placement, setbacks and signage would be determined via PO (Planned Office) district requirements. The idea was to require indoor storage facilities to essentially blend in with office development. The number of parking spaces would be determined on a case-by-case basis.

The UDO as it presently existed did not make any provisions for the use of fire stations. Currently Lee's Summit stations were located in AG, R-1, CP-2 and CBD zoning districts. While staff could see the value in locating them in all zoning districts, they were listing some conditions in the interest of mitigating the impact on land uses. Fire stations were to be located on arterial or collector streets, and buildings should be designed to reasonably blend in with the neighborhood; be it residential, commercial or industrial. Mr. Soto concluded that staff recommended approval of UDO Amendment 68.

Chairperson Norbury asked if there was anyone present wishing to give testimony regarding the application. Seeing none, he opened the hearing for questions.

Ms. Arth noted the prohibition on any outdoor storage, and remarked that in that case Extra Space, whose application had just been recommended for approval, would still be required to get a Special Use Permit. Mr. Soto answered that staff might view that as a kind of hybrid since it offered both. This amendment was addressed specifically to all-indoor storage businesses; and would prohibit them from outdoor storage of items such as boats.

Mr. Gustafson noted that the requirement that a fire station be on a collector or arterial street did not address access, which could be off a side street. Mr. Soto acknowledged that the wording was not very specific. The intent was to have a fire station's presence and entry off a major thoroughfare; but in many locations a secondary entrance off a lower-use street would be appropriate.

Chairperson Norbury asked if there were further questions for the applicant or staff. Hearing none, he closed the public hearing at 7:38 p.m. and asked for discussion among the Commission members. Hearing none, he called for a motion.

Ms. Arth made a motion to recommend approval of Application PL2018-089: Unified Development Ordinance (UDO) Amendment #68: Article 5 Zoning Districts and Article 9 Uses Permitted With Conditions, to allow indoor climate controlled storage facilities as a permitted use by right in the PI (Planned Industrial) zoning district and a conditional use in the CP-2 (Planned Community Commercial), CS (Commercial Service) and AZ (Airport) zoning districts; and to allow municipal fire stations as a conditional use in all zoning districts; City of Lee's Summit, applicant. Ms. Dial seconded.

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

A motion was made by Board Member Arth, seconded by Board Member Dial, that this UDO Amendment be recommended for approval to the City Council - Regular Session, due back on 8/23/2018. The motion carried unanimously.

[2018-2143](#)

Appl. #PL2018-106 - UNIFIED DEVELOPMENT ORDINANCE (UDO) AMENDMENT #69 - Re-codification of the UDO with a new numbering system; City of Lee's Summit, applicant

Chairperson Norbury opened the hearing at 7:40 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Mr. Johnson stated that this was a reformatting and recoding of the UDO. Over the past few years City staff had discussed rewriting sections. While other Lee's Summit ordinances were maintained by the Municode company, Chapter 34 or the City code only referenced the UDO. Unlike the other ordinances it was not stored on software. Under the proposed change, Chapter 34 would become the UDO. It would be online in its entirety and be searchable: at present it was online as a number of PDF documents. It would be more user-friendly for both staff and citizens. They also proposed a reorganization and reordering of chapters, making specific questions easier to find answers to; plus a definitions section. This was an organizational and not a content change.

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Chairperson Norbury asked if there was anyone present wished to give comments or ask questions. Seeing none, he asked if the Commission had questions for the applicant or staff.

Ms. Arth commented that this looked much more user-friendly and the UDO being online and searchable would make it more accessible for the public. Mr. Sims also thanked staff for the change. Chairperson Norbury repeated that this was an organizational change, and would not involve any changes to content.

Ms. Roberts asked when the Commission might see content changes. Mr. Johnson anticipated the first major step was a comprehensive look at sidewalks; and staff needed to meet with stakeholders about that. They definitely wanted to revise policies about landscaping, and had already drafted changes. Some of the definitions needed to be reworded to reflect common usage.

Noting that Mr. Johnson had mentioned stakeholders, Ms. Roberts asked if the community at large would have a chance to participate. Mr. Johnson answered that the sidewalk changes had come from the Livable Streets board and the Homebuilders Association would definitely be a stakeholder. The changes they were considering mostly involved residential subdivisions.

Chairperson Norbury asked if there were further questions for the applicant or staff. Hearing none, he closed the public hearing at 7:42 p.m. and asked for discussion among the Commission members, or for a motion.

Mr. Sims made a motion to recommend approval of Application PL2018-106, Unified Development Ordinance (UDO) Amendment #69: Re-codification of the UDO with a new numbering system; City of Lee's Summit, applicant. Ms. Roberts seconded.

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

A motion was made by Board Member Sims, seconded by Board Member Roberts, that this UDO Amendment be recommended for approval to the City Council - Regular Session, due back on 8/23/2018. The motion carried unanimously.

Other Agenda Items

There were no other agenda items at the meeting.

Roundtable

Ms. Roberts reported that she had met Mr. Darren Taylor, Executive Director of the Lee's Summit Housing Authority. He had mentioned presentations he had given to several groups including the CEDC and the City Council. She suggested that he do this presentation to the Planning Commission, noting that Commissioners were expected to participate in educational opportunities, which were typically joint meetings. She felt it was just as important for Commissioners to stay informed about their own community.

Adjournment

There being no further business, Chairperson Norbury adjourned the meeting at 7:42 p.m.

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