

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

Thursday, March 11, 2021

5:00 PM

Via Video Conference

Notice is hereby given that the Planning Commission of the City of Lee's Summit will meet in regular session on March 11, 2021, at 5:00 pm in person and by video conference as provided by Section 610.015 of the Revised Statutes of the State of Missouri. Due to the ongoing Covid-19 pandemic, public attendance in the meeting room at City Hall is extremely limited, and therefore the public is invited to attend the meeting by one of these methods:

- By viewing the meeting on the City website at www.WatchLS.net, and various cable providers (Spectrum channel 2, Google TV channel 143, AT&T U-Verse channel 99 and Comcast channel 7) for those whose cable providers carry the City of Lee's Summit meetings.
- By sending a request to the City Clerk at clerk@cityofls.net to attend the meeting on the Zoom platform. The City Clerk will provide instructions regarding how to attend by this method.

Persons wishing to comment on any item of business on the agenda may do so in writing prior to 5:00 p.m. on March 10, 2021, by one of the following methods:

- By sending an e-mail to clerk@cityofls.net,
- By leaving a voicemail at 816-969-1005 or
- By leaving written printed comments in the utility payments drop boxes located in the alley behind City Hall or inside the foyer at the north end of City Hall, both located at 220 SE Green Street, Lee's Summit, MO 64063.

Written comments submitted by these methods will be presented at the March 11, 2021, meeting. Persons wishing to speak at a public hearing on this agenda may do so by contacting the City Clerk prior to 5:00 p.m. on March 10, 2021, by e-mail at clerk@cityofls.net, and they will be provided with instructions regarding how to provide their live testimony via videoconference during the public hearing.

In the event that the meeting cannot be broadcast via www.WatchLS.net and the cable channels noted above, this agenda will be amended to include directions for the public to attend via the Zoom software platform at www.Zoom.com; such amendment will include a specific link to attend the Planning Commission meeting.

Call to Order

Roll Call

Planning Commission

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Present: 7 - Chairperson Donnie Funk
Vice Chair Dana Arth
Board Member Tanya Jana-Ford
Board Member Mark Kitchens
Board Member Jake Loveless
Board Member Cynda Rader
Board Member Terry Trafton

Absent: 2 - Board Member John Lovell
Board Member Matt Sanning

Approval of Agenda

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

Public Comments

There were no public comments presented at the meeting.

Approval of Consent Agenda

TMP-1853 An Ordinance accepting Final Plat entitled Whispering Woods, Lots 29A, 30A, 31A, 32A, and 33A, as a subdivision to the City of Lee's Summit, Missouri.

A motion was made by Board Member Rader, seconded by Board Member Trafton, that this application be recommended for approval to the City Council - Regular Session, due back on 3/23/2021. The motion carried by the following vote:

Aye: 7 - Chairperson Funk
Vice Chair Arth
Board Member Jana-Ford
Board Member Kitchens
Board Member Loveless
Board Member Rader
Board Member Trafton

Absent: 2 - Board Member Lovell
Board Member Sanning

TMP-1852 An Ordinance vacating a certain easement located at 1709, 1713, 1717, and 1725 SW 27th St in the City of Lee's Summit, Missouri.

A motion was made by Board Member Rader, seconded by Board Member Trafton, that this application be recommended for approval to the City Council - Regular Session, due back on 3/23/2021. The motion carried by the following vote:

Aye: 7 - Chairperson Funk
Vice Chair Arth
Board Member Jana-Ford
Board Member Kitchens
Board Member Loveless
Board Member Rader
Board Member Trafton

Absent: 2 - Board Member Lovell
Board Member Sanning

[2021-4016](#) Appl. #PL2021-040 - SIGN APPLICATION - Eyemart, 1041 NE Sam Walton Ln;
Mid-American Sign, LLC, applicant

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

[2021-4017](#) Appl. #PL2021-048 - SIGN APPLICATION - Lee's Summit Medical Office Building over-canopy sign, 1980 SE Blue Pkwy; Infinity Sign Systems, applicant

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

[2021-4008](#) Appl. #PL2021-055 - SIGN APPLICATION - Whataburger, 1460 NE Douglas St; Reaching Solutions, LLC, applicant.

Chairperson Funk noted that the Consent Agenda had three sign applications that were all being considered outside of the UDO. He asked if this was a common occurrence and if it would need any discussion from the Commission. Mr. Soto replied that this did happen often. Staff had received a number of requests concerning additional signs for individual tenants, as well as oversized signs. The latter would depend partly on the size of the building. It was something that the Commission could discuss in the context of a future sign ordinance, including increasing the allowable size.

Chairperson Funk said that his question was about the Whataburger sign application. The UDO specified two signs, and the business would now have six. The medical building's proposed sign would be 33 square feet, with the UDO's limit being 6 square feet.

Regarding Mr. Funk's remarks about the signs, Mr. Kitchens noted that many businesses coming into the community wanted a more permissive policy about signs. He asked if it would be within the Commission's purview to set up a discussion specifically about issues relating to signs, possibly considering an adjustment or update of the UDO if that would be best for the city.

Mr. Johnson remarked that discussions of policy and UDO amendments would be appropriate, and something that he would like to see the Commission to do more often. The Planning Department kept a good record of all the sign applications that had gone through public hearings; so it was not difficult to determine what the most common requests were. Opportunities to set these discussions up might be when the agenda did not have many public hearing items, and staff could keep an eye out for that.

Mr. Soto noted that the agenda for the next Planning Commission meeting on March 25th had some public hearings that had been removed, leaving only consent items. There would be room on the agenda for a discussion.

Chairperson Funk remarked that he would prefer an explanation of the six signs in the Whataburger application. However, he was in favor of moving forward in approving the Consent Agenda; however, it might be necessary to move this item off the Consent Agenda and make it a public hearing.

Mr. Trafton stated that he would be in favor of moving forward, as he had read the plans and the signage was part of the design of the building. Mr. Kitchens agreed, noting that this looked like the typical design for Whataburger. It was also typical of what the Commission was seeing in signs for individual standalone buildings. The aesthetic had come a long way from the huge signs seen years ago along commercial areas on highways; and the designs' quality had improved enough for signs to increase in size and number. He agreed that the UDO might be adjusted somewhat.

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

[2021-4006](#) Approval of the February 25, 2021, Planning Commission minutes

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

Public Hearings

2021-4013 Public Hearing: Application #PL2020-367 - Preliminary Development Plan - Wood Corner, 617 SE 6th St; Dymon Wood, applicant.

Chairperson Funk opened the hearing at 5:10 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Mr. Johnson stated that the intent was for staff to give the presentation.

Ms. Thompson entered Exhibit (A), list of exhibits 1-13 into the record. She displayed an aerial zoning map of the subject property at the southwest corner of SE 6th Street and SE Independence Avenue. The surrounding neighborhood was primarily comprised of single-family residential dwellings of a one story ranch style. The property was currently vacant; but historically there was a single-family home that existed on the property. That former home had since been removed, so the whole property was now vacant. The property was surrounded by the RP-2 zoning district and it was zoned RP-2.

The site plan showed the property divided into two different lots, with single-family homes on them. The applicant was seeking approval of the preliminary development plan for only the single-family home on the property's east side. A PDP was required because of the RP-2 planned zoning district. That home would face 6th Street and be accessed off 6th Street. In the future the lot would be subdivided into two lots, with another single-family home on the west side. This would not require PDP approval, as there was already a home on the property. It was only the additional house that would increase the lot's density to a proposed 5.5 units per acre. The Comprehensive Plan designated this area as having residential infill opportunities. A Comprehensive Plan map of the area showed this area as being within the downtown designation.

Ms. Thompson then displayed proposed elevations. The homes would also be a one story ranch style, with lap siding and wood siding on three sides. The front would include limestone, and colors would be light gray with white trim.

The use was consistent with the recommended land use for the area, and with the stated goal to increase housing stock. That increase could include rental and for sale single-family and multi-family development. Ms. Thompson concluded that this infill development was consistent with both the zoning and land uses in the neighborhood. The one Condition of Approval stated that "the developer shall make payment to the City of Lee's Summit for construction costs in lieu of actual construction for the segment of sidewalk along SE 6th St and SE Independence Ave."

Following Ms. Thompson's comments, Chairperson Funk asked her if she had received any feedback or comments from the public about this application. Ms. Thompson replied that she had talked with a few people who had asked for some clarification about what was being proposed. Mr. Scott Ready, the project manager, had also talked with the public.

Mr. Ready stated had he had received emails from two of the people who would testify tonight, Mr. Hart and Mr. Stites. He had provided them with information about the proposed project, including the intended scope of the work. He confirmed for Chairperson Funk that the communications consisted of requests for information.

Chairperson Funk then opened the hearing for questions.

After being sworn in, Mr. Paul Sites (605 SE Independence Ave) stated that he did have some opposition, but had not known what the correct process was. Much of his opposition was the reason for subdividing the lot. While the claimed intent was a single-family home, he had the impression that the motivation was commercial; specifically to make it a rental property. Considering the value of the rest of the area, increasing the density on that lot did not look like a productive move.

Chairperson Funk asked if Mr. Sites would still be opposed if the property was for sale and not rent. Mr. Stiles clarified that his concern was long term and not necessarily about the current owner. While it was not a small lot, he did not think it was suitable to rezone it into two single-family lots.

After being sworn in, Mr. Alec Hart gave his address as 604 6th Street, next door to the subject property. Chairperson Funk asked if he had the same question about whether the property was for sale or rent, and the same concern about subdividing it. Mr. Hart stated that he and his wife had received two letters, one referring to residential development and the other to commercial use. He had spoken with Mr. Ready, who had clarified that it would be for residential only. It did not make sense to him to rezone and divide one lot into two when a house was already there.

Ms. Thompson clarified that the property was not being rezoned, and that the RP-2 zoning was already in place. That would allow for a duplex as well as a single-family home. The property had two single-family homes that would need setbacks for the RP-2 zoning district. Mr. Hart asked what would be the distance between the two houses, and Ms. Thompson replied that technically, a 5 foot setback was required for a side yard. She would need to check the footprint, as she was not sure this dimension was included on the site plan.

Mr. Hart remarked that the neighborhood would certainly have a different feel with a duplex; and if the distance between two houses was only 5 feet they would in effect be a duplex dwelling even if they were technically single-family houses. Ms. Thompson responded that she was referring to the required setback; and the actual distance would not necessarily be 5 feet.

Mr. Johnson stated to Chairperson Funk that as a matter of procedure, a question from a member of the public should flow through the Commission and be directed at staff rather than a direct conversation between a staff member and a member of the public.

Chairperson Funk emphasized to Mr. Hart that this application was a preliminary development plan and not a rezoning. The property would be subdivided, but the zoning was already in place. He would get Mr. Hart's questions about setbacks and about proposed use of the property answered once other questions were answered.

Mr. Sites asked how this plan was not a rezoning, noting that some of the documents for applications mentioned rezoning.

Chairperson Funk asked if there were further questions for the applicant or staff. Hearing none, he closed the public hearing at 5:40 p.m. and asked for discussion among the Commission members, or for a motion.

Mr. Kitchens noted that the previous questions indicated that fliers had been sent out, with some subsequent confusion as to whether this would be a commercial or residential development. He asked if there was some kind of error in the fliers. Mr. Johnson replied that a notice had gone out titled "commercial preliminary development plan". When he discovered this he had contacted the City's Legal department and asked if the public hearing should be postponed. The reply had been that it would not, as long as the location given and

the newspaper notice were correct.

Mr. Kitchens apologized to any member of the public who were affected by any miscommunication. He emphasized that this was a strictly residential plan. The current zoning did not even allow for commercial use; and the application was not for a rezoning. He commended staff for spotting and addressing the error.

Mr. Trafton asked Ms. Thompson about the reference to a house that was previously on the lot. He had understood that the property was to be split into two lots and that there was no house on the lot at present. He wanted to know where the previous house had been. Ms. Thompson answered that the lot had previously been a portion of the lot to the south and had been somewhat mismatched through the years. The older aerial maps had shown the house being close to the west side. A single-family home that had been built in the 1950s had been on the lot, but it had been demolished. The proposal was a minor plat to subdivide it into two lots, building a single-family home on each. What the Commission was considering tonight would be lot 13B, on the east side of the lot closer to Independence Avenue. There was no proposal or plan for a duplex.

Mr. Trafton said he was seeing something that looked like a six-foot build line between the lot lines; and asked if that meant the houses would be 12 feet apart. Ms. Thompson answered that it did. Mr. Trafton then remarked that it looked like the house sitting on 13B was 30 feet away from the lot line, or the middle of the street, and Ms. Thompson replied that the proposed home on the east side was 30.64 feet away from Independence Avenue. To the west, it was 6 feet away from the proposed new property line. The other new home was 6 feet further. Another proposed 7 foot setback was to the west.

Mr. Trafton asked if the dedicated 5-foot right-of-way was for the sidewalk, and Ms. Thompson related that after the application came to staff, Mr. Michael Park had spotted some discrepancies with the right-of-way. They were working to have it dedicated to match the use, which would be in addition to the existing right-of-way for Independence Avenue.

Mr. Trafton remarked that he lived in a neighborhood with 5-foot build lines, so the houses were 10 feet apart. He asked if the applicant could explain setting lot 13B back 30 feet; as it would be possible to put more space between the two houses.

Mr. Johnson pointed out the build line on the east side of the map, and asked Ms. Thompson why it needed to have a 30-foot setback off the road. Ms. Thompson responded that it would not need to be 30 feet, though this was a corner lot.

Mr. Trafton acknowledged that 12 feet between homes was a standard practice in Lee's Summit. He asked if there could be a modification to allow for that, in view of this being a corner lot. Ms. Thompson replied that the 30-foot build line was actually from the original survey. It was not for utilities, as the utility easement was only 10 feet. It might have been the result of an effort to retain some existing trees on the property as a natural buffer.

Mr. Dymon Wood, the applicant, stated that the original house was on a full lot plus one half lot. The original owner had bought half of the lot to the south, and the neighbor to the south had bought the other half. That was the reason for this being such an oversized lot. The house had originally faced east, and had a setback that matched those of the other houses that faced north and south. At present, the City wanted it to line up with these houses if possible. He would have preferred to get closer to the road but understood the necessity for consistency.

Mr. Trafton asked about the question of whether the homes would be for sale or rentals, and Mr. Wood stated that he had built and sold over 20 homes in Lee's Summit over the years. The two single-family homes would be 1,700 square feet, with porches, tile floors throughout and laundry rooms. They would sell for about \$289,000 each. Regarding the issue of

affordable housing in Lee's Summit, the three houses he had built on north Main had ranged in price from \$397,000 to \$403,000. For this project, he had been able to reduce the price by putting two on one lot. When a house was built, the ground it was on had a specific value and cost; so using the same lot for both would lower the cost for each. He confirmed that this was not a zoning change and none was requested in the application. He had worked with Ms. Thompson and Mr. Ready and had complied with City requirements so that he was not asking for any modifications.

Mr. Trafton thanked Mr. Wood for planning to build new housing product in this area, which was on the development plan for Lee's Summit. More people than in previous years wanted to live Downtown and they wanted new houses; so there was a demand for this kind of development. Mr. Wood added that his family had a history in Lee's Summit, and his mother had been Lee's Summit's Centennial Queen [1965].

Ms. Jana-Ford asked what was the median price for houses in Lee's Summit. Ms. Thompson answered that she did not have that information; however, some houses in the Downtown district had sold in the \$400,000 range. Mr. Johnson said that staff did not know the median price in the Downtown area. Ms. Rader added that some homes in this area had sold for \$100,000 to \$200,000. This part of town did have an eclectic mix of houses in all styles, ages and conditions. Lee's Summit was growing, as were the prices of housing. \$289,000 for a home in Downtown Lee's Summit sounded very affordable.

Chairperson Funk asked Mr. Wood if he would be installing the sidewalks or if that would be a payment to the City as stated in the one Condition of Approval. Mr. Wood confirmed that it would be a payment to the City.

Mr. Loveless asked if it was correct that the applicant would not have to go through the public hearing process if he had proposed a duplex on the lot rather than two detached houses. Ms. Thompson answered that it was not. A single-family home had been on the property previously, so the UDO would allow a single-family home to replace it by right. This was a planned zoning district and anything that was added to what was already there, or would increase density would have to submit a preliminary development plan.

Mr. Loveless then asked why the property had been rezoned RP-2 zoning if a single-family home was already there. Ms. Thompson acknowledged that she did not know the history of the rezoning. Mr. Johnson clarified that this was a peculiarity of the city's zoning. Essentially the policy was that any development or redevelopment of property in a planned zoning district required a PDP. For example, an empty single-family lot might require a PDP for building a house on it, depending on the circumstances. In this case, even if Mr. Wood had proposed building a duplex there, if a structure did not already exist on the property or just a single-family home, again a PDP would be required. He acknowledged that this could be confusing, as this zoning district was called a "two family dwelling unit" district; however, it was the planned zoning that controlled the public hearing process.

As there were no further questions, Chairperson Funk closed the public hearing at 5:50 p.m. and asked for any discussion, or for a motion.

Ms. Arth thanked Mr. Wood for proposing this project, adding that it would be an asset to downtown Lee's Summit. Mr. Wood said he had not considered putting in a duplex, and had made it clear that he wanted to put in two single-family homes that the city could be proud of.

Mr. Loveless remarked that the City would soon be having discussions about housing choices in Lee's Summit and specifically that there should be more of them. He appreciated the effort that the applicant had made and would support this project.

Ms. Jana-Ford commented that the eclectic mix of housing in downtown Lee's Summit was one

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of the things that made this part of town so unique and interesting.

Mr. Trafton made a motion to recommend approval of Application PL2020-367, Preliminary Development Plan: Wood Corner, 617 SE 6th St; Dymon Wood, applicant. Ms. Arth seconded.

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

A motion was made by Board Member Trafton, seconded by Vice Chair Arth, that this application be recommended for approval to the City Council - Regular Session, due back on 4/13/2021. The motion carried by the following vote:

Aye: 7 - Chairperson Funk
Vice Chair Arth
Board Member Jana-Ford
Board Member Kitchens
Board Member Loveless
Board Member Rader
Board Member Trafton

Absent: 2 - Board Member Lovell
Board Member Sanning

TMP-1854 An Ordinance approving a preliminary development plan for Wood Corner, located at 617 SE 6th St, in accordance with the provisions of Chapter 33, the Unified Development Ordinance of Lee's Summit Code of Ordinances, for the City of Lee's Summit, Missouri.

Roundtable

Mr. Elam reminded the Commission that the joint workshop with the City Council would start after this Zoom meeting. He reminded the Commissioners to use the alternate link.

Adjournment

There being no further business Chairperson Funk adjourned the meeting at 5:50 p.m.

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