

The City of Lee's Summit
Action Letter
Planning Commission

Thursday, April 22, 2021

5:00 PM

City Council Chambers and Video Conference

Notice is hereby given that the Planning Commission of the City of Lee's Summit will meet in regular session on April 22, 2021, at 5:00 pm in person in the City Council Chambers at City Hall, 220 SE Green Street, Lee's Summit, Missouri, 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 limited. The public may attend in person at the location listed above or 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-person at the meeting location specified above at the time of the meeting or in writing prior to 5:00 p.m. on April 21, 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 April 22, 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 April 21, 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

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Present: 8 - Chairperson Donnie Funk
Board Member Tanya Jana-Ford
Board Member Mark Kitchens
Board Member Cynda Rader
Board Member Matt Sanning
Board Member Terry Trafton
Dana Arth
John Lovell

Absent: 1 - Jake Loveless

Approval of Agenda

A motion was made by Vice Chair Arth, seconded by Board Member Lovell, 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. TMP-1905** An ordinance accepting final plat entitled Hook Farms, 1st Plat, lots 1-49 and tracts A, B, & C as a subdivision to the City of Lee's Summit, Missouri.

A motion was made by Board Member Sanning, seconded by Vice Chair Arth, that this application be recommended for approval to the City Council - Regular Session, due back on 5/4/2021. The motion carried unanimously.

- B. TMP-1906** An ordinance accepting final plat entitled the Retreat at Hook Farms, lots 50-99 and tracts D, E, F, G & H as a subdivision to the City of Lee's Summit, Missouri.

A motion was made by Board Member Sanning, seconded by Vice Chair Arth, that this application be recommended for approval to the City Council - Regular Session, due back on 5/4/2021. The motion carried unanimously.

- C. [2021-4098](#)** Minutes of the April 8, 2021, Planning Commission meeting

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

Public Hearings

- 2. 2021-4100** Appl. #PL2021-082 - SPECIAL USE PERMIT renewal for automotive sales - Jay Hatfield Mobility, 1115 SW Oldham Pkwy; Jay Hatfield Mobility, LLC, applicant

Chairperson Funk opened the hearing at 5:09 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Ms. Nelson entered Exhibit (A), list of exhibits 1-16 into the record. She displayed a zoning map, with CP-2 zoning indicated in red and the location of the subject property within a yellow square. The zoning was CP-2 on either side of it, with single family residential directly to the southwest. An aerial map showed US 50 as well as the Pizza Hut and Hardee's businesses. In 1987, the City Council had approved a Special Use Permit for automobile and truck sales, with a 15 year term. The Council had approved a renewal of the permit in 2002, this time with a 20 year term. In 2008, the Council had approved a six year SUP for vehicle sales; with the applicant requesting the six year term, as it was a new type of business. Jay Hatfield Mobility took over the SUP and in 2011 the City Council had approved the Special Use Permit for a seven year term.

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Tonight's application was for a 10 year Special Use Permit for outdoor sales, specifically for handicap accessible transportation. Jay Hatfield Mobility also repaired and sold small small handicap mobility devices.

No modifications were required for this application, as the current use was an existing condition that did not comply with current UDO requirements but had been allowed under previous versions of the development ordinance and was a lawful non-conforming condition. It did not require modifications for approval of the SUP renewal.

Two displayed photographs showed the fence between the subject property and the residential development. The fence had needed some repairs and repainting and had some boards missing; but the applicant had since repainted the fence and made the necessary repairs. At present the application did meet the requirements of both the UDO and Design and Construction Manual. The applicant requested a Special Use Permit for a ten year term from the previous expiration date. It would expire on November 3, 2028.

Following Ms. Nelson's comments, Chairperson Funk asked if there was anyone present wishing to give testimony, either in support for or opposition to the application. As there were none, he opened the hearing for Commissioners' questions.

Mr. Lovell asked if the ten year extension would allow a potential new use on the property during that period, should the user sell the land and move. Mr. Soto answered that it would not.

As there were no further questions, Chairperson Funk closed the public hearing at 5:17 p.m. and asked for discussion among the Commission members, or for a motion.

Ms. Arth made a motion to recommend approval of Application. PL2021-082, Special Use Permit renewal for automotive sales: Jay Hatfield Mobility, 1115 SW Oldham Pkwy; Jay Hatfield Mobility, LLC, applicant. Mr. Lovell seconded.

As there was no discussion of the motion, Chairperson Funk called for a vote.

A motion was made by Vice Chair Arth, seconded by Board Member Lovell, that this application be recommended for approval to the City Council - Regular Session, due back on 5/4/2021. The motion carried unanimously.

- a. **TMP-1897** An Ordinance approving a special use permit for automotive sales in district CP-2 (Planned Community Commercial) on land located at 1115 SW Oldham Parkway for a period of ten (10) years, all in accordance with Chapter 33, the Unified Development Ordinance, of the Code of Ordinances for the City of Lee's Summit, Missouri.

3. **2021-4106** Appl. #PL2021-037 - PRELIMINARY DEVELOPMENT PLAN - Hill Pro-Motion building expansion, 1321 SW Market St; Engineering Solutions, LLC, applicant

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

Mr. Sanning stated that he would need to be recused from participating, as his employer had a business relationship with a contractor on this application.

Mr. Matt Schlicht of Engineering Solutions gave his address as 50 SE 30th Street in Lee's Summit. The subject property was on the west side of M-291, south of Persel. The applicants were remodeling a building on the site that they had bought a few years ago. On a displayed map, Mr. Schlicht pointed out the existing parking lot and the location of the existing building.

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This would be a fairly small building addition, with a few more spaces added to the parking lot, with the drive and access remaining as is. Mr. Schlicht displayed a colored elevation of the building's west, south and north sides. The expansion would provide an access point on the west side.

Mr. Schlicht stated that he had read staff's comments and agreed, with the exception of one needed modification. Technically, the site would be required to have 35 parking spaces and the current plans showed 34. Due to site constraints, that was the maximum number possible. Both tenants believed this would not be a problem, especially since the uses were on different schedules.

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

Mr. McGuire entered Exhibit (A), list of exhibits 1-15 into the record. He gave a summary of the project as presented on the preliminary development plan. The addition to the existing building would be about 1,900 square feet; and the applicant proposed adding four additional parking spaces. The existing building on the lot was 5,000 square feet and housed a physical therapy office. The surrounding properties were a mix of PI and CP-2 zoning, with various office and warehouse uses in the PI zoned district to the west and south. M-291 highway was on the east and the Fuel Mart convenience store and gas station was north of the property.

The applicant was requesting an alternate parking plan which would provide 34 parking spaces. At staff's recommendation, the applicant was including an additional ADA parking space. The associated access aisle for that space meant eliminating one space in order to meet the minimum requirements. They believed that their business practices would accommodate the required parking; and staff supported their alternate parking plan for that reason.

Mr. McGuire then mentioned the materials to be used. The new addition would have a combination of simulated stone veneer, EIFS and glass, which would match the existing building. He added that the proposed land use and building were in compliance with Lee's Summit's Comprehensive Plan. It was an allowed use in the CP-2 zoning district. The existing road network had enough capacity for the proposed use; and no public improvements were required. If the preliminary development plan was approved, the proposed development would satisfy any requirements applicable to the zoning district.

Chairperson Funk asked Mr. McGuire if he had received any public comments, and Mr. McGuire answered that he had not.

Following Mr. McGuire's comments, Chairperson Funk asked if there was anyone present wishing to give testimony, either in support for or opposition to the application. There were none, and he then asked if the Commission had questions for the applicant or staff. As there were no questions from the Commission, Chairperson Funk closed the public hearing at 5:26 p.m. and asked for discussion among the Commission members, or for a motion.

Mr. Kitchens made a motion to recommend approval of Application PL2021-037, Preliminary Development Plan: Hill Pro-Motion building expansion, 1321 SW Market St; Engineering Solutions, LLC, 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 Kitchens, seconded by Vice Chair Arth, that this application be recommended for approval to the City Council - Regular Session, due back on 5/18/2021. The motion carried by the following vote:

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

Absent: 1 - Board Member Loveless

Abstain: 1 - Board Member Sanning

- a. **TMP-1903** An Ordinance approving a commercial preliminary development plan located at 1321 SW Market Street in district CP-2, in accordance with the provisions of Chapter 33, of the Unified Development Ordinance, of the Code of Ordinances for the City of Lee's Summit, Missouri.

Proposed City Council Motion:

I move for a second reading of an Ordinance approving a commercial preliminary development plan located at 1321 SW Market Street in district CP-2, in accordance with the provisions of Chapter 33, of the Unified Development Ordinance, of the Code of Ordinances for the City of Lee's Summit, Missouri.

4. [2021-4109](#) Appl. #PL2021-063 - PRELIMINARY DEVELOPMENT PLAN - Climate controlled storage facility, 4101 NE Port Dr; Lakewood Self-Storage, LLC, applicant

Chairperson Funk opened the hearing at 5:28 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Mr. Justin Beal of Newmark Grubb Zimmer stated that he was present representing Mr. Michael VanBuskirk and Lakewood Self-Storage. He stated that they were both present and willing to answer any questions. Chairperson Funk then asked for staff comments.

Ms. Thompson entered Exhibit (A), list of exhibits 1-16 into the record. She confirmed that this application's preliminary development plan was for a climate controlled storage facility. An aerial map showed a vacant lot north of Lakewood Way and east of I-470, with access from NE Port Drive. It was adjacent to office and office-warehouse uses to the north, south and west. Some vacant ground was to the east; and the City's water tower was south of the property. A displayed zoning map showed it as being zoned PMIX [Planned Mixed Use], with PMIX zoning to the north and west. Land to the east was zoned AG, and AG and PMIX to the south.

The proposed storage facility building would be three stories with some exterior-access storage units. The north and south elevations would have three roll-up doors toward the back; and the east elevation, facing the AG district, would have 11 roll-up doors. The building would be a total 102,000 square feet, with 34,400 square feet for the footprint. A displayed slide of the west elevation, which faced Port Drive, had proposed colors and materials including red and brown brick, light tan stone, and white and cream colored architectural metal panels.

The applicant was proposing a smooth architectural metal panel, a conditional material. Masonry, concrete, stucco and glass were required, with metal being an incidental use. However, a conditional material could be approved by the Planning Commission and City Council. In view of the quality of these materials having improved over the years and their use was becoming more common, staff recommended approval of the conditional material request.

The UDO imposed conditions for this type of use, which was a kind of hybrid of indoor climate controlled facility and a mini-warehouse use. Four conditions existed for indoor climate controlled storage; and the project met all these conditions but one, which stipulated that “all activities shall be carried on inside the structure.” Due to the outdoor roll-up doors, this was not met. Three conditions existed for a mini-warehouse facility; and the project met two out of the three. It did not meet the condition that the “roof pitch shall be 1:3”. The proposed buildings would have flat roofs.

Regarding the first modification request, the applicant proposed about 17 exterior access units. Staff supported this request, as the building design limited outdoor activities to the rear and sides of the building. These areas would be effectively screened via the site’s design, topography, and proposed landscaping. The second modification request would be for a required roof pitch, as the proposed design was for flat roofs with parapets and tower-like features. As this was not a traditional storage design but was rather intended to have an office like appearance, staff supported the second modification as well.

The first two of the three Conditions of Approval pertained to these two requested modifications. The third required the development to “be in accordance with the preliminary development plan, inclusive of the use of architectural smooth metal panels as a conditional material, as depicted on the building elevations.” Mr. Beal answered that there was all over the metro area in general. Specifically, the distances between existing or competitive properties, and Lee’s Summit’s population demographics and growth were sufficient for a demand to still exist.

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

Ms. Rader observed that Lee’s Summit had a number of storage businesses that had started up over the last few years. She asked if enough demand for storage services and facilities existed to support them.

Mr. Lovell remarked that a feasibility study of the number of these businesses that had come into the area and the demand for storage services might be in order. He added that this type of business had seen some growth and increase in demand; and acknowledged that how many of one type of business the community could support was a legitimate question. This particular application would be a good fit in that part of town, which had been under-served in terms of self-storage businesses. He would like to see some reviews from City staff regarding this kind of business and local population densities; but did consider this location well suited for that use. He doubted that many other types of businesses would do well in a location right next to the water tower.

Further, revisiting the UDO in terms of specific types of businesses might be a good idea. The recent expansion in self-storage was at least partly due to recent re-adjustments of the UDO to allow self-storage in PMIX zoning. Mr. Kitchens was in favor the Commission continuing to giving some attention to aspects such as materials, sizes, and distance from residential properties.

Mr. Kitchens stated that he was in favor of this location. About six and seven years ago, he and a group of residents had looked at that property with the idea of putting in a self-storage business. He acknowledged that this area already had multiple warehousing establishments that the Commission had approved; and many had characteristics that had been mentioned tonight including flat roofs and roll-up doors.

Ms. Arth also considered this a good location, and she liked the addition of climate-controlled storage.

Regarding the modification, Chairperson Funk asked if exterior storage was necessary because of the roll-up doors, or if this was a matter of outside access rather than outdoor storage. Ms. Thompson confirmed that no outdoor storage was being proposed; however, two categories existed for this type of use. One was indoor climate-controlled storage; and in this category no outdoor activity was allowed. The applicant was proposing some outdoor activity; so the application did not meet that condition. Another condition needing a modification was the required roof pitch.

Mr. Soto stated that at the time the UDO was written, exterior activities for most self-storage was the basic exterior access. The way the ordinance was originally written, a driver pulling up to the unit they had rented and loading or unloading items, and being visible from outside the property, could be considered conducting an 'outdoor activity'. The traditional approach to climate control was that activities would be indoors and hidden from view. It was not related to storing large items such as RVs. The type of business being discussed tonight was essentially a hybrid that the UDO had not yet addressed.

Chairperson Funk asked if there were further questions for the applicant or staff. Hearing none, he closed the public hearing at 5:42 p.m. and asked for discussion among the Commission members, or for a motion.

Ms. Arth made a motion to recommend approval of Application PL2021-063, Preliminary Development Plan: Climate controlled storage facility, 4101 NE Port Dr; Lakewood Self-Storage, LLC, applicant. Mr. Lovell seconded.

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

A motion was made by Vice Chair Arth, seconded by Board Member Lovell, that this application be recommended for approval to the City Council - Regular Session, due back on 5/18/2021. The motion carried unanimously.

- a. [TMP-1910](#) An Ordinance approving a commercial preliminary development plan located at 4101 NE Port Drive, proposed climate controlled storage facility, in district PMIX, in accordance with the provisions of Chapter 33, the Unified Development Ordinance, of the Code of Ordinances for the City of Lee's Summit, Missouri.

Roundtable

Chairperson Funk announced that Mr. Lovell would be resigning from the Planning Commission in view of the growth of his business and to spend more time with family. He had not specified a date, in order to allow the Mayor to appoint a replacement. The Commission needed to appoint a replacement for the office of Secretary.

Chairperson Funk nominated Ms. Rader, and Mr. Lovell seconded. Chairperson Funk then called for a vote.

The Planning Commission voted unanimously by roll call vote to appoint Ms. Rader Secretary for the Planning Commission.

Mr. Lovell thanked Chairperson Funk and the other Commissioners, and stated that with a growing business and family responsibilities he would not be able to serve as Commissioner as well as he should. He thanked staff for their services, and emphasized that he did intend to continue being involved in the community. Mr. Lovell also stated that Lee's Summit did have a lot of major issues; and governing bodies needed to be careful about how they moved forward. He considered that Lee's Summit did need to push for better materials, more innovation, better uses, and to build development plans around what the community would look like in the future. This should preclude sacrificing future quality or the integrity of what was being built for the sake of a development.

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Mr. Lovell emphasized the need to preserve the current foundation they had to build upon. Sustainable buildings, including homes, and alternative energy would become increasingly important; and the City should be subsidizing those.

Mr. Lovell also stated that he would remain on the Commission until the Mayor decided on the appointment of a new member.

Mr. Elam announced that an Ignite Comprehensive Plan workshop would be held on Tuesday night [April 27th]. That would be the joint meeting of the Planning Commission and City Council, at 6:00 p.m. Due to the size of the group, it would again be held on Zoom. They were close to the implementation point.

Mr. Kitchens asked if a reminder had been sent out along with the link. Mr. Elam answered that both would be sent out tomorrow.

Chairperson Funk added that the issues Mr. Lovell had brought up could be a topic for discussion at a later meeting, preferably one with a short agenda.

Adjournment

There being no further business, Chairperson Funk adjourned the meeting at 5:50 P.M.

For your convenience, Planning Commission agendas, as well as videos of Planning Commission meetings, may be viewed on the City's Legislative Information Center website at "lsmo.legistar.com"