

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

Tuesday, June 12, 2018
5:00 PM
City Council Chambers
City Hall
220 SE Green Street
Lee's Summit, MO 64063

Call to Order

The Tuesday, June 12, 2018, Lee's Summit Planning Commission meeting was called to order by Chairperson Norbury at 5:05 p.m., at City Council Chambers, 220 SE Green Street, Lee's Summit, Missouri.

Roll Call

- Present:** 7 - Board Member Jason Norbury
Board Member Colene Roberts
Board Member Dana Arth
Board Member Don Gustafson
Board Member Donnie Funk
Board Member Jeff Sims
Board Member Jake Loveless
- Absent:** 2 - Board Member Carla Dial
Board Member Herman Watson

Approval of Agenda

A motion was made by Board Member Roberts, seconded by Board Member Funk, 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-0936](#) Appl. #PL2018-040 - FINAL PLAT - Kessler Ridge at New Longview, 2nd Plat, Lots 56-87 and Tracts E thru G; Inspired Homes, LLC, applicant

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

- B** [2018-2082](#) Minutes of the May 22, 2018 Planning Commission meeting

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

Public Hearings

- 2 [2018-2115](#) PUBLIC HEARING - Appl. #PL2018-050 - REZONING from AG to PMIX & PRELIMINARY DEVELOPMENT PLAN - Cobey Creek, approximately 97.28 acres located at 500 SE M-150 Hwy; JCM Development LLC, applicant

Chairperson Norbury opened the hearing at 5:07 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Mr. Chris Jeffries, a partner in JCM Development, gave his address as 1314 SW Market Street. Mr. Judd Wood, also of JCM, gave his address as 2923 NE View Park Circle. Mr. Jeffries described the project as a mixed-use one, including single-family, townhomes and duplex villas, some of which had maintenance provided and could be senior rentals. The development also included four pad sites for commercial use. Mr. Kevin Sterritt was present at the meeting and could also answer questions.

Chairperson Norbury asked if the applicant was in agreement with the six recommendation items, and Mr. Jeffries replied that they were. Chairperson Norbury then asked for staff comments.

Mr. McGuire entered Exhibit (A), list of exhibits 1-17 into the record. He confirmed that the subject property was at 500 SE M-150 Highway, near the northwest corner of M-150 and Doc Henry Road. The applicant wanted to rezone the 97.2 acres from AG to PMIX. It was currently an unplatted lot with a 5,000 square foot, single-family residence. It would be converted to a clubhouse for the development. The four-phase mixed use development would consist of 186 single-family lots, lots for 44 two-family dwellings and four commercial pad sites. Density would be 3.14 units per acre including eight common area tracts. Nearby properties to the east were a mixture of undeveloped and developed residential lots. The area labeled CP-2 on the displayed map was a mixture of AG and developed residential lots; and the area labeled CP-2 was vacant ground.

Mr. McGuire then displayed proposed commercial elevations for the pad sites. Pads 1 and 2 were intended for full service restaurant; 5,000 square feet for Pad 1 and 7,100 square feet for Pad 2. Pad 3 would be used for a 4,200 square foot bank/credit union business and Pad 4 would have an assisted living facility. Commercial use would have approximately 143,880 square feet, not the 58,000 mentioned in staff's letter. All other numbers in the letter were correct. The proposed building materials for the commercial buildings included brick, simulated stone veneer, architectural masonry units, stucco, lap siding and simulated wood panels. Roofing materials would be of standing seam metal, architectural asphalt shingles and concrete tile. The duplex would have a total of 88 dwellings, with 16 two-family units finished during Phase 1; followed by 42 units in Phase 2 and 30 in Phase 3.

Mr. McGuire then addressed the three modifications that the applicant had mentioned. A modification to the maximum block length of 700 feet would allow two streets to be 835 feet long (north-south road "C", adjacent to lots 1-23, and road "D") and 1,160 feet long (roads "C", "J" and "K"). The increase for roads "C" and "D" was approximately the length of two residential lots. Staff believed that this would not negatively impact the connectivity and walkability of this section although it would have a negative effect on vehicle traffic. Concerning the 1,160 foot lengths, road "C" ran east/west adjacent to lots 32-58. This would be "subject to the provision of a 15-foot wide pedestrian way connecting road "J" through road "K" to road "C". This would be consistent with the UDO provision that mid-walk connections in the form of sidewalks or pedestrian walkways such as bike paths, alleys or trails could be a factor in considering longer block lengths. The applicant was willing to install a 15-foot wide pedestrian way that would connect roads "J" and "K" to road "C". Mr. McGuire displayed the layout that indicated how the connection would provide a pedestrian shortcut to the planned amenities such as the pool. The walkway would also effectively split the block

length while increasing the walkability of this north section. Staff supported the requested modifications for this reason.

The next modification would be to allow platting of 51 lots with a single point of access, with the UDO specifying a maximum of 50 as part of the first phase. Phase one in particular would include three different types of residential product: single-family, two-family duplexes and villa style homes. Staff's letter stated that "as laid out on the plan, the 50 dwelling unit limit [would cause] Tract H, a common area tract housing a detention basin serving Phase 1, to become disjointed from the rest of Phase 1. A single lot (Lot 12) that lies within the proposed Phase 2 boundaries separates Tract H from the rest of Phase 1. Absorbing Lot 12 into Phase 1 and allowing 51 residential dwelling units in said phase results in keeping the plat as one contiguous tract of land. The required second point of access will be provided at the time Phase 2 develops". Staff supported granting this modification as well.

At present, staff had not received any public comments on this project, either positive or negative. The 2005 Comprehensive Plan showed this area as residential with mixed density. This plan was a slight deviation in the form of a commercial element along the M-150 frontage; however, given its location along this highway corridor the use of the property's pad sites in that part of the property would be consistent with the development along M-150.

Of the remaining Recommendation Items, Item 4 required that the development be in accordance with the approved preliminary development plan; Item 5 required that standards such as "setbacks, lot widths, lot size, building height, etc." comply with the standards of CP-2 zoning. However, the premiere and villa style units would be subject to RP-1 standards, with RP-2 standards for the two-family units. Item 6 required the development to follow recommended road improvements as detailed in the Transportation Impact Analysis dated June 6, 2018.

Following Mr. McGuire's comments, Chairperson Norbury asked if there was anyone present wishing to give testimony, either in support for or opposition to the application. Seeing none, he then asked if the Commission had questions for the applicant or staff.

Mr. Gustafson asked for some details about Doc Henry Road. Mr. McGuire replied that the road was owned by the City of Greenwood and was not currently a platted right-of-way. It was essentially a piece of private property. Mr. Gustafson remarked that it looked like a potential access point, and Mr. McGuire answered that while there had been discussions, he was not aware of any formal agreement. Staff had requested street hubs.

Mr. Park explained that since the road was not a right-of-way or an easement, the City of Lee's Summit had no legal right to make it an access. The City of Greenwood had built it as a public street and owned the property. City staff had tried to get an agreement for access but this had not been successful. The developer was doing what they could in providing access to the property boundary. A connection might be possible in the future if circumstances changed. Regarding sidewalks, the property owned by Greenwood north of M-150 was wide enough for sidewalks; however, that property was not owned or controlled by the applicant.

Mr. Gustafson then asked about the wording of item 18 under "Code and Ordinance Requirements", specifying that "a 5-foot sidewalk shall be constructed adjacent to SE Doc Henry Road". Mr. McGuire answered that this was a condition that Planning had placed for the section along Doc Henry. Mr. Jeffries clarified that this was just for the frontage where the pad sites and commercial uses would be located. It would be on the plat, and whoever purchased a pad site would have to install the sidewalk at that location.

Mr. Funk asked for some details about the phasing, including the pad sites. Mr. Jeffries explained that JCM Development did not intend to do any of the development of the pad sites. Mr. Wood added that the plan at present was for all the pad sites to be for sale. The

application for PMIX was necessary for the sites to be sold for commercial development. The commercial pad sites were included in the plans for infrastructure. They'd had talks with three companies that specialized in managing assisted living facilities. Mr. Jeffries added that these companies wanted to see specific designs when they were further along. Mr. Funk asked if the villa condominiums would be the focus of Phase 1, and Mr. Wood answered that Phase 1 would be a mix of some single-family lots and maintenance-provided villa units as well as the senior rental duplexes. None of the commercial development was anticipated in Phase 1.

Mr. Jeffries displayed a map with the Phase 1 development indicated in orange. He pointed out the planned streets and access roads, the duplexes, single-family lots and villa units to be developed in Phase 1. The second point of access would be added in Phase 2, indicated on the map in pink. The commercial pad sites were also part of Phase 2. He also pointed out the sections developed in Phase 3 (green) and Phase 4 (blue).

Ms. Arth asked about water management, noting that Belmont and Saddlebrook were both downstream from the property. Mr. Kevin Sterritt of H.G. Consult gave his address as 1411 NE Todd George Road in Lee's Summit, and pointed out the detention area on the displayed map. That part of the property had a creek that emptied into a larger one downstream; and they intended to do some regrading. The detention pond would assure no additional volume of flow downstream. Concerning Doc Henry Road, Ms. Arth then asked if it was true that the dividing line between Lee's Summit essentially split the road between Lee's Summit and Greenwood. Ms. Yendes answered that Lee's Summit did not own any part of Doc Henry north of M-150. The City had discussed annexing or sharing maintenance of Doc Henry, but none of this had taken place. Moreover, it was more a driveway built to road standards than a road.

Ms. Arth then noted that the plan indicated one pool for about 274 households; and asked what the standard was. Mr. McGuire replied that the pool was not a required amenity and he was not aware of any specific standard. Mr. Wood stated that part of their calculation was an assumption that residents in the maintenance provided buildings would not utilize the pool as much as other residents. They also had alternative amenities such as the community garden space.

Ms. Roberts asked if it was correct that only the duplexes were age restricted. [reply inaudible]. She noted that the planned roundabout seemed to suggest development to the west. [reply inaudible]

Mr. Gustafson noted that Item 17 under "Code and Ordinance Requirements" stated that "a 5-foot sidewalk shall be provided along both sides of Road "G", Road "H" and Road "I". The sidewalk shall wrap around the cul-de-sac bulbs." He asked about the other streets and if the ordinance required sidewalks on both sides. Mr. McGuire answered that in a residential development sidewalks were required only on one side. Collector streets had to have them on both sides. Mr. Soto clarified that the ordinance did require sidewalks on both sides in the case of multi-family housing.

Ms. Arth stated that she had the impression from the transportation study that MoDOT had approved the egress to M-150. Mr. Park replied that the applicant would have to go through the State permitting process at the point of construction and review. However, MoDOT had reviewed the Traffic Impact study as well as the developer's request and had agreed in concept to the proposed plan with the conditions that the analysis indicated. The conditions were both the City's and MoDOT's conditions although MoDOT was the controlling agency.

Ms. Roberts asked if this project was located outside the M-150 overlay area. Mr. Jeffries answered that it was.

Chairperson Norbury asked the applicant what was the typical lot size for single-family homes

for JCM's developments. Mr. Wood answered that the average was 10,000 to 13,000 square feet. Chairperson Norbury noted that many of the single-family lots at Cobey Creek were a little over 9,000 square feet, and what size homes would be on these lots. Mr. Wood said that the lot size was comparable with Eagle Creek or Legacy Woods in Lee's Summit. The homes at Cobey Creek would sell for \$400,000 and up.

Chairperson Norbury asked if the duplexes would be age-restricted or if they would just be marketed to a specific elder age group. He also wanted to know the approximate size of the villas. Mr. Wood answered that the duplexes would be age-marketed, with no official age restrictions. The villas would be 1,600-1,800 square feet on the main floor, slightly smaller than a single-family home.

Chairperson Norbury asked if there were further questions for the applicant or staff, and if anyone else present wanted to give testimony. He noted that M-150 had very congested traffic; and if MoDOT did not have the funds to address this he wanted to know what the alternate plan was. Concerning the north-south water runoff, the subject property had a history of producing a large volume of stormwater and he wanted to know what was planned to control it. He added that the Long family had considered developing their property but had had too much difficulty with sewer service and Lee's Summit's inability to work with Greenwood for sewer access.

Mr. John Long gave his address as 3317 S. Bellechase in Grain Valley, Missouri. He represented the Long Family Trust, on the south side of M-150 and across the road from the proposed project.

Mr. Dennis Weaver gave his address as 31806 East Outer Belt Road in Lee's Summit. He was co-owner of the properties to the west and north. He stated that JCM Development had kept him informed about their plans, including infrastructure. He supported the application.

Chairperson Norbury asked for discussion about concerns that had been raised.

Concerning managing traffic on M-150, Mr. Park acknowledged that M-150 needed some improvements in view of the traffic volume. Staff's Traffic Impact Analysis recommended a number of these improvements that MoDOT would support; including widening the road on the north side and adding turn lanes as well as considering medians. Traffic control and traffic signals were also issues brought up in the analysis. MoDOT was not requesting a traffic signal because the development would not access Doc Henry Road. Internal traffic signals would be considered when the development reached Phase 2. Mr. Park emphasized that MoDOT was in control including its permitting process. Concerning water drainage, Mr. Sterritt stated that the applicant had regraded the part of the property where water drained off toward M-150. The only part of the property that would drain to the north was where the senior living would be; and this area would have its own detention procedure.

Regarding the questions about sewer service, Mr. Sterritt stated that the sanitary sewer would be directed to the 24-inch main to the northeast. Sanitary sewers on the south side would need another system.

Hearing no further testimony, Chairperson Norbury closed the public hearing at 5:40 p.m. and called for discussion among the Commissioners.

Chairperson Norbury observed that in the past few years, much discussion had taken place locally about the needs for more alternatives beyond the standard: multi-family housing, development of affordable housing and housing for seniors. Apparently \$400,000 for a single-family home now qualified as "mid price" in Lee's Summit. Chairperson Norbury commended the applicant for the intention to do some different things with this project, such as villa homes as an alternative. It was a fairly decent use of the PMIX designation to create a

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project with a number of different uses. However, it did not have the potential to address any of the housing issues that kept being brought up. The reality was that most people simply could not afford to buy a new "starter" home in Lee's Summit anymore. Councilmember Johnson had brought this up at a recent Budget and Financing meeting. The City needed to do much more to make housing product more available.

At a recent Planning Commission training session, local builders had cited local zoning laws as a roadblock to putting in housing that was mid-market priced in more than name. He strongly recommended that City staff and the City Council take a long look at creating some flexibility for smaller lot sizes and other conditions that might allow homes costing under \$200,000 to be built. The current average price for a new home in Lee's Summit was about \$350,000. For a previously occupied home, it was \$175,000. At present this limited the number of new home owners, which compounded the problem of the City Council's limited appetite for apartments or other multi-family alternatives. Although he intended to vote in favor of this application, there would be considerable regrets down the road if these issues were not addressed.

As there was no other discussion, Chairperson Norbury called for a motion.

Mr. Funk made a motion to recommend approval of Application PL2018-050, Rezoning from AG to PMIX and Preliminary Development Plan: Cobey Creek, approximately 97.28 acres located at 500 SE M-150 Hwy.; JCM Development LLC, applicant; subject to staff's letter of June 8, 2018, specifically Recommendation Items 1 through 6. Mr. Sims 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 Funk, seconded by Board Member Sims, that this application be recommended for approval to the City Council - Regular Session, due back on 7/12/2018. The motion carried unanimously.

Other Agenda Items

There were no other agenda items at the meeting.

Roundtable

Mr. Soto reminded the Commission that the next Planning Commission meeting would include election of officers.

Mr. Gustafson wanted to know if there had been any discussion about requirements for sidewalks on both sides of a street. Mr. Park confirmed that the City had been discussing this with the Livable Streets Advisory Board for several months. Mr. Josh Johnson, assistant director of Planning Services, was scheduled to meet with them this month about some proposed policy changes regarding timing of sidewalk construction, especially in new residential construction; location, funding, and when sidewalks could be required on both sides of a street. He added that Lee's Summit's ordinances had never required sidewalks on both sides of every street. Timing of sidewalk construction did often lead to sidewalk gaps, especially in residential developments. One approach being considered was escrow accounts for sidewalk construction.

Mr. Gustafson asked if this would come before the Planning Commission, and Mr. Park answered that changes might be in the form of an ordinance change, which the City Council would have to approve. Chairperson Norbury clarified that UDO changes typically came to the Planning Commission for approval.

Ms. Roberts suggested that the Commission have at least one joint meeting with Livable Streets in addition to joint meetings with the City Council.

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Chairperson Norbury stated that last year the Commission had approved a preliminary development plan for the Texas Roadhouse restaurant off US-50 and Chipman. The City Council had approved two pad sites, which were specifically for restaurants. The Council had also approved a Community Improvement District, with sales tax anticipated to pay for infrastructure improvements. The building was now for sale, and the marketing materials identified one of these pad sites as "medical use," which was not even close to anything that the Commission or Council had approved; nor would it generate nearly as much sales tax as a restaurant.

Mr. Soto stated that an application from that site would be coming back before the Planning Commission in two weeks. The City sometimes gave directions to developers who did not have a specific user to show an intense use conceptually to see if that site could support that use in terms of traffic and parking. If a less intense use was later proposed, that would confirm that the infrastructure could support the less intense use. In this case, some building elevations had been approved showing restaurant use.

Chairperson Norbury welcomed Mr. Jake Loveless to the Planning Commission.

Adjournment

There being no further business, Chairperson Norbury adjourned the meeting at 5:54 pm.

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