

The City of Lee's Summit
Action Letter
Planning Commission

Thursday, December 16, 2021

5:00 PM

City Council Chambers and videoconference

Notice is hereby given that the Planning Commission for the City of Lee's Summit will meet on Thursday, December 16, 2021, at 5:00 pm in the City Council Chambers at City Hall, 220 SE Green Street, Lee's Summit, Missouri, and via video conference as provided by Section 2-50 of the City of Lee's Summit Code of Ordinances, adopted by the City Council on June 15, 2021, Ordinance No. 9172.

Persons wishing to comment on any item of business on the agenda, including public testimony during a Public Hearing, via video conference may do so by sending a request prior to 5:00 p.m. on Wednesday, December 15, 2021, to the City Clerk at clerk@cityofls.net to attend the meeting on the video conferencing platform. The City Clerk will provide instructions regarding how to attend by this method.

Call to Order

Roll Call

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

Absent: 3 - Board Member Randy Benbrook
Board Member Mark Kitchens
Board Member Matt Sanning

Approval of Agenda

Chairperson Funk announced that Application PL2021-253, currently under "Other Agenda Items", was being moved to the Consent Agenda. As there were no changes, he asked for a motion to approve.

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

Chairperson Funk announced that if tonight's meeting ran beyond 6:00 p.m., they would need to pause it, in order to allow another meeting to use the Zoom link.

Public Comments

There were no public comments at the meeting.

1. Approval of Consent Agenda

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- A. [TMP-2130](#) Appl. #PL2020-123 - FINAL PLAT - Woodside Ridge, 2nd Plat, Lots 144-198 and Tracts I, J and K, 2030 NW O'Brien Rd; Clayton Properties Group, Inc., applicant

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

- B. [2021-4585](#) Minutes of the December 2, 2021, Planning Commission meeting

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

Public Hearings

- [2021-4587](#) Appl. #PL2021-403 - PRELIMINARY DEVELOPMENT PLAN - Streets of West Pryor, Lot 9, 900 NW Pryor Rd; Streets of West Pryor, LLC, applicant

Chairperson Funk opened the hearing at 5:08 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Mr. Dave Olson, who was representing the Streets of West Pryor LLC, gave his address as 7200 West 132nd Street in Overland Park, Kansas. He displayed the original preliminary development plan for Lot 9, which was about 9,500 square feet. The intent had been for a single multi-tenant building with several uses, primarily restaurant use. The applicants proposed to subdivide Lot 9 into three separate lots, each with three buildings. Two of these would be about 3,300 square feet and used as banking facilities. The third building in the center was about 4,700 square feet and would have medical office and restaurant uses.

Originally the target tenants for Streets of West Pryor would be users who would live, work and play in this development. The first phase of the apartments was completed, as well as the two buildings on Lots 10 and 3 with multi-tenant restaurant uses. Lots 1 and 2 were scheduled to be open soon, with Shake Shack on Lot 1 to open this weekend, and Red Door on Lot 2 to open in the spring of 2022.

The applicants had received feedback from the residential tenants, and had continued to monitor how the shopping center was functioning in terms of both traffic and parking and also the uses mix that they were incorporating into the overall tenant mix. Lot 10, with Firebirds and First Watch, had performed well above expectations. That had allowed the applicants to add some more service oriented businesses such as banking, for the residential community. Due to the number of residential tenants, it was important to incorporate some service oriented uses. In terms of the site development, they were relocating the retaining wall on the east side, in order to provide some additional parking for that lot. Mr. Olson added that they had broken ground for the apartments on Phase 2 on lots 7A and 7B.

The applicants had intentionally designed each lot for the available parking to comply with the UDO. They had submitted a minor plat to move the subdivision forward, they had separated parking and amenities for each tenant so they were living on a lot they owned. Eventually the three lots would be united via an operating covenant. The middle lot with the multi-use building would be responsible for overall site maintenance including snow removal, landscaping, irrigation and on-site lighting. The three would essentially function as one lot; and the applicants had intentionally designed each lot for parking in accordance with the UDO. Concerning landscaping, these amenities would be very similar to what was done with Lot 10. Extra landscaping had been added in front of retaining walls in order to 'soften' their appearance.

Mr. Olson then displayed elevations of the buildings, including the PNC Bank. He stated that

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the applicants agreed with staff's comments, including the need to provide some additional articulation in the wall heights. The building materials used included the Nichiha siding system, with a stone and aluminum storefront and glazing. Other materials were EIFS, the same brick and stone used on Lot 10, and cement board siding, with a highlight at the entry. Elevations of the middle tenant building looked similar to the architecture used for Lot 10. The building on that lot had essentially been compressed to 4,700 square feet.

The proposed Chase Bank building would also use the Nichiha siding system, indicated on the elevations in gray. It would also incorporate an aluminum panel siding system along with a limestone type watermark at the base. Chase had emphatically wanted their name on all four sides of this building, so the applicants were requesting a modification allowing four wall signs on the building in addition to the free standing sign that would be at the right-in entry from Pryor. Mr. Olson added that Mr. Matt Pennington, manager of the Streets of West Pryor, could be contacted with any questions.

Following Mr. Olson's presentation, Ms. Thompson entered Exhibit (A), list of exhibits 1-19 into the record. She displayed a zoning/aerial map of the site, currently zoned PMIX, and pointed out the location of a 4-story mixed-use apartment building, as well as the businesses on Lot 10 that Mr. Olson had referenced. The single lot totaled 2.75 acres; and the applicant proposed to subdivide it into three lots. She pointed out the locations of Lot 9A, to be occupied by the PNC Bank; and Lot 9B for the multi-tenant building that would have restaurant and medical office uses. The elevations for the PNC Bank building displayed the building materials that Mr. Olson had listed; and Ms. Thompson pointed out the building for which the staff requested the addition of parapets and roof form projections.

Lot 9C would be occupied by the Chase Bank. The elevations showed all four proposed signs including the requested additional sign. The east elevation would face Pryor, and the west elevation would face the apartments in the lot's interior.

Staff had two Conditions of Approval. The first condition required an additional wall sign for Lot 9C, for a total of four wall signs. The UDO requirement was for a single tenant building to have up to three wall signs, and four signs were proposed. However, the current plan showed the percentage of square feet for signs was lower than the maximum 10 percent for each facade that was allowed. For this plan, two of the elevations were 4 percent and the other two were 2 percent. Another displayed table showed the letter height, sign area and percentage of the facade for each. The second Condition required additional roof form parapets as well as pronounced recesses and projections for Lot 9A, with vertical accents or focal points.

Ms. Thompson added that the reason staff was back for approvals was due to the change of uses and square footages.

Following Ms. Thompson's comments, Chairperson Funk asked if there was anyone present wishing to give testimony, either in support for or opposition to the application. Seeing none, he asked if the Commissioners had questions for the applicant or staff.

Commissioner Rader asked Mr. Olson if the townhomes above the office buildings were already filled with tenants. Mr. Olson answered that they were not, although they were exceeding the expectations, with new leases averaging about 20 units per month; about 120 within a year. Commissioner Rader asked if they applicants had confirmed rents for the new units; and Mr. Olson confirmed that they did advance leasing on the apartments. He commented that in this business, it was easier to lease a current reality, such as touring the apartments and seeing their amenities, than depend on expectations or imagination.

Commissioner Loveless asked how the uses would impact the existing TIF. Mr. Bushek explained that the developer had done a revised analysis of their projections, comparing the

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TIF projections and approved TIF plan to their current projections. They had then submitted an initial draft of that analysis, which he had reviewed, and they had added some changes based on his comments. The development's total scope was larger as compared to the original TIF plan. In terms of taxable sales, the original projection was about \$9.2 million.

Mr. Bushek added that this covered Lot 10, with the Fire Birds and First Watch restaurants; as well as the retail on the first floor of the apartments. For these three lots, including the projections for Lot 9, the original taxable sales had increased from \$9.2 million to \$19.2 million. The original appraised land value had been 7.0 and was now 10.6. The total incentive revenues, factoring in the TIF for the community improvement district and transportation development district, the original development incentive revenues from these three lots, over the entire life of those incentives, had previously been projected to be about \$11.5 million but was now at \$20.9 million.

Commissioner Loveless then asked Ms. Thompson how the City would govern the facade changes, noting that the language had not been specific concerning what specifically was required of the developer. Ms. Thompson answered that the preliminary development plan in 2019 had the same conditions. It would be handled at the final development plan stage. When staff submitted their elevations for the PNC building, those elevations would presumably include the additional parapets, projections and recessions.

As there were no further questions for the applicant or staff, Chairperson Funk closed the public hearing at 5:29 p.m. and asked for discussion among the Commission members, or for a motion.

Commissioner Arth stated that she liked the additional buildings, commended the applicants on so many elements of the plan exceeding expectations. Commissioner Rader agreed, and commended the applicants on the work they had done in that part of Lee's Summit. Commissioner Trafton also agreed, adding that he was looking forward to the project being completed.

Mr. Matt Pennington, president of Drake Development, stated that they expected to start on the villas at the back soon, and were under construction on most of the Phase 2 apartments and villas.

Hearing no further discussion, Chairperson Funk asked for a motion.

Commissioner Arth made a motion to recommend approval of Application PL2021-403, Preliminary Development Plan: Streets of West Pryor, Lot 9, 900 NW Pryor Rd; Streets of West Pryor, LLC, applicant. Commissioner Rader seconded.

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

[TMP-2127](#)

An Ordinance approving a preliminary development plan on land located at 900 NW Pryor Rd in district PMIX, proposed Lot 9, Streets of West Pryor, all in accordance with the provisions of the Unified Development Ordinance, Chapter 33 of the City of Lee's Summit Code of Ordinances, for the City of Lee's Summit, Missouri.

[2021-4595](#)

Appl. #PL2021-406 - PRELIMINARY DEVELOPMENT PLAN - Market Street Center, 3501 SW Market St; Foresight Real Estate Services, LLC, applicant

Chairperson Funk opened the hearing at 5:32 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

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Mr. John Davis, of Foresight Real Estate Services, gave his address as 105 N. Stewart Court in Liberty. He stated that this property was at the northwest corner of state highways 291 and 150, a little north of QuikTrip. He and his partner, Mr. Jay Ferguson, had done some regional development for a medical office user. The site had been slightly larger than what they needed; and they were currently negotiating with a national hardware store.

The medical office development would be at the north part of the site. The main entrance would be across from Walmart; and the second access would provide some traffic relief. At present, the two existing tenants were committed to this site, though they did not yet have a full commitment from the hardware business. This was the reason for this application not yet having final elevations. That portion of the site would have to be presented via a future preliminary development plan. Fundamentally, infrastructure for the site would not change regardless of who the eventual end user was.

The site did have some drawbacks. At present, the sewer line was off-site to the south; and the applicants were working with staff to determine the best way to provide the site with sewer service. Sewers in this area were relatively shallow; the site currently included a large open ditch. This would be used for stormwater system pipes before it was filled in. Detention would be on the south portion of the site and a detention basin would be constructed.

The applicants intended to bring in a final development plan as early as possible, as some tenants were committed to doing business at this site, and hoped to secure some spaces by September or October next year. The parking ratio for the medical office was about 7 per thousand, and did anticipate some cross-access parking throughout the development. Both sites did meet the parking requirements in a stand-alone capacity.

Mr. Davis then exhibited the building elevations, commenting that two of the buildings were a prototype carried forward from other locations they had used. The buildings had a retail look, due to the applicants often trying to locate in high-traffic areas near large retail stores like supermarkets. Accordingly, they tried to keep a retail appearance on the buildings. He pointed out the imitation wood at the main entry, commenting that natural wood was not allowed and did require maintenance. Other materials were tan EIFS and stone wainscot on all four sides of the building as well as commercial storefront systems and fabric awnings. After working with staff, they had added some vertical and horizontal elements.

The second building would essentially be a twin of the first, with a slightly smaller footprint. The perimeter of the prior building was 4,200 feet. The new one was 5,000 feet. The end user was probably smaller than that; but that would be addressed with the final development plan.

The applicants were aware of, and agreed with, staff's Conditions of Approval. They were still working on the sanitary sewer plan and had considered several options.

Mr. McGuire entered Exhibit (A), list of exhibits 1-14 into the record. He confirmed that the applicants proposed to construct three free-standing buildings. Dental and medical office use, as well as retail use, were proposed for Lots 1 and 2. Lot 3's conceptual use would be a home improvement center. Since elevations were not supplied for tonight's hearing, they would have to be brought back under a separate application for development of that lot.

The property was located on the west side of M-291 highway and was bounded on the north and west by Storage Mart; and the south boundary was the interior property line, with the bank and the QuikTrip. The property was zoned CP-2 and was surrounded by CP-2 uses. The architecture and building materials for Lots 1 and 2 were compatible with the surrounding area and its commercial development. The materials would be stone veneer, stucco and EIFS,

with aluminum storefront windows. Since there were no elevations for Lot 3, it would have to be brought back separately for approval.

The Comprehensive Plan identified this area as commercial for future land use. The site was adjacent to a bank, a QuikTrip convenience store, with multi-tenant strip centers to the west and north; all zoned CP-2. The proposed uses were compatible for this area; and were permitted by right under this zoning. If approved, the proposed preliminary development plan would meet the Comprehensive Plan's objectives and goals. It was within the boundaries of the M-150 corridor overlay district (CDO); and in addition to the public sidewalks required by the UDO, the CDO also required a network of on-site pedestrian walkways. The applicant had met this requirement, including five-foot sidewalks within the site that would connect to the public sidewalks. Additional internal pedestrian crosswalks would use scored concrete to distinguish them visually from the driving surface.

The applicant had stated that additional details related to building materials, systems and designs regarding sustainability would be provided with the final development plan. Accordingly an additional Condition of Approval would require all sustainability and design standards be met, per the UDO and M-150 CDO requirements.

Following Mr. McGuire's presentation, Chairperson Funk asked if there was anyone present wishing to give testimony, either in support for or opposition to the application. Seeing none, he asked for questions and comments from the Commissioners.

Mr. Johnson noted that Condition 3 in the Standard Conditions of Approval had essentially been added as a follow-up note for internal staff. It would not be included when the application was moved forward to the City Council.

Mr. Monter stated that staff had been discussing the sanitary sewer aspect with the applicant, as the location made it somewhat a challenge. They were confident that a solution could be worked out.

As there were no further questions for the applicant or staff, Hearing none, he closed the public hearing at 5:44 p.m. and asked for discussion among the Commission members. As there was no discussion or comments, Chairperson Funk called for a motion.

Commissioner Arth made a motion to recommend approval of Application PL2021-406, Preliminary Development Plan, Market Street Center, 3501 SW Market St; Foresight Real Estate Services, LLC, applicant. Commissioner Rader 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 Rader, that this application be recommended for approval to the City Council - Regular Session. The motion carried unanimously.

[TMP-2129](#)

An Ordinance approving a preliminary development plan on land located at 3501 SW Market St in district CP-2, proposed Market Street Center, all in accordance with the provisions of Unified Development Ordinance, Chapter 33 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 preliminary development plan on land located at 3501 SW Market St in district CP-2, proposed Market Street Center, all in accordance with the provisions of Unified

Development Ordinance, Chapter 33 of the Code of Ordinances, for the City of Lee's Summit, Missouri.

Other Agenda Items

[2021-4593](#) Public Hearing: Application #PL2021-253 - Preliminary Plat - Lakewood Business Center on I-470, Plat S, Lots 1-8, 2701 NE Hagan Road; North Oak Safety Storage, LLC, applicant.

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

[2021-4598](#) Gould Evans request to rescind final action previously taken on Appl. #PL2021-422 - SIGN APPLICATION - Lee's Summit High School, 400 SE Blue Pkwy; Gould Evans, applicant

Chairperson Funk announced that after the applicant's presentation, the Commission would motion and vote on rescinding the previous application, followed by a vote to approve.

Mr. Kelly Dreyer displayed an aerial map showing the high school's southwest corner, showing both US 50 and MO-291 highways. This request concerned signs on the west side and southwest corner of the building. The main entrance was from the west parking lot. "Sign 1" was an entry sign on the building's main entrance shown on the west elevation. "Sign 2" was a free-standing scrim wall sign on the south and southwest corner.

The west-facing elevation was made of zinc, and was an extension of the building's 'skin'. The "Lee's Summit High School" letters on the front of the building were 14 inches tall. Mr. Dreyer displayed an elevation of the extended scrim, and the south elevation with the entry view of the school and sign. The old gymnasium was behind it. The skin on the sign was made of various sized perforations used for the graphic and 'tiger stripes' on the sign.

An elevation of the scrim indicated that it was 139 feet long and about 24 feet tall, mounted about ten feet off the ground. The overall south elevation showed some new brick applied to part of the old school building that had been demolished due to structural concerns. The brick that was put back in that area matched what was on the rest of the school, with the scrim on the southwest corner. It would add some identity to the entry and to the visibility from the adjacent highway.

Mr. Dreyer remarked that the last time he had presented this, it had not been understood that there would be some back lighting. That would make the scrim visible at night. He displayed a section showing the original gymnasium with the free standing scrim in front of it. The scrim extended about 15 feet off the existing building, and was not directly attached to it, due to structural concerns; and had been moved out in order to not impact the foundations. When it was lit, the lights cast onto the building behind the sign; so that the graphic showed through the perforations at night.

The panels were made of zinc, and the patina was previously applied for a dark color. The color would remain long term; unlike zinc with no patina, whose color could change noticeably over time. Because they were made of natural materials, any scratches would self-heal. Another image showed a full-scale mockup, with the third image showed an example of a project with this approach. Mr. Dreyer then displayed a regional example, from Blue Valley High School in Stilwell.

Commissioner Trafton remarked that he liked the way the lighting looked in particular. He asked about the light behind the sign; and Mr. Dreyer answered that they would be attached to the self-supported scrim, shining back onto the brick to illuminate the existing gymnasium.

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Commissioner Jana-Ford asked if the lighting would extend the entire length of the scrim in front; or if it would be just lighting the pavement below where it extended past the edge of the building. Mr. Dreyer answered that it would light the full length of the scrim, which was also the length of the existing gymnasium, which was the wall it would illuminate. Some incidental light might fall on the sidewalk on the building's south side; but this lighting was only for the purposes of displaying the graphic.

Commissioner Jana-Ford noted that the scrim went beyond the building on the left side, and asked if the light fixtures would have some kind of filter. The light approaching the building from the direction of US 50 could be in tense if it was shining straight down. Mr. Dreyer responded that it was not likely that anyone would be able to see the source of the light, as it would essentially be shining backward toward the building, away from the drive and the highway. Commissioner Jana-Ford then asked if the part of the sign offset from the building would have any cross-bracing. Mr. Dreyer answered that no bracing would be tied to the existing building; but the building had been determined by the applicants' structural engineer to be self-supporting.

Chairperson Funk remarked that part of the pushback on this application was based on this site being something like a city monument as well as a gateway. He then asked Mr. Bushek if the Commission would need to make a motion and second to rescind the application, followed by one to approve. Mr. Bushek explained that a motion to rescind would be made first. According to Robert's Rules, the notice of the motion was in the 'call' of the meeting, the agenda would specifically provide notice of the intent to consider the motion. It required only a standard majority vote.

Chairperson Funk then asked for a motion to rescind the denial vote from the previous hearing.

Commissioner Trafton made a motion to rescind the December 2, 2021 denial vote on Application PL2021-422, Sign Application, Lee's Summit High School, 400 SE Blue Pkwy; Gould Evans, applicant. Commissioner Rader seconded.

On the motion of Commissioner Trafton, seconded by Commissioner Rader, the Commission voted unanimously by roll call vote to RESCIND the December 2, 2021 denial vote on Application PL2021-422, Sign Application, Lee's Summit High School, 400 SE Blue Pkwy; Gould Evans, applicant.

Chairperson Funk then called for a motion to approve the application.

On the motion of Commissioner Trafton, seconded by Commissioner Rader, the Commission voted unanimously by roll call vote to APPROVE Application PL2021-422, Sign Application, Lee's Summit High School, 400 SE Blue Pkwy; Gould Evans, applicant High School, 400 SE Blue Pkwy; Gould Evans, applicant.

Roundtable

Mr. Johnson stated that at the next meeting, staff would prepare a resolution setting meeting dates for next year. This time they would program in quarterly meetings to discuss long-range planning items including the sign ordinance. These meetings would not have any public hearings. He asked the Commissioners notify staff about any meeting date conflicts.

Adjournment

There being no further business, Chairperson Funk adjourned the meeting at 6:00 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"

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