

## LEE'S SUMMIT PLANNING COMMISSION

### Minutes of Tuesday, November 28, 2017

The Tuesday, November 28, 2017, Lee's Summit Planning Commission meeting was called to order by Chairperson Norbury at 5:00 p.m., at City Council Chambers, 220 SE Green Street, Lee's Summit, Missouri.

#### OPENING ROLL CALL:

|                             |         |                    |         |
|-----------------------------|---------|--------------------|---------|
| Chairperson Jason Norbury   | Present | Mr. Herman Watson  | Absent  |
| Mr. Donnie Funk, Vice Chair | Present | Mr. Beto Lopez     | Absent  |
| Ms. Colene Roberts          | Present | Ms. Carla Dial     | Present |
| Mr. Don Gustafson           | Present | Mr. Jeffrey Semmes | Present |
| Ms. Dana Arth               | Present |                    |         |

Also present were Ryan Elam, Director of Development Services, Hector Soto, Planning Division Manager; Nancy Yendes, Chief Counsel Infrastructure and Zoning; Kent Monter, Development Engineering Manager; Christina Stanton, Senior Planner; Victoria Nelson, Planner; Shannon McGuire, Planner; Jim Eden, Assistant Fire Chief I, Fire Department; and Jeanne Nixon, Development Center Secretary.

#### 1. APPROVAL OF CONSENT AGENDA

##### A. Minutes of the November 14, 2017 Planning Commission meeting

On the motion of Mr. Funk, seconded by Ms. Roberts, the Planning Commission voted unanimously by voice vote to **APPROVE** the Consent Agenda, Item 1A as published.

#### APPROVAL OF AGENDA:

Chairperson Norbury announced that there were no changes to the agenda, and asked for a motion to approve. On the motion of Mr. Funk, seconded by Ms. Roberts, the Planning Commission voted unanimously by voice vote to **APPROVE** the agenda as published.

#### PUBLIC COMMENTS

There were no public comments at the meeting.

#### 2. Application #PL2017-217 – VACATION OF RIGHT-OF-WAY – a portion of NE Todd George Rd. located approximately 90 feet north of the intersection of NE Wall St. and NE County Park Rd; Darla Anderson, applicant

Chairperson Norbury opened the hearing at 5:02 p.m. and announced a continuance to a date certain of December 12, 2017 was requested for Application PL2017-217, to allow for proper notification. He asked for a motion to continue.

Mr. Funk made a motion to continue Application PL2017-217 to a date certain of December 12, 2017. Ms. Roberts seconded.

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

On the motion of Mr. Funk, seconded by Ms. Roberts, the Planning Commission members voted unanimously by voice vote to **CONTINUE** Application PL2017-217 to a date certain of December 12, 2017.

(The foregoing is a digest of the secretary's notes of the public hearing. The transcript may be obtained.)

|                                                                                                                                                                          |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>3. <b>Application #PL2017-221 – VACATION OF RIGHT-OF-WAY</b> – a portion of NW Gregory Blvd. located east of NW Lee's Summit Rd.; City of Lee's Summit, applicant</p> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Chairperson Norbury opened the hearing at 5:03 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Mr. Soto entered Exhibit (A), list of exhibits 1-12 into the record. He stated that the right-of-way was a section approximately 40 feet wide and 4,600 long. He displayed an aerial view of the road, and noted that it was a little over a half mile long east to west, and about one-third mile north to south. It ran parallel and also abutted the right-of-way for the built section of road. Any proposed vacation of right-of-way would leave these unaffected. Concerning zoning, the property north of Gregory was mostly single-family residential. To the south were several large tracts, two of which housed state and county facilities. Other single-family development, much of it on estate-size lots, was to the east.

The right-of-way had been dedicated a long time ago, in 1882, long before any development had occurred. The area was annexed in 1964. Mr. Soto displayed an exhibit that was attached to the legal description, and showed the limits of the right-of-way. It did have some existing easements, including a water line easement that overlapped the east-west portion and a 20-foot ingress/egress easement that covered the north-south portion. The latter was intended to ensure access to the two lots shown on the exhibit. These easements were dedicated by separate documents, so they would not be affected by vacating the right-of-way. No road existed or was planned for the vacated right-of-way, which was separate from the adjacent 80-foot right-of-way for Gregory Boulevard. Staff had contacted all utility providers, and KCP&L and Comcast did have infrastructure in the ROW. They had asked to retain easements, which were specified in staff's Recommendation Item 1. Staff recommended approval of the application.

Following Mr. Soto'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 if there was an access easement for the state property that Mr. Soto had mentioned, noting that driveways crossed the ROW. Mr. Soto answered that those properties

had direct access off the existing Gregory Boulevard right-of-way. A portion of the vacated right-of-way would become part of the original property, which was the state- and county-owned property. Mr. Gustafson noted that the staff report said it was dedicated by Jackson County, and presumably would go to the county, rather than the state. Mr. Soto explained that it would go back to the parent property from which the right-of-way was originally granted. Mr. Gustafson asked if the section in Kansas City was vacated, and Mr. Soto answered that it was not, and was not part of tonight's application.

Chairperson Norbury asked if there were further questions for the applicant or staff. Hearing none, he closed the public hearing at 5:10 p.m. and asked for discussion among the Commission members, or for a motion.

Mr. Funk made a motion to recommend approval of Application PL2017-221, Vacation Of Right-Of-Way, a portion of NW Gregory Blvd. located east of NW Lee's Summit Rd.; City of Lee's Summit, applicant; subject to staff's letter of November 24, 2017, specifically Recommendation Item 1. Ms. Roberts seconded.

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

On the motion of Mr. Funk, seconded by Ms. Roberts, the Planning Commission members voted unanimously by voice vote to **recommend APPROVAL** of Application PL2017-221, Vacation Of Right-Of-Way, a portion of NW Gregory Blvd. located east of NW Lee's Summit Rd.; City of Lee's Summit, applicant; subject to staff's letter of November 22, 2017.

(The foregoing is a digest of the secretary's notes of the public hearing. The transcript may be obtained.)

## OTHER AGENDA ITEMS

|                                                                                                                                                |
|------------------------------------------------------------------------------------------------------------------------------------------------|
| 4. <b>Application #PL2017-196 – FINAL PLAT – North Park Village, 2nd Plat, Lots 53-93 &amp; Tract F; Engineering Solutions, LLC, applicant</b> |
|------------------------------------------------------------------------------------------------------------------------------------------------|

Chairperson Norbury opened the discussion at 5:11 p.m.

Mr. Soto explained that a final plat application would usually be included on the consent agenda. In cases where members of the public might want to speak, it was heard as an additional agenda item. In the case of this application, that was the adjoining property owner to the north, who had wanted to bring up some conflicts but was unable to attend tonight. Staff had provided the Commissioners with copies of his correspondence. It addressed three specific points. The plat itself included 41 lots plus one common area tract, and was consistent with the approved preliminary plat that the Commission had seen on July 14, 2015. Mr. Soto then asked if the Commissioners had any questions pertaining to the correspondence.

Chairperson Norbury noted that Mr. Foster, the neighbor, had mentioned drainage and stormwater issues that would impact his property; and did not believe that the applicant had complied with prior platting. Chairperson Norbury asked if the City and the builder had discussed how to address the issue. Mr. Elam stated that staff had been working with both the

developer and the property owner since the beginning of the project. It was substantially completion at the end of June 2017, with home construction starting shortly after that. During that time some concerns were raised about establishment of landscaping vegetation in the detention basin. The plan had called for vegetation in the base as native plants, about 3,000 plugs. These took awhile to establish, and there had been a number of problems that had made it take longer. In the meantime, a number of discussions and on-site meetings had occurred; most recently on September 7th. They had since re-installed some erosion control measures, primarily for the winter months when landscaping would not be growing. More re-planting would be done in the spring.

Other discussions had occurred about outlet protection, necessary due to the water flow's energy dissipation at the outlet's end. One approach would be adding more riprap, which would have to be approved by the property owners to the north, who had the easement. There would do some reshaping of the receiving channel. Mr. Elam stated the property had been stabilized the property at this point, and the work would be completed in the spring.

Chairperson asked if the additional erosion control measures would be sufficient to manage any potential increase of the stormwater flow. Mr. Elam answered that it would, as it had been designed on the basis of a full build-out. Chairperson Norbury then asked if the system would address the neighbor's concerns, in the event of construction starting before spring; and Mr. Elam answered that it would.

Ms. Roberts asked for some details about the temporary erosion measures. Mr. Elam answered that they included additional rock ditch checks inside the basin, which should help control sediment. Ms. Roberts asked about maintenance, and Mr. Elam answered that the City would continue inspections. He added that the State inspectors had looked at it as well. Ms. Roberts then asked if the riprap could at least be installed quickly once everything was signed and in place; and Mr. Elam answered that the developer had confirmed for staff that it would be a three-week time frame from finalizing the agreements.

Concerning the "Subdivision-Related Public Improvements" section of staff's report, Mr. Funk noted the wording that the application "*will be placed on hold following Planning Commission action until the infrastructure requirements are met.*" Mr. Elam replied that this was correct; and home construction would not start until the infrastructure was complete. Mr. Monter added that the wording Mr. Funk had referenced was for the second plat, while the detention basin they had been discussing was in the first plat; and was at substantial completion point. He summarized that the developer was required to get all infrastructure at the final acceptance stage before they could get a final plat. However, they could apply for a final plat approved early if they could provide letters of credit to bridge the gap between where they were at present and the point of final acceptance of the public infrastructure. He emphasized that the City did not even issue building permits before substantial completion.

Ms. Roberts asked if it was accurate that the State inspections Mr. Elam had mentioned were for all the erosion control elements and not just the detention basin. Mr. Elam answered that it was.

Chairperson Norbury asked if there were further questions for the applicant or staff. Hearing none, he called for a motion.

Mr. Funk made a motion to approve Application PL2017-196, Final Plat: North Park Village, 2nd Plat, Lots 53-93 & Tract F; Engineering Solutions, LLC, applicant; subject to staff's letter of November 22, 2017, specifically Recommendation Item 1. Ms. Arth seconded.

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

On the motion of Mr. Funk, seconded by Ms. Arth, the Planning Commission members voted unanimously by voice vote to **APPROVE** Application PL2017-196, Final Plat: North Park Village, 2nd Plat, Lots 53-93 & Tract F; Engineering Solutions, LLC, applicant; subject to staff's letter of November 10, 2017.

## **ROUNDTABLE**

There were no Roundtable items at the meeting

## **ADJOURNMENT**

There being no further business, Chairperson Norbury adjourned the meeting at 5:25 p.m.

PC 112817