



The City of Lee's Summit

Action Letter - Final

Planning Commission

Thursday, February 25, 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 February 25, 2021, at 5:00 pm 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 February 24, 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 February 25, 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 February 24, 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

Present: 7 - Chairperson Donnie Funk
Vice Chair Dana Arth
Board Member Tanya Jana-Ford
Board Member John Lovell
Board Member Cynda Rader
Board Member Matt Sanning
Board Member Terry Trafton

Absent: 2 - Board Member Mark Kitchens
Board Member Jake Loveless

Approval of Agenda

Chairperson Funk announced that there were no changes to the agenda, and asked for a motion to approve. On the motion of Board Member Trafton, seconded by Board Member Jana-Ford, the Planning Commission voted unanimously to APPROVE the agenda as published.

Chairperson Funk requested that participants and applicants have their video turned off except when they were commenting, asking a question or testifying during a video.

Absent: 2 - Board Member Kitchens
Board Member Loveless

Public Comments

There were no public comments presented at the meeting.

1. Approval of Consent Agenda

- A.** [BILL NO. 21-48](#) An Ordinance accepting final plat entitled Cobey Creek, 1st Plat, Lots 1-30, 140-159 and Tracts D, E, G, H & J, as a subdivision to the City of Lee's Summit, Missouri.

(Note: First reading by Council on March 9, 2021. Passed by unanimous vote.)

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

- B.** [2021-3988](#) Approval of the February 11, 2021, Planning Commission Minutes.

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

Public Hearings

- 2. 2021-3983** Public Hearing: Continued Appl. #PL2020-371 - Special Use Permit renewal for mini-warehouse storage facility - Summit Self Storage, 1920 NE Rice Rd; Terrydale Investments IV, LLC, 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. Aaron March, from the law firm of Rouse Frets White Goss Gentile Rhodes gave his address as 4510 Belleview Avenue in Kansas City, Missouri. He reviewed that at the previous hearing, they had discussed the fencing and screening of this site; and he had met with staff regarding how to screen it effectively. This was an existing self-storage facility with 11 buildings, and had been in business for a little over 35 years. It was within the city limits on the north side of Colbern Road and was bounded by the I-470 highway to the west and Rice Road to the east. Mr. March pointed out that the facility had no history of code violations.

Due to the topographic conditions of the site, the applicants were asking the City to reconsider the requirement to put up a six foot fence. Mr. March displayed a photo of the view of Colbern Road to the east, and another to the southeast. The site was essentially bounded by the highway. A view of the south side showed the portion that was the most visible from Colbern. He acknowledged that if they had planted all the recommended landscaping, the business would be less visible. The next views of the southern and eastern sides showed the existing chain link fence. If it was replaced with an opaque fence, the buildings, doors and any activity in the development would still be visible. The trees in the photo were bare due to the season, but when they had leaves and the recently installed landscaping was mature, the view would be less stark.

Mr. March emphasized that due to the site's physical characteristics, little would be gained by replacing the existing fence with a solid vinyl one. The buildings would still be visible well above the top of the fence. The business would still be clearly visible to anyone driving by on I-470, as it was at a much higher elevation than the subject property.

Mr. March then displayed a diagram of the updated landscaping plan. The installation had cost about \$70,000, and the plantings were still new so were not as large or dense as they would be when mature. The contractors he had talked with had said that if a fence was installed around the site, which was almost five acres, most of the landscaping would be lost. A photograph of an existing six-foot vinyl fence in a residential area showed part of a house visible above the top of the fence. Installing a new fence would cost between \$80,000 and \$100,000.

Mr. March stated that Summit Self Storage had been a good corporate citizen to date. They had not received any complaints about the property's maintenance, and the company had paid at least \$1.6 million in taxes in Lee's Summit; and had voluntarily enhanced and improved the landscaping with 34 new trees and 128 new shrubs. Rather than screening the entire site, he requested to talk with MoDOT and get permission to install additional vegetation and trees on the southern property line. Everything outside the fence was a MoDOT right-of-way, and he could effectively screen the view with clusters of evergreen trees on that right-of-way. There was not enough room to install these inside the fence line. Mr. March requested that the City would allow him to take that approach in lieu of the vinyl fence.

Mr. March added that he would be glad to answer any questions. Ms. Valerie Brantley and Ms. Connie Butler from his office were attending, as was the landscape architect, Mr. Richard Clayton Barron.

Mr. Soto stated that he did not have anything to add to his previous staff presentation, other than to explain the process for a Special Use Permit renewal application. They would first look at the property's history to determine whether there were any zoning violations, problems with property maintenance or any ordinance violations that might raise questions as to whether continuing the use on that property would be appropriate. The most recent violation the City had investigated had been 20 years ago, and staff had concluded that no violation had occurred. He confirmed Mr. March's statement that the self storage business had not had any violations or citations from the City, whether zoning, maintenance problems or anything else. Concerning the property's perimeter that had been shown in the photos, it was almost a quarter mile. A fence around the entire property would be about 2,000 linear feet.

Chairperson Funk confirmed with Mr. Soto that no public comments had been received concerning this application. He then opened the hearing for any questions for the applicant or staff.

Mr. Sanning noted that 128 shrubs had been planted, and asked how tall they would be when mature. Ms. Connie Butler recalled discussing the height and dimensions of the trees with City

staff but was not sure about the shrubs. The height would vary according to what species the shrubs were. However, she was not sure about specific heights although Mr. Barron could have supplied that information.

Mr. Sanning then asked if the shrubs would take the place of the proposed fence when they were mature. Mr. March did not think that the landscaping they had planted would be a solid, 2,000 linear foot barrier. However, when the low shrubs grew to a typical three or four-foot height and filled out after spring, they would definitely soften the look of the fence. It would certainly be possible to see over the lower ground cover, as well as around the trees. That was the reason for the suggestion for groupings of evergreen trees on the south side in particular, as they were more visually solid and dense. He did understand the concern about visibility and were suggesting a practical alternative to a solid vinyl fence, which might not look as attractive. And as the photos had illustrated, it would not block the view of the buildings altogether.

Ms. Rader commented that she had lived in Lee's Summit for a long time, and the business was a familiar one that she often drove by. She had looked at the fencing; and concluded that parts in the back needed mending. The parts visible from Colbern or Rice roads seemed to be in good condition. It was true that much of the landscaping was not yet mature but she did like the idea of some of the evergreen trees being in the front, as well as getting permission from MoDOT about the location of a little more landscaping. She did not think that the fence needed to be replaced.

Mr. Trafton noted the reference to considering evergreen trees on the corner of Colbern and the entry to I-470, and said he liked the idea of evergreens outside the fence line as well as the corner. He asked which corner this was; and Mr. March answered that he was talking more generally than specifically. He offered to present an updated landscape plan for the south side in particular. Much of the plan was subject to getting MoDOT's permission for the location of the screening. He believed they would approve the south side but not too close to the I-470 ramp.

Mr. Lovell asked how much of the fence was there for security purposes, noting that it was topped with razor wire. The suggestion was to beautify that area with a fence more in line with design standard; but he wanted to know what concerns there might be with security. Mr. March responded that the fence surrounded the entire facility, which included 11 buildings, and its primary purpose was to serve as security for the entire 4.7 acres.

Mr. Lovell commented that when the Commission had previously discussed this application they did not think a fence was to remove the view of the storage facility; but rather to comply with the City's current design standards. This would include removing the chain link and razor wire; but what he was hearing tonight had more to do with cost than with security.

Mr. March did not recall discussion of why the fence was there. He confirmed that the fence was definitely there for security. He had considered modifying it by weaving in fabric or slats with the chain link but that did not have much more visual appeal than the fence itself. He also recalled a reference to a solid vinyl fence in the discussion; but in terms of security, it would be easier for someone to get over that kind of fence than a chain link one topped with razor wire. Installing the fence and replacing some of the landscaping would definitely be costly.

Ms. Jana-Ford noted Mr. March saying that removing the fence would have an impact on the landscaping already installed. She asked if it was possible that he would have to replace the fence in the future once the landscaping grew, and possibly grew into the fence. Mr. March answered that the two contractors he had talked with had said they would have to remove the existing fence, whose posts were set in concrete. That would uproot the landscaping that was currently in place; which both contractors had said this would not be possible to avoid. He added that the existing landscaping had been maintained; and the site already included many mature trees. Good property management could ensure that the vegetation would not

interfere with the fence.

Ms. Jana-Ford noted that many mature trees had thick roots at ground level; and asked if it would be better to just replace the fence or improve it than having to ruin some vegetation later. Mr. March responded that he did not believe the landscaping installed would ever impact the current fence. Rather, the demolition of the existing fence could destroy some new landscaping. A replacement would include boring down into the ground to install new posts, which would definitely affect the vegetation including trees. Nearby trees would not impact the fencing.

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. Mr. Sanning had a question, and Chairperson Funk re-opened the hearing.

Mr. Sanning asked Mr. Soto what were the expectations when over 20 years had passed that had included changes to design standards. He wanted to know if the City would enforce existing standards or if some situations would be 'grandfathered'. Mr. Soto replied that typically it would be 'grandfathered.' If there was some significant proposed change, such as expansion for redevelopment of a property such as replacing an older building, the applicant would have to comply with current design standards. However, as long as the current use continued it would not have to comply with newly adopted standards. Mr. Sanning asked if it was correct that what the Commission would be doing tonight would just be renewing a 20 year Special Use Permit using the standards in place when the property was originally developed, and Mr. Soto answered that it was.

Chairperson Funk then closed the public hearing at 5:43 and asked for discussion. He remarked that what the Commission had been discussing was more a beautification or aesthetic issue than a security issue.

Mr. Lovell remarked that the Commission had spent some time discussing this previously and the consensus had been that something had to be done with the fence. The emphasis had been on beautification and not on security. All he had heard tonight was that it was too expensive, it would ruin the landscaping and 'maybe go talk to MoDOT and have them plant trees to beautify that corner.' Today the Commission was presented with the same material as was presented a few weeks ago. The arguments had been 'we realize they've been good, they've been here for 30 years, they haven't had any violations but to extend this for 20 years you haven't really done anything with the property and we'd like to see you do some things to beautify that corner.' The Commissioners had wanted to see something done or presented to them today and this had not happened.

Mr. Sanning noted that the Commissioners had two additional weeks to look at the fencing project and had seen the visual examples that Mr. March had provided. He believed that a foliage screen would be the best solution. The vinyl fence could have some maintenance issues for the owner; and when the landscaping was mature it would provide screening and be more visually attractive.

Ms. Jana-Ford noted that the Commission often referred back to precedents, and she was concerned that this would create an anomaly that a future applicant could use. She understood that replacement would create an economic hardship, but Lee's Summit was growing and the City was doing its best to keep up with the times. She asked for some clarification about what the Commission had done in the past with this kind of situation.

Chairperson Funk responded that the Commission's purpose in continuing this application was to see something additional. If they agreed to the 20 year SUP and left the chain link fence in place they could have 20 years of a chain link fence with razor wire on top. They were looking

for beautification and were not concerned about security; and the corner needed to be something aesthetically pleasing. He was not comfortable moving forward with a 20 year SUP, though it might work to retain it in the back portion along the highway. In terms of precedents, the Commission generally addressed these on a case by case basis.

Mr. Lovell stated that if beautification was the goal, there was still a chain link fence with razor wire no matter what kind of landscaping was added. If the goal was beautification then that included both landscaping and the fence to secure the perimeter.

Mr. Trafton said he had just looked at the staff report concerning screening and what was required, which was to be enclosed on all sides with a wall or earthen berm that would shield the development from view. The report had said 'no modification required' because of the landscaping. He agreed that a fence would basically render landscaping null and void except on the inside, and more robust landscaping was needed outside the fence. The egress came up to the fence line, which was why MoDOT would need to be involved. Large evergreen trees on the entire south portion could screen the fencing as well.

Mr. Sanning agreed with Mr. Trafton's remarks, adding that when the City grandfathered these conditions, the challenge was with the City's ability to make this type of modification for beautification. The renewed SUP could have a condition for renewal to bring the conditions up to the current standard.

Mr. Soto clarified that in terms of precedents, what was a little different about a Special Use Permit was that after the term was up and it expired, the City was not mandated to renew it. Among the things the Commission and Council needed to determine was whether the use was appropriate for the site. If they took into consideration the site's visibility and location at a prominent intersection and determined that the use was no longer the highest and best use for the property they could recommend denial. If denial was too draconian a measure, the Commission and Council also had the purview to improve the situation; by requiring some additional landscaping in this case. Staff's letter was stating the fact that this was an existing condition and was grandfathered in; however, the Special Use Permit process would allow the Commission to place additional Conditions Of Approval for improvements made to the site that would make it more palatable for the use to continue at this location.

Mr. Trafton noted that an earthen berm did exist on one side. In some developments, some additional screening or landscaping on corners, where there was high visibility. He was in favor of some kind of screening that include a six foot fence outside of the security fencing that already existed. The south part and corners would be good locations for using evergreens for screening, and that could be part of the motion.

Mr. Bushek commented that if the Commission wanted to include an additional condition, they first entertain the main motion and then a secondary motion. They could vote on the secondary motion first and then go back to the main motion.

Ms. Rader asked if the term of the permit could be changed to a shorter period of time. Mr. Bushek answered that it could. If the Commission wanted to do that, this could also be a secondary motion.

Chairperson Funk stated that the Commission could vote on the main motion and then work on a secondary one.

Mr. Trafton made a motion to recommend approval of continued Application PL2020-371, Special Use Permit renewal for mini-warehouse storage facility: Summit Self Storage, 1920 NE Rice Rd; Terrydale Investments IV, LLC, applicant. Mr. Sanning seconded.

Ms. Rader made a secondary motion to recommend approval of continued Application

PL2020-371, Special Use Permit renewal for mini-warehouse storage facility: Summit Self Storage, 1920 NE Rice Rd; Terrydale Investments IV, LLC, applicant; including an additional Condition Of Approval that the term of the Special Use Permit be limited to a five year period. Mr. Sanning seconded.

Chairperson Funk asked for any discussion of the secondary motion. Mr. Lovell liked the idea of where the Commission was going; but from a banking perspective some issues would exist over a five year term. He would prefer a 20 year term with conditions about replacing the fence was replaced and the trees installed within a set time limit such as three years. If the goal was to get the landscaping and fencing on Colbern and Rice roads done, the issues of a berm and the type of fence would all be impacted by timing.

In response to the issues Mr. Lovell had raised, Ms. Jana-Ford suggested that if five years was not be feasible in terms of financing for the improvements, the Commission could grant five years with the improvements being the owner's responsibility, or 20 years with the owner having more time for beautification and replacing the fence, and decide which would work best. Mr. Bushek stated that from a technical perspective the Commission could craft a motion and a condition of that kind.

Mr. Sanning recalled that he had brought this issue up in the previous meeting. This business had been an asset to the community since 1985, and the intent was not to put up obstacles. It was rather to ensure that the City could adapt and make decisions in terms of the community changing over time. When 20 years was the term of an agreement for anything, the challenge was to avoid any contingencies coming up over those years. Reducing the term of the SUP, would make it more feasible for the City to maintain its standards and expectations.

Chairperson Funk asked Mr. Bushek if the Commission should go ahead and vote on this secondary motion, and consider another secondary motion if the majority voted to deny. Mr. Bushek replied that they should. Chairperson Funk then called for a vote to add a condition limiting the SUP to five years.

Mr. Lovell stated that if it was five years, the applicant would come back for a renewal in five years and the Commission could decide on the basis of the business' status at that point. More, or possibly less, requirements might be needed. If the City was going to require them to invest money in the improvements, the term should be 20 years contingent on improvements being done within a set period of time.

Mr. Trafton asked if the property still had a lien or mortgage on it. After being in business so many years it was most likely paid other than the \$70,000 they had invested in landscaping. He liked the idea of a shorter term, as that would give the owner an opportunity to come before the Commission again and by that time, there might be some additional requirements about screening.

Ms. Butler asked if she could speak at this point. Mr. Bushek responded that the hearing was at the point of a main motion and secondary motion; which meant it was at the deliberation point of the hearing.

Chairperson Funk said the hearing was at a point where they needed to take a vote. Mr. Lovell continued that in response to Mr. Trafton's question, the Commission needed to be careful about how much the decision affected a project like this. It might be a factor if the owner tried to sell the business a buyer would want to know if they could use that operation for 20 or 30 years. One of the challenges as an owner for only giving five years knowing someone was going to buy the business or if the owner was going to sell it or was looking to refinance. There were financial implications to this decision. With a five year term on a business like this that might generate some passive income and had a return, whatever they owed or did not owe, it would affect refinancing for banking purposes knowing that they had this permit for 20 years

or the sale of the property.

Mr. Sanning asked Mr. Bushek if a modification could be made to the SUP to re-evaluate the environmental and beautification conditions on a property on a regular basis under a long term Special Use Permit. Mr. Bushek brought up a provision of the UDO in Section 6.660, specifically paragraph "C". It addressed expiration, which was what the Commissioners were discussing at present. It stated that [paraphrased by Mr. Bushek] "a Special Use Permit shall be valid for the specified period of time. . . the permit may be renewed upon the application of the governing body subject to the same procedures, standards and conditions as an original application. A Special Use Permit for a lawful non-conforming special use may be granted or renewed without correcting the non-conforming aspect of the special use if the governing body finds that all the standards set forth in Section 6.650, 'Standards For Approval', have been met."

This meant that the City Council would ultimately need to find that all the 16 listed conditions for approval of an SUP had been satisfied, be it a new SUP or renewal, and then continue to allow the non-conforming use; regarding the fencing in this case, they were effectively making that finding with respect to those 16 factors. The best answer to Mr. Sanning's question that the applicant would be allowed to continue the SUP with whatever conditions were specified. Unless the Commission added some kind of complex mechanism for a regular check in, with specific guidance regarded what the permit holder needed to do and when. That would be possible to do, but he did not think the City had any precedent for it.

Mr. Sanning added that there was no question about applicants having been very good business tenants. However, knowing that modifications would be made, his concern was that it would not be conforming at some point. If there was a way to assign a 20 year SUP but make sure it did not become a hindrance on the community's development, he would much rather consider that option.

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

On the secondary motion of Ms. Rader, seconded by Mr. Sanning, the Commission voted by roll call vote of five "yes" (Ms. Rader, Mr. Sanning, Mr. Trafton, Ms. Arth and Ms. Jana-Ford) and two "no" (Chairperson Funk, Mr. Lovell) to recommend approval of continued Application PL2020-371, Special Use Permit renewal for mini-warehouse storage facility: Summit Self Storage, 1920 NE Rice Rd; Terrydale Investments IV, LLC, applicant; including an additional Condition Of Approval that the term of the Special Use Permit be limited to a five year period.

Chairperson Funk asked if there was any discussion of the main motion made by Mr. Trafton and seconded by Mr. Sanning.

Mr. Sanning made a motion to recommend approval of continued Application PL2020-371, Special Use Permit renewal for mini-warehouse storage facility: Summit Self Storage, 1920 NE Rice Rd; Terrydale Investments IV, LLC, applicant, for a 20 year term with a five year renewal or revisit for the Special Use Permit terms considered tonight.

Mr. Bushek stated that the problem with this was that the Commission already had a main motion on the table. That was to recommend approval of the application with the additional condition of five years that the Commission had just voted to approve. It was necessary to have a decision on that motion. If that was approved, the hearing was done. If it was not, the Commission could move on to an additional action.

Chairperson Funk stated that the Commission needed to take a vote on the motion currently on the table. That was to recommend approval of the Special Use Permit with the condition for only five years.

A motion was made by Board Member Trafton, seconded by Board Member Sanning, that this application be recommended for approval including an additional Condition Of Approval that the term of the Special Use Permit be limited to a five year period. The motion carried by the following vote:

Aye: 6 - Vice Chair Arth
Board Member Jana-Ford
Board Member Lovell
Board Member Rader
Board Member Sanning
Board Member Trafton

Nay: 1 - Chairperson Funk

Absent: 2 - Board Member Kitchens
Board Member Loveless

- a. BILL NO. 21-41** An Ordinance approving a special use permit renewal for a mini-warehouse storage facility in district CP-2 on land located at 1920 NE Rice Rd, existing Summit Self Storage, all 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.

- 3. 2021-3993** Public Hearing: Appl. #PL2020-342 - Preliminary Development Plan - Westvale Addition, 612 NW Fieldcrest Dr; Engineering Solutions, LLC, applicant

Chairperson Funk opened the hearing at 6:27 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Mr. Matt Schlicht of Engineering Solutions gave his address as 50 SE 30th Street in Lee's Summit. He was present representing a group that wanted to develop a property that had been a center a part of the Westvale Addition for a number of years. He displayed an aerial map and described the site as located on the south side of Chipman Road, with Pryor Road to the west near the railroad bridge. It was about 1.25 acres and had once been a common area for the former Westvale Property Owners Association, with a tennis court. This was primarily a duplex community with internal streets for most of the residents. About six buildings faced Chipman Road and had a private parking lot in the back. The subject property was zoned RP-3, and the proposal was for a single lot with nine residential units; a combination of four duplex buildings and one single family residence.

Mr. Schlicht had held a neighborhood meeting via Zoom, that included two of the residents from the subdivision to the east. It included a general description of the project and some questions, particularly whether these would be owned or rented. It would be a rental project. Questions also came up about funding, specifically whether tax incentives were involved. This was to be a privately funded project, with market rate rents. Earlier today, staff had forwarded an email from one of the residents that summarized concerns about possible impacts on nearby residents as well as construction activity and noise, and the visual impact. Some of the residents' yards backed up to the subject property, which was currently an open field. They had asked whether screening or some kind of buffer would be needed.

Mr. Schlicht remarked that this would put dollars into a development that had not had much investment in recent years. In terms of visual impact, the product this would provide was more in keeping with current demand than what was currently nearby. The use would be compatible with adjacent development, so it was not likely that any buffer or screening would be needed.

Mr. Schlicht displayed elevations of the proposed duplexes. Each was two stories with a single

car garage; with about 550 square feet on the main floor and 840 square feet on the second. Each would have four bedrooms and two full plus one half bathrooms. The developer estimated rents of about \$1,250 a month. They would have lapped vinyl siding with a shake element for contrast and asphalt singles on the roof. Mr. Schlicht then displayed the proposed floor plan for the identical duplex units. The single-family residence was identical to the duplexes in appearance and floor plan.

The site was bounded by Chipman on the north and Fieldcrest drive on the east. An existing drive served the parking lot for the six duplexes on Chipman. The proposal was to build a new drive on the other side of four duplexes (eight units) and the single-family unit to the south. A 90 degree turn a little further west would provide access and turnaround for an emergency vehicle such as a fire truck. Toward the center of the property would be 11 off-street parking areas. Some on site water detention for stormwater runoff would be at the southwest corner. Runoff would drain from north to south.

The applicant was requesting one modification. The UDO required that parking areas be 20 feet from any property line. The proposal was to build a low berm with vegetation screening of evergreens and shrubs to block any noise or car headlights from adjacent neighbors. Due to the distance from the property line to nearby residences plus the berm would meet the UDO's intent. A displayed colored rendering showed the east side of the development, with the Fieldcrest entrance visible, as well as an existing Westvale duplex. They did not have attached garages but did have a paved area in front for off-street parking. They were about 600 to 800 square feet. Other views showed current development from the south side looking north and the west side looking east, with the subject property in the back of the view.

In a displayed aerial view, Mr. Schlicht pointed out the trapezoid shaped subject property with the remnants of the former tennis court. He pointed out the stormwater route through several yards, explaining that he was proposing a public stormwater sewer system that would go to the corner of the site and a detention basin in the center. This would reduce the volume of stormwater running through yards to the south.

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

Mr. McGuire entered Exhibit (A), list of exhibits 1-17 into the record. He summarized the project as nine dwelling units, with four duplexes and one single-family dwelling. The proposed density would be 7.32 units per acre, with a maximum 10 units per acre allowed in RP-3 zoning. A displayed aerial and zoning map showed the surrounding neighborhood as being zoned RP-2 and RP-3, with a total of 52 two-family homes. Most of these had been built in 1962, with six duplexes located on the cul-de-sac at NW Fieldcrest Drive being constructed in 2003. The dwellings built in the early 1960s were typical of the post-WWII architectural style.

Proposed exterior materials included cedar shake, vinyl lap siding and 30 year architectural shingles. The bulk, massing and architectural style of the proposed homes were somewhat inconsistent with those built in 1962 but were consistent with existing nearby homes constructed after 2003. Regarding parking, the UDO required parking lots to be set back a minimum of 20 feet from residential development. The applicant was asking for a modification to reduce that setback, with the proposed berm with vegetation, and staff supported this request.

The existing RP-3 zoning provided an opportunity for a mixed density single-family and duplex residential development, with a maximum allowed density of 10 units per acre. If the requested modifications be granted the development would satisfy UDO requirements and the Comprehensive Plan had designated this property as medium to high density. The project met the Comprehensive Plan's established goals by promoting development that could meet current housing demand. That included diverse housing types, and integrating multi-family

development into the fabric of land uses so that any negative impact could be kept to a minimum. With the conditions in staff's report, the development met the requirements of both the UDO and the Design and Construction Manual.

Following Mr. McGuire's comments, Chairperson Funk asked if there were public comments on the application, either in support or opposition. He reminded participants to not making their comments too lengthy.

After being sworn in, Mr. Shawn Parker stated that the Summit Holding Group owned nine of the duplexes in Westvale, and had for over 12 years. He commented that a week rarely went by that they did not get complaints about the parking. There was just not enough parking for the people who already lived in this area and so people often had to park on the street. Anyone driving through would see cars parked everywhere. Most of the units were two bedrooms, plus a few with three bedrooms; with as many as three or four people living there and quite often all of them owned a car. Taking a piece of land a little over one acre in the middle and obliterating the green space, then adding more living units might meet the legal density level but parking was already a problem.

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

Ms. Jana-Ford noted that one of the images Mr. Schlicht had shown of the surrounding areas showed dumpsters on the side of a duplex. She asked if the development would include designated trash collection areas with screening. Mr. Schlicht replied that the idea was for each unit to have a garage, with each tenant keeping their trash roll cart inside that garage. There would not be a common trash collection location, as the trash collection truck would pick up trash from the carts at the edge of the street. Ms. Jana-Ford asked where there was room for a trash truck to turn around and head back out, and Mr. Schlicht showed an image of the 90 degree turn area mentioned earlier. That was large enough for a fire truck to turn around, so a trash collection truck would be able to turn around and head back out as well. No parking would be allowed at that right angle section. Ms. Jana-Ford asked if No Parking signs would be installed, and Mr. Schlicht stated that the parking prohibition was covered in Condition Of Approval 2, which did require installation of No Parking signs.

Mr. Sanning asked Assistant Fire Chief Eden if he had any comments or anything to add about emergency access. Chief Eden replied that the applicant had met the intent of the Fire code in terms of providing emergency access to the development. Some issues could always come up about illegal parking, but people who lived toward the end of the complex would have to turn around and get in and out of driveways so there could be some discussion between neighbors about keeping those areas open. If constructed today, they would be required to provide at indoor parking for at least one vehicle plus one additional parking space. That was what parking pads shown in the photo earlier were being used for at present.

Chairperson Funk asked Mr. McGuire about the parking issues that had been mentioned. Mr. McGuire acknowledged that many of the units in the neighborhood were fairly old and had been constructed several decades ago under a different standard. Chairperson Funk asked if the current plan did satisfy current parking requirements, and Mr. McGuire replied that it did. Each unit had an indoor parking stall plus an addition 11 spaces provided.

Chairperson Funk asked Mr. McGuire about the letter received from Ms. Jackie Young asking about the Zoom meeting with Mr. Schlicht. Mr. McGuire believed that Ms. Young had been provided with the Zoom link to this meeting. Mr. Soto confirmed that staff had forwarded the link, but he did not have any additional information.

Chairperson Funk asked if there were further questions for the applicant or staff. Seeing none, he closed the public hearing at 6:52 p.m. and asked for discussion among the Commission members, or for a motion.

Mr. Sanning made a motion to recommend approval of Application PL2020-342, Preliminary Development Plan: Westvale Addition, 612 NW Fieldcrest Dr; Engineering Solutions, 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 Board Member Sanning, seconded by Board Member Lovell, that this application be recommended for approval to the City Council - Regular Session. The motion carried unanimously.

- a. **TMP-1842** An Ordinance approving a preliminary development plan for Westvale Addition, located at 612 NW Fiedcrest Dr., 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.

Proposed City Council Motion:

I move for a second reading of an ordinance approving a preliminary development plan for Westvale Addition, located at 612 NW Fiedcrest Dr., 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.

4. **2021-3989** Public Hearing: Application #PL2020-365 - SPECIAL USE PERMIT for truck rental - U-Haul, 809 SE Douglas St; Josh Prejean, applicant.

Chairperson Funk opened the hearing at 6:54 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Mr. Darren Locke stated that the applicant did not have a presentation.

Mr. Soto entered Exhibit (A), list of exhibits 1-15 into the record. He stated that the Special Use Permit application was for a U-Haul truck rental facility at an existing building on Douglas Street, just north of the intersection of Douglas and Blue Parkway, which was a south gateway to Downtown. He displayed an aerial and zoning map, which showed the property bordered by a large wooded undeveloped area to the east. The former site of the daycare was to the south and some vacant commercially zoned property at the northwest corner of Douglas and Blue Parkway. A transition from commercial use to a single-family neighborhood occurred to the north, with some multi-family development further north on Douglas. The subject property was zoned CP-2, the most intense commercial zoning district. A diagram of the building showed 900 square feet with nine existing parking spaces. It was currently occupied by a barber shop and a tattoo shop. Customer parking fronted on the building, with three parking spaces at the south end. That was proposed as an area for rental truck display. This proposed use would essentially be a secondary use in the building. The application did not include a proposal to expand the parking lot or the existing building.

In one area, the use would not comply with UDO requirements for vehicle rental. The vehicle display area was to be set back 30 feet from any property line and in this location it was only 15 feet. The display area for rental trucks was planned for the three parking spaces at the south end. Mr. Soto added that the site had first been developed around 1950. and so the parking lot was an existing condition from 70 years previous. For any other commercial parking lot, the minimum requirement for separation from another commercial property was 6 feet. This meant that the existing parking lot was technically over twice the required distance from

the south property line; although the UDO did have some additional separation requirements for vehicles that were for sale, rental or lease. In view of this, staff supported the modification request.

Staff had received some correspondence about concerns from nearby residents. One focused on the deterioration of the pavement on Douglas in this part of the corridor; with trucks adding additional stress. Further, pedestrians often had no choice but to take a risk by walking on the street due to the lack of sidewalks in the area. Someone on foot had to go almost to Seventh Street before getting to a sidewalk along Douglas.

This application did not involve new development nor a plan to replat the property; so the UDO requiring constructing sidewalks along Douglas was not a factor. Douglas could be called a kind of collector street; and if this was an undeveloped site with pending new construction, sidewalks would normally be required on both sides of the street. However, this was a matter of existing conditions and the applicants just wanted to use the existing site with no building expansion or any site improvements.

Mr. Soto added that staff did not anticipate much additional traffic associated with this use. Typically there would be a limit of no more than three vehicles displayed on the site; but the proposed use would be a low traffic generator, unlike a situation with a commercial use such as truck sales. Concerning additional wear and tear on the roadway, he had visited the site but had focused on interior conditions of the site and not looked over road conditions on Douglas in the immediate area. The traffic activity would include picking up and returning vehicles that would be empty, as loading and unloading them would typically occur off site. They would not be regularly carrying the weight of other large vehicles such as trash trucks and school buses.

The use of vehicle sales, lease and rental was an allowed use in the CP-2 zoning district with a Special Use Permit and the application did not propose any expansion of the site; nor was the proposed use likely to generate a significant amount of traffic. Three Conditions Of Approval were attached to the application. Condition 1 required a modification to the mandated 30 foot setback between display areas and property lines, allowing a 15 foot setback on the south side. Condition 2 stipulated that the SUP would be for a term of five years; and Condition 3 required that "a van-accessible ADA parking space with adjacent access aisle shall be striped and posted within 30 days of the Special Use Permit approval". The site currently had an ADA parking space but it did not have the required adjacent striped access aisle.

Mr. Soto suggested adding a Condition 4 that might provide more clarity for both the City and nearby residents. At present, the parking lot had nine stalls and the minimum required spaces to accommodate the site left only three additional spaces available for display of the vehicles. Condition 4 would stipulate that no more than three vehicles be displayed on the site at any one time.

Chairperson Funk asked Mr. Soto if the fourth condition was something he wanted to add, and if the Commission would need to include that addition in the motion. Mr. Soto answered that it would need to be added in the motion.

Chairperson Funk then asked for any comments from the public either in support for or opposition to the application.

Mr. Allen Olis gave his address as 805 SE Douglas Street; and commented that Mr. Soto had addressed the concerns about this project. He had spoken with neighbors who had signed the letter Chairperson Funk had received. The concerns were about the road conditions and safety to pedestrians. SE Douglas was a major corridor into Downtown, with very high traffic levels. At the same time, the street was narrow with some damage at the edges. A large hole existed across the street from the site, at the corner of Douglas and Ninth Street and drivers had to swerve to miss hitting it. At the end of Douglas, which he had been told belonged to

the Department of Transportation, was a corner that filled up with water during rain. There was just too much traffic for the residential part of Douglas.

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

Mr. Sanning asked if the City anticipated any growth in the business that could result in needing more than three parking spaces. He also wanted to know what the site would look like during rains, as the area already had stormwater issues. Mr. Prejean answered that they would keep the vehicle number at the three trucks; and in the case of more than three trucks he would personally pick them up.

Mr. Sanning acknowledged that expansion and growth was the goal, but he wanted to know what the site and business would look like in about five years. Mr. Prejean responded that it would probably be about the same. The only problem he'd had was unauthorized parking. He would like to expand the parking lot within five years; but because of the shape of the parking lot it was not more likely that he would have more trucks. It was still a new business, though he had been able to keep the business open and attract some new clients despite the pandemic. He did hope that more growth in general would occur over the next five years.

Mr. Sanning noted to Mr. Prejean that another lot was diagonally across the street and asked if Mr. Prejean had any interest in developing it. Mr. Prejean answered he did think it had some potential, and developing it would improve that particular corner. He acknowledged that many businesses started in that corner had not been successful.

Mr. Sanning then asked City staff what the City's approach would be concerning water runoff in that area. He asked if further development, which would involve more paved area, would make a difference. Mr. Monter stated that this particular lot was very limited due to its size. He had previously been in discussions about how much could be put on that site, which would make paved parking necessary. The increase in impervious coverage would mean an increase in stormwater runoff, which would historically mandate a stormwater study. He did not anticipate any significant increase in businesses there due to that limitation; but that also meant a limit on how much paved area the lot could have. He was not aware of any capital improvement projects pending that would address that situation.

Referring to the plan for nine parking spaces, Ms. Jana-Ford noted that a tattoo shop and a barber were two existing businesses on the property. Tattoo shops did not always keep regular business hours so that business might open at 3:00 p.m. A barber would be more likely to work from about 9:00 a.m. to about 5:00 p.m. Each of them would have two employees on site. She asked if the current parking would be enough to accommodate these two businesses, since factoring in the U-Haul business would mean only one spot left. She asked if a problem with parking might come up, with people trying to park on the street.

Mr. Prejean responded that he had started this business by himself and actually had worked previously in hair salons and tattoo shops. He had actually combined these two businesses, and had experienced difficulties finding staff to work with. He had one person working at each of the two shops, but it had been difficult to find someone who was experienced and had established clients. The corner was busy, but it was mostly his own clients; though business had improved somewhat in both the barber shop and tattoo shop.

Mr. Sanning noted that Mr. Prejean was working very hard in building this business. Mr. Prejean acknowledged that being a barber and tattoo artist and then starting up a business with U-Haul had involved a lot of work.

Mr. Sanning asked City staff if they'd had concerns about this business endeavor in the past, and if this application had been submitted after the businesses had already been active. Mr. Soto answered that this particular component of Mr. Prejean's business was already in

operation when staff became aware of it. Staff did not have the impression that Mr. Prejean was aware of the requirement to apply for a Special Use Permit beforehand.

Chairperson Funk asked Mr. Prejean what sizes the three vehicles on site were. Mr. Prejean answered that they were 10 to 15-foot trucks, and that was the typical size. They were not impeding access to the parking lot, and did not have any difficulty getting in or out. Mr. Locke added that occasionally people who had rented a truck and wanted to return it would drop it off at another U-Haul location. He added that there was a 20-foot truck that was occasionally used. They did have the system in place where three trucks were specified to be at that location.

Chairperson Funk observed that in that case, it was possible that as many as three 20-foot trucks could be at this location. He remarked that someone with no experience renting a 20-foot truck and then driving it through Lee's Summit could raise some safety concerns. In any event, it was possible that more than three vehicles could be at the site, especially after a weekend. Mr. Locke acknowledged that this potential existed. However, the online system was set for three and if a truck was brought back to this location that was not supposed to be there, they would send it to another U-Haul location in Lee's Summit or in Kansas City.

Chairperson Funk asked Mr. Prejean if it was correct that the property had nine parking spaces and two employees including himself; with three vehicles on site plus a potential for a few more than that. It did not add up to having enough parking for customers, with no fail-safe backup. Mr. Prejean acknowledged that this was correct.

Chairperson Funk asked if there were further questions for the applicant or staff. Hearing none, he closed the public hearing at 7:35 p.m. and asked for discussion among the Commission members.

Chairperson Funk remarked that he understood the applicant wanting to expand his business, as well as making an effort to generate more revenues by diversifying. However, it might not be a good fit for this location, especially considering the shortage of parking. Another concern was the rental trucks making a right turn out of the lot and heading Downtown with an inexperienced driver.

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

Mr. Sanning made a motion to recommend approval of Application PL2020-365, Special Use Permit for truck rental: U-Haul, 809 SE Douglas St; Josh Prejean, applicant. Mr. Trafton 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 Sanning, seconded by Board Member Trafton, that this application be recommended for approval to the City Council - Regular Session. The motion carried unanimously.

- a. **TMP-1839** An Ordinance approving a special use permit for a truck rental facility in district CP-2 (Planned Community Commercial) on land located at 809 SE Douglas St for a period of five (5) years, all in accordance with Chapter 33, the Unified Development Ordinance, of the Code of Ordinances for the city of Lee's Summit, Missouri.

Roundtable

Mr. Sanning asked if City staff could give Commissioners some guidance on procedures for

evaluating a Special Use Permit application. In order to be fair to individuals and groups applying for SUPs, he needed to understand what the Commission's role was. Chairperson Funk asked if Mr. Soto and Mr. Elam would consider putting together another training session. Mr. Soto said it would be valuable for Commissioners to be clear on what purview they had for procedures such as adding conditions of approval to applications. The UDO did set out specific criteria for Special Use Permits, in addition to rezoning and plans. Mr. Bushek had referred to this during the hearing for the self-storage business.

Mr. Sanning said this would be helpful. At the last meeting Mr. Josh Johnson mentioned that the Commission could not move forward on a hypothetical basis. Some of the Commissioners had in fact been working for 18 months on some of these hypotheticals they would want to include those in moving forward. When the Commission made a decision to move forward with something, the members did need to know whether they were planning for the future or basing their actions and decisions on current situations.

Mr. Lovell asked if it was known yet when Planning Commission meetings could be held in person. Regarding Mr. Sanning's observation about what the Commission could or could not do, he asserted that the Commission was charged with continuing to beautify the city and evaluating projects and proposals that were within their purview. He also wondered about what approach the Commission could take when an applicant was asked to bring back more information to the next meeting but what was brought back was basically the same information. That was not denigrating a business that had been in place for a long time, but some did have or apply for SUPs that would be in effect for many years. Keeping consistent with current standards was essential for a business that had been in place for a long time. The Commission had to be aware of what needed to be done to keep the city up to date and moving forward.

Ms. Rader stated that she had been on committees that were provided with templates or guidelines for making motions and this would be helpful for the Commission. Tonight during Application PL2020-371, a fence on the applicant's property was unattractive; but one advantage of a five-year term was that it would give the Commission opportunities to review and revisit this particular issue. Concerning the last application, she drove down Douglas Street regularly and was aware that some of it was in bad condition. She wanted to know what procedure was in place for addressing that.

Concerning Ms. Rader's first topic, Chairperson Funk pointed out that the packets provided to the Commissioners did have wording for motions. He acknowledged that many things would be easier once the Commission was able to meet in person.

Mr. Soto explained that any Lee's Summit resident had the ability to report a road problem such as a pothole or deteriorating pavement. It could now be done online, or via a phone call. That would be the most direct route to address any issue, though concerns and objections could be done during a public hearing. Any issue involving a long term situation or policy was best addressed to the City Council.

Mr. Elam clarified that not all the rights of way within Lee's Summit was the City's right-of-way. Some portions were owned by MoDOT, which was on a state level. In the issue brought up tonight about Blue Parkway, he could not be completely sure but it looked like it was a MoDOT right-of-way.

Mr. Bushek reported that in March, City Council meetings would be "hybrid", meaning that they could be attended either in person or via Zoom. Some of the committee meetings might become hybrid, though that was the option of the committee's chair. This might also take effect at the next Planning Commission meeting. Regarding the form of motions, he displayed the page for one of the hearings and pointed out the motion wording in the lower left corner. Regarding complaints or requests, an app was now available called "LS Connect." It was a

method of reporting issues including problems involving streets.

Mr. Lovell said he would welcome a training session, in person if possible. It would be helpful especially for some of the newer members.

Ms. Jana-Ford was also in favor of a training session. Regarding beautification, she asked what approach should be taken to enforce a PUD. Mr. Soto answered that the Planning Commission and City Council did have the authority to place conditions in order to bring lawful non-conforming situations up to standard at the time of a Special Use Permit renewal. There had been applications where this had not been done. Ms. Jana-Ford noted that an individual with something like an existing deck that was being expanded, she would have to submit a plan to the City and conform to certain standards. Business owners should be held to the same requirements. Mr. Soto cited a theoretical case of a deck on a home that complied with standards when it was first built, but a new owner discovered that this was not the case at present. As long as the new owner was not expanding or modifying the original deck in some way it would be acceptable; but might not be if the owner made any changes. In the case of the self-storage facility, if they were referring to completely rebuilding it with the same standards as a few decades ago they would not be allowed to do that. It would have to be done according to current standards and requirements such as screening, colors or roof pitch.

Ms. Jana-Ford asked if in that application the Commission could have a permit extension with conditions pertaining to updating. Mr. Soto answered that the Commission could vote for approval but place conditions such as screening. It could also grant the applicant a specific time limit for doing that.

Chairperson Funk was not sure when an in-person training session would be possible. He also asked if the legal notice the Commissioners could be addressed in a closed session. Mr. Bushek answered that the Commission could go into a closed session based on one of the exceptions in the Sunshine law. They would do that at the appropriate time. They could schedule a workshop or general question and answer session about procedures, preferably when in person meetings could resume.

Mr. Elam confirmed that 'hybrid' meetings would start in March. The next scheduled meeting was March 11th, but that was the joint session with the City Council for the Comprehensive Plan. Due to the size of the group that would have to be a remote or virtual workshop. The Planning Commission would meet at 5:00 p.m. to address some items of business; and the workshop would start at 6:00 p.m.

Adjournment

There being no further business, Chairperson Funk adjourned the meeting at 7:58 PM.

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