

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

Thursday, February 27, 2020

5:00 PM

City Council Chambers

City Hall

220 SE Green Street

Lee's Summit, MO 64063

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Call to Order

Roll Call

**Present:** 9 - Board Member Mark Kitchens  
Board Member John Lovell  
Board Member Jake Loveless  
Board Member Carla Dial  
Chairperson Jason Norbury  
Vice Chair Donnie Funk  
Board Member Terry Trafton  
Board Member Jeff Sims  
Board Member Dana Arth

Approval of Agenda

**A motion was made by Vice Chair Funk, seconded by Board Member Dial, that the agenda be approved. The motion carried unanimously.**

Public Comments

**There were no public comments at the meeting.**

1. Approval of Consent Agenda

a) [2020-3351](#) Approval of the February 13, 2020, Planning Commission minutes

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

Public Hearings

2. **2020-3346** Public Hearing: Application #PL2019-391 - Preliminary Development Plan - Rader Real Estate Office, 2 SE 5th St & 417 SE Main Street; Cynda Rader, applicant.

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

**Ms. Cynda Rader of Rader Real Estate gave her address as 3821 NW Cimarron St. in Lee's Summit. She described the subject property's location as 2 SE 5th St. The property will be used as a real estate office. Ms. Rader purchased the property in April and has provided before and after pictures.**

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Following Ms. Rader's presentation, Chairperson Norbury asked for staff comments.

Mr. McGuire entered Exhibit (A), list of exhibits 1-14 into the record.

The applicant seeks approval of a preliminary development plan for a 720 square foot expansion to the existing 1009 square foot structure and convert the single family home into a real estate office. The site consists of two parcels and is located on the NE corner of the intersection of SE 5th St and SE Main St. The site will be accessed from the alley on the east side of the property. Surrounding zoning includes TNZ to the north, R-1 to the south, TNZ to the east and CP-2 to the west. The property currently has a single-family structure on it that was built sometime between 1870 and 1880 and is reported to be one of the oldest residential structures still standing in Lee's Summit. The adjoining property to the north at 417 SE Main is an undeveloped vacant lot. The proposed materials for the project is going to be lap siding, shake siding to match the existing shake siding, stone veneer and asphalt shingles. Storm water from the proposed site will be managed through an on-site storm water detention system. The proposed use is consistent with the recommended land use for the area under the old town master development plan. The renovation of the existing single-family home and proposed use of a real estate office is compatible with the surrounding residential and commercial uses and meets the established goal of the established district as a transitional buffer between the more intense CBD district and uses and adjoining residential neighborhoods. With the conditions of approval outlined in the staff letter the application meets the requirements of the UDO and design and construction manual.

Following Mr. McGuire's comments, Chairperson Norbury asked if there was anyone present wishing to give testimony, either in support for or opposition to the application.

There appearing to be none Chairperson Norbury asked if the Commission had questions for the applicant or staff.

Hearing none Chairperson Norbury asked if there were further questions for the applicant or staff. Hearing none, he closed the public hearing and asked for discussion among the Commission members.

Dana Arth indicated that she would abstain from voting on this application due to a business relationship with the applicant.

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

Donnie Funk made a motion to recommend approval of Application PL2019-391, Preliminary Development Plan: Rader Real Estate Office, 2 SE 5th St & 417 SE Main St; Cynda Rader, applicant. Carla Dial seconded.

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

A motion was made by Vice Chair Funk, seconded by Board Member Dial, that this application be recommended for approval to the City Council - Regular Session, due back on 3/24/2020. The motion carried by the following vote:

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**Aye:** 8 - Board Member Kitchens  
Board Member Lovell  
Board Member Loveless  
Board Member Dial  
Chairperson Norbury  
Vice Chair Funk  
Board Member Trafton  
Board Member Sims

**Abstain:** 1 - Board Member Arth

- a) [TMP-1524](#) An ordinance approving a preliminary development plan located at 2 SE 5th St. & 417 SE Main St. In district TNZ, proposed Rader Real Estate Office, in accordance with the provisions of Chapter 33, the Unified Development Ordinance of Lee's Summit Code of Ordinances, or the City of Lee's Summit, Missouri.
3. **2020-3348** Public Hearing: Application #PL2019-412 - Preliminary Development Plan - Sequoia, 408, 500 & 502 NW Olive Street; Orchard Park Development, LLC, applicant.

Chairperson Norbury opened the hearing at 5:17 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Mr. Nick Slater of Renaissance Infrastructure Consulting stated that he was present representing Mr. Dick Burton from the Orchard/Sequoia development. This application had previously been brought to the Commission for a rezoning of the property for a townhome development. The new plan was for duplexes, and could be done with the current zoning. The applicants agreed with staff's Conditions of Approval.

Following Mr. Slater's presentation, Chairperson Norbury asked for staff comments.

Mr. McGuire entered Exhibit (A), list of exhibits 1-15 into the record. He stated that this would be a 24-unit duplex development, on a site consisting of four parcels. It was located west of the intersection of NW Olive and NW Orchard streets. The Union-Pacific railroad line was adjacent to the west, and an existing tree line provided screening from the railroad line. The one access point was from NW Olive. Surrounding zoning districts included PI and RP-2 to the north, RP-2 to the south and east, and PI and R-1 to the west. The property was 3.76 acres and current zoning was RP-2. The density for the proposed project would be 6.35 acres per unit, with 7.50 acres being the maximum density allowed.

The displayed map showed a public cul-de-sac street, with proposed 96 parking spaces. This would provide two spaces per unit with two garage spaces and two in each driveway. This was above the requirement of one space per garage and one driveway space, with a total required 48 spaces. Detention ponds for water runoff would be at the northwest and southwest. Proposed material included horizontal cementitious siding, stucco, asphalt shingles and manufactured stone veneer. Rooftop decks on each unit would be an unusual feature.

The applicants' two requested modifications included the high-impact landscaping buffer. The six-foot vinyl fence would be moved from the center of the landscaping to the property line. The landscaping would then be all on the inner side of the fence, which would make maintenance easier. The UDO required that no more than 10 percent of lots in a subdivision could be cul-de-sac lots, with the number of dwelling units on those lots being 20 or less. Mr. McGuire emphasized that this would be an infill development, where adjoining properties had already been developed. The existing conditions meant that it was not feasible to connect to a surrounding street system.

Owners of two properties within the 185-foot notification area had filed protest petitions, representing about 16,307 square feet of the buffer, which was 6.2%. This meant that the criterion for a protest petition had not been met. One property owner outside the 185 feet had also filed a protest petition. The objections that staff had received included the lack of sidewalks, streets too narrow to accommodate the increased traffic, storm water and flooding concerns and concerns about sewer capacity. The mass and scale of the proposed buildings did contrast with the character of the existing homes nearby. The houses on Olive Street were a mix of 25 single-family homes with an average of a little over 1,000 square feet in size. Ten smaller two-family homes averaged about 1,500 square feet total. They were typical of the post-World War II architectural style. One two-story duplex was located at 104 NW Orchard, just east of the subject property. The proposed duplexes would be two stories with a height of about 28.5 feet. The proposed footprints would be 1,756 square feet, with each unit being about 1,550 square feet. The site was within the boundaries of the Old Lee's Summit master plan. One of the plan's goals was to increase housing stock to include rental and multi-family housing stock. Among the concerns was the on-street parking on both sides might cause difficulty for emergency vehicles. This would be addressed via an added condition to require No Parking signs on one side of the street and on the cul-de-sac.

Mr. McGuire then addressed the five Conditions of Approval. One would be the modification to the landscape buffer fence. Condition 2 would allow 24 dwelling units on the cul-de-sac, four more than the UDO's 20. The ceiling of no more than ten percent of the total lots in a subdivision being on a cul-de-sac would be waived in Condition 3. Allowing parking on only one side of the street and cul-de-sac was Condition 4, and would have to be shown on the engineering plan. The development would also be required to "comply with the recommendation of the Transportation Impact Analysis (TIA) dated February 19, 2020" as Condition 5.

Following Mr. McGuire's comments, Chairperson Norbury asked if there was anyone present wishing to give testimony, either in support for or opposition to the application. He reminded participants to not make their comments too lengthy.

Ms. Cathy McClintock gave her address as 407 NW Olive Street. She stated that the streets and the intersection that was both an entry and exit were still a concern. The neighbors were asking the City and City staff to follow the City Council's recommendations based on both the Old Lee's Summit master plan and the unimproved road policy. The streets needed to be brought up to urban standards. The policy also stated that the street improvements must be completed and in place before development started. These should be addressed prior to any development. Staff had stated that they would expect the same road improvements made east of Orchard to continue to west of Orchard and Olive Streets. The residents felt that they had been overlooked and forgotten, especially in terms of road and sewer improvements. She also pointed that no storm drainage system currently existed; and there were also no shoulders, sidewalks or curbs. In fact, raw sewage often escaped via the manhole cover on Olive street's south end. They feel as if it is time for the City of Lee's Summit to utilize the taxes that they have paid as homeowner's for the good of their neighborhood. Ms. McClintock indicated that she would provide pictures or a tour of the area of concern.

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

Jake Loveless asked Hector Soto what had changed in this application vs. the previous application that would no longer require the road improvements. Mr. Soto stated that the primary difference was that the previous application required rezoning. This project is a Preliminary Development Plan under the existing zoning which does allow the duplexes as a use permitted by right. Mr. Loveless asked who would enforce 'No Parking' on one side of the street based on the increased number of units on a cul-de-sac. Mr. Soto stated that this would be a public street and that the 'No Parking' would be enforced by the police department. Mr.

Loveless asked if there are any additional public safety concerns regarding 24 units vs. 20 units in a cul-de-sac. Mr. Soto replied that there had been no concerns expressed by the police or fire departments or other development related staff.

Dana Arth asked the staff if there were plans for road improvements at this time. Michael Park responded that there are none at this time within the city's capital improvement program. The previous application had brought new awareness to this area. It would be subject to the City Council's direction to add that into the Capital Improvement Program for funding and eventually construction.

Donnie Funk asked Shannon McGuire to go back to the slide about the cul-de-sacs and walk through it one more time. He wanted further explanation regarding the number of units in a cul-de-sac. The UDO states that the maximum number of units is twenty as opposed to the twenty four proposed units or two additional structures. As far as percentage goes, the UDO states that no more than 20% of the units as a whole can be on a cul-de-sac. This percent for this project is 100%.

Mark Kitchens addressed the applicant. He wanted to know what type of materials are being used and if there were any sound dampening materials. Mr. Burton replied that they would use EFAS, wood siding, and simulated stone. Mr. Burton said that EFAS material is a sound dampening product. Mr. Kitchens concern was due to the railroad being so close and the number of units that would be built. The units are being built to be sold but will be rented if they can't be sold.

Terry Trafton asked the staff if there was a plan for sewer improvements in this area? Kent Monter responded. Mr. Monter is not aware of any of the raw sewage going into the street from the sanitary sewer. That does not imply that there hasn't been, just that he's not aware of it. As far as storm water, there are no current storm water improvement projects in this area. There have been concerns about the ditches and culvert's in the area and city staff have been called to help clean those out.

Jake Loveless asked Mr. Burton if they were considering any different type of wall construction, such as 2 x 4 or 2 x 6 or 2 x 8. Mr. Burton replied that it would be 2 x 4 wall construction with 1 1/2" minimum EFAS foam on the outside of it. This would be a substantial sound barrier. Mr. Slater added a comment about the sanitary sewer. He said that they are hooking into the sanitary sewer that runs along the north side of the property. This runs along the back of the homes on Olive and runs to Chipman Rd. They have submitted a sanitary sewer impact statement to staff showing that they have analyzed the main and that it is within capacity and will actually improve the flows and keep the main clear. Chairperson Norbury added that this is a dead-end main and where they are connecting is the very upstream end of the sanitary sewer main.

Mr. Lovell said that the original plans were for four-plexes and asked how many units were included in that. Shannon McGuire replied that there were 36 units in 9 buildings with the previous plan.

Chairperson Norbury directed a comment to Shannon McGuire regarding the height and mass of these structures in comparison to what's already there. What considerations did the applicant bring in to improve the architectural appearance of the pieces as it is? Mr. McGuire responded that the applicant had gone through a couple iterations of this design and substantially changed from the initial design. They have brought in some elements tying into the current. The massing is taller than what is on Olive St. There is one outlier on Orchard that has the same massing as what is proposed. The applicant responded that he had to do this to get a 1550 square foot unit on the size lots that he had. There is an observation deck on the top of some of the units. Chairperson Norbury addressed the materials and how they tie into the neighborhood. Mr. Burton stated that there is stone and lap siding on the units along with

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the EFAS. The façade is much more expensive than anything else in the neighborhood. There are elements of the façade that match the neighborhood. The units will vary in design with a mix of these products.

Mr. Lovell asked the applicant if the development will be maintenance free. Mr. Burton replied that it would be maintenance free through an HOA. Mr. Lovell indicated that he would like this condition to be included in the application. Mr. Norbury stated that the Planning Commission would like to tie what is discussed in the meeting to what is forwarded to the City Council. He asked that the applicant provide additional elevations. Mr. Burton said that they are working on that.

Chairperson Norbury asked if there were further questions for the applicant or staff while in public hearing.

Ms. Sharon Farnam lives at the end of Olive St. (401 NW Olive St). Ms. Farnam stated that she gets all of the water. They have lived at this location for 50 years. There was some build up on Main St. behind her. The building took place with no storm drains. Since that time they have been getting storm water from the back. She feels that they cannot handle additional water. Each time it rains, the road is covered. Water is destructive and is eating away at the narrow road. The road crumbles and falls into the ditch. The residents clean out their own ditches. The intersection is not adequate for school buses or other large vehicles. Kids can't ride bicycles because of how narrow the road is. Ms. Farnam stated that she is against the project.

Mr. Norbury asked Mr. Monter to talk about the way the city looks at storm water. Mr. Monter said that when an application is looked at the applicant is required to do a storm water analysis and certain criteria must be met that is put forth through the APWA. Those are evaluated to make sure that the criteria is met. This applicant has two storm water basin's proposed. Basically, the storm water cannot be increased without capturing and detaining it for a period of time. This applicant has shown that and has met all of the standards. Mr. Monter pointed out that with the natural topography of the land that this water drains away from the area that Ms. Farnam pointed out. It drains toward the NW and toward the railroad tracks, this is where the two detention basin's will be located. The applicant will actually pull more of the drainage away from the concerned area.

Mr. Slater confirmed that the storm water will be routed to the detention basins and actually makes the storm water better.

Mr. Funk reiterated that the building mass will appear smaller due to the elevation of the properties and the buildings sitting lower than the street. Mr. Slater confirmed that and showed how that will look. Mr. Burton talked about the distance that these buildings will be from the neighboring properties. He said that there is at least sixty feet between the properties. The buildings will not be towering over the neighboring houses.

Ms. McClintock asked if the project goes forward if she understands that there will be no improvements to the streets. Mr. Norbury asked the applicant to address her question. Mr. Slater confirmed that there would be no improvements except where Olive ties into the property. There would be curb and gutter up to that point and a sidewalk shown. Ms. McClintock asked everyone to drive out there and look at the narrow roads and the problems in that area. Particularly with cars parked on both sides of the street. Chairperson Norbury replied that the Planning Commission is a recommending body and that anything that is done in this meeting will be forwarded to the City Council.

Chairperson Norbury asked if there were further questions for the applicant or staff. Hearing none, he closed the public hearing and asked for discussion among the Commission members.

Ms. Dial made a comment that the objections to the project were not really due to the project

itself but rather the way that the city has not taken care of the neighbor's requirements. She wanted to make her opinion known to the City Council that not just in this neighborhood but in several of the older neighborhoods that don't have storm water inlets and curb and gutters that if we want to add more density to this area and bring in higher dollar projects that these things need to be addressed. She recommends that the citizens make their concerns known to the City Council as well. As far as this project is concerned, it is less dense and she thinks this is a good compromise. She thinks that the developer might be able to contribute to the improvement of the infrastructure just as it would be required of any developer.

Mr. Lovell stated that the roads are a safety issue. He commented that if the zoning were changed the developer would have the burden to repair the roads that had been neglected. Mr. Lovell indicated that he does not feel like that is fair. As a city should we just wait for a project that comes in that will require road improvements? The developer should not be responsible to maintain something that the city has neglected. Mr. Lovell wanted it on record that he doesn't feel like it should become the developers responsibility to take care of something that the city has neglected.

Mr. Kitchens agreed with everything that had been said to this point. He agreed that this is a good project. He noted that Mr. Park had done a terrific job on the traffic study. It was addressed in the traffic study that this is a narrow road and that there is parking allowed on both sides of the street. The traffic study indicated that if the parking becomes a problem, the residents can petition for "No parking" signs to be put in place on one side of the street. Mr. Kitchens agrees that it is not fair to the developer to expect them to repair or renovate streets that are in disrepair. He doesn't want to lose good projects based on the road improvement requirements. Mr. Kitchens stated that the developer had done a good job on the project and that the staff had done an excellent job on the traffic study.

Ms. Arth said for the record that she agreed with all of the points that had been made and that the developer had done a nice job of representing the project. She feels for the residents and the issues that they have with the streets. She encourages the residents to contact their City Council members in regards to the issues that they have. Ms. Arth thanked the developer for coming back with a good project.

Chairperson Norbury reminded the residents that it is election season and that the residents should consider contacting their City Council member in regards to the issues in their neighborhood. He suggested that when the motion is made that a set of updated elevations be added. David Bushek replied that an additional condition could be added. He provided the potential language that could be used for that and for the HOA condition.

Mr. Lovell made a final comment to the residents that they hear them and they are listening. He indicated that this is a good project for this area. He assured the residents that they are being heard and encouraged them to be active with their City Council members.

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

Donnie Funk made a motion to recommend approval of Application PL2019-412, Preliminary Development Plan: Sequoia, 408, 500 and 502 NW Olive St., Orchard Park development LLC, applicant with the following conditions: Construction shall be in accordance with the elevations dated \_\_\_, 2020. (Elevations to be provided to the City prior to the City Council meeting.)

All landscaping and grounds maintenance shall be provided by a home owners association pursuant to the recorded covenants, which shall be reviewed and approved by the City prior to recording. Carla Dial seconded.

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

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for a vote.

A motion was made by Vice Chair Funk, seconded by Board Member Dial, that this application be recommended for approval as amended to the City Council - Regular Session, due back on 3/24/2020.

The motion carried unanimously.

- a) [TMP-1525](#) An ordinance approving a preliminary development plan located at 408, 500 & 502 NW Olive St. in district RP-2, proposed Sequoia, 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.

#### Roundtable

David Bushek told the Planning Commissioners that he will type up the wording that should be used when a motion is made with additional conditions. This will be placed on the overhead projector to help them when making a motion.

#### Adjournment

There being no further business, Chairperson Norbury adjourned the meeting at 6:04 P.M.

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