

LEE'S SUMMIT PLANNING COMMISSION

Minutes of Tuesday, April 26, 2016

The Tuesday, April 26, 2016, 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. Nate Larson	Present
Mr. Fred Delibero	Absent	Mr. Beto Lopez	Present
Mr. Donnie Funk	Absent	Ms. Colene Roberts	Present
Mr. Fred DeMoro	Present	Mr. Brandon Rader	Present
Mr. Frank White III	Absent		

Also present were Hector Soto, Jr., Planning Division Manager; Christina Stanton, Senior Planner; Robert McKay, Director of Planning and Codes Administration; Dawn Bell, Project Manager; Mike Weisenborn, Project Manager; Mark Dunning; Assistant City Manager, Development Services & Communications; Kent Monter, Development Engineering Manager; Michael Park, City Traffic Engineer; Trevor Stiles, Chief of Litigation; Kim Brennan, Permit Tech and Jim Eden, Assistant Fire Chief II.

1. APPROVAL OF CONSENT AGENDA

- A. Application #PL2016-046 – PRELIMINARY PLAT –** Raintree Pointe, Lots 1-7 & Tracts A-E; Landrock Development, LLC, applicant
- B. Application #PL2016-047 – VACATION OF EASEMENT –** 3751 NE Troon Dr; RPWC Holdings, LLC, applicant
- C. Application #PL2016-048 – FINAL PLAT –** Napa Valley, 2nd Plat, Lots 89-115 & Tract N; Toscano Investments, LLC, applicant
- D. Minutes of the April 12, 2016 Planning Commission meeting**

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

2. Application #PL2016-039 – PRELIMINARY DEVELOPMENT PLAN – Summit Orchards, 701 NW Ward Rd; Townsend Summit, LLC, applicant

Chairperson Norbury opened the hearing at 5:05 p.m.

Mr. Monter stated that staff requested that Recommendation Item 10 be moved from the Recommendation box to the Code and Ordinance Requirements section of the report. It was concerned with the final design and not necessarily a condition of approval of the preliminary development plan. Staff would deal with the water line issues during the final design process. Chairperson Norbury asked Mr. Stiles if any particular procedure was needed, and Mr. Stiles replied that noting it in the motion would be sufficient.

Chairperson Norbury then asked those wishing to speak, or provide testimony in this application, to stand and be sworn in.

Mr. Steve Rich of Townsend Capital stated that they were the master developer for all the remaining land around Summit Technology. They were asking for an amendment to the original preliminary development plan that was approved in 1999. Two or three years ago they had made a commitment to the City to develop in four major phases. The first, Summit Place, was shown in light blue on the displayed slide. Summit Innovation Center, home of the 35-acre Missouri Innovation Campus north of Tudor Road, was the second phase. Summit Orchards, the subject of tonight's application, was about 50 acres located south of Tudor and north of Chipman. Mr. Rich added that the fourth phase was the 30-acre "infill site".

The second purpose of the requested amendment was to better reflect the road alignments. When the PMIX zoning was approved in 1999, the applicants had not known where the roads would be. The application addressed the correct orientation for Ward and Tudor Roads, plus any needed turn lanes on Chipman Road. Mr. Rich then introduced Mr. Graham Smith of Gould Evans, the applicants' planning group; as well as Mr. Mike Pomeranke and Mr. Grant Barnes of North Pointe, developers of the multi-family housing. Mr. Jeff Hailey and Mr. Eric Mann were present representing RED development, which would develop about 16 acres of retail on the Chipman Road side. Mr. John Huss was present representing McClure Engineering, the applicants' engineer of record.

Mr. Graham Smith gave his address as 4041 Mill Street in Kansas City, MO. He displayed the Summit Orchard site plan, and described the property as 55 acres, south of Tudor Road between Chipman and Ward Roads. The project was part of the Summit Technology Campus development. Improvements were currently being made to Tudor Road and would be completed later this year. The site drained into a regional stormwater detention area at the northeast. Summit Orchards would have a mix of uses including residential, retail, restaurants and office on a 47-acre site. The residential development, on the east side, would be Phase 1; and the retail area along Chipman Road was Phase 2. The northern portion of the retail development would be Phase 3, and Phase 4 was the office site just south of Tudor. Phase 5 was an office site in the center of the development. The plan met all UDO parking requirements for each individual phase.

The displayed plan for Phase 1 showed about 300 apartments, and clubhouse and 590 parking spaces. A rendering of the apartments showed an architectural style that tied in to the technology campus. The Phase 2 plan, at Chipman and Ward Roads, showed a shopping center and restaurant, with a possible C-store, with a little over 355 parking spaces. Phase 3, on the northern portion, was about 66,000 square feet of retail. The new road that divided the

project was an extension of Donovan Road to the south, connecting Chipman to Ward Road. It would be a public road, and the access points between retail and office were aligned to encourage pedestrian activity.

Phase 4 was at the far north end of the site, and would be about 50,000 square feet of office use. However, the applicants wanted to retain some flexibility for this portion in terms of uses. There were potential opportunities for education uses and elder care. Phase 5 was also office uses, with some flexibility for expansion of residential and education uses.

The next slides displayed images of typical retail and office buildings. Mr. Smith pointed out that these illustrated the project's design quality and not necessarily the exact design. It would be similar in quality to the Summit Innovation Center, which had been approved last year.

Mr. Smith stated that the applicants agreed with all of staff's Recommendation Items. Mr. Rich added that the project would be funded out of equity. When the retail part started to develop they might request the City to put a CID on the site, but they were not asking for any public incentives.

Following the applicant's presentation, Chairperson Norbury asked for staff comments.

Ms. Stanton entered Exhibit (A), list of exhibits 1-17 into the record. She gave some revisions to staff's letter included in the packet with the old date from an earlier report. The revised letter was dated April 22, 2016. The last sentence in the fourth paragraph was left over from the Summit Innovation Campus project, which had already been addressed, and did not need to be in the current version; so it should be deleted. Ms. Stanton confirmed for Chairperson Norbury that this was the reference to staff's not supporting a modification to parking stall requirements. Referring to an additional condition handed out right before tonight's hearing, Ms. Stanton stated that this would become Recommendation Item 12 after Recommendation Item 10 was moved. This item read that "*the revised traffic study, sanitary sewer analysis and water demand analysis shall be evaluated if the non-residential total floor area is increased beyond the 25% allowed by Section 4.330 of the UDO or the residential density is increased by more than 10% allowed by Section 4.330 of the UDO.*"

Another correction was to the "Monument Sign Area" section on page 5. The sixth line referred to the "remaining monument signs that would meet the H5 type" and this number should be 8. An H8 sign would be a typical rectangular monument sign.

Staff recommended approval of the application based on their report dated April 22, 2016, including the revisions to the Recommendation Items previously mentioned.

Following Ms. Stanton'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 opened the hearing for questions for the applicant or staff.

Mr. DeMoro asked what the time line was for full build-out of the five phases mentioned. Mr. Rich answered that the apartments would be started this summer, as soon as they got Council approval to break ground. They still had an open land disturbance permit on the land so could start grading. Some of the retail at the north side of the site was projected for fall of 2017; although they hoped to start by the end of this year. The office and second residential

development, which was in Phase 5. Regarding the five-acre site that at present would be assisted living and office, they were meeting next week with the president of UCM concerning some potential expanded requirements but the overall projection was one to two years.

Mr. DeMoro noted that this would be a lot of construction in this corridor with the MIC going in. He asked if that was any potential conflict on Ward Road in particular. Mr. Rich acknowledged that this would have an impact. They would work very closely with the R-7 school district in particular, in view of the safety of school buses. They wanted to make it a coordinated effort.

Ms. Roberts noted that Recommendation Items 1 and 2, addressing modifications, seemed unusual and ask for some clarification of what they were requesting and what the City would be granting. Ms. Stanton replied that the applicants had given a lengthy narrative about the overall plan, including a table about development standards included increased density and floor area for residential. Staff had agreed but on the basis of meeting the parking requirements. The Recommendation Item they wanted to add had expressed a similar concern about allowing for additional analysis and study to assure that the modifications would not have a negative impact.

Ms. Roberts remarked that ordinarily, the UDO gave an applicant a small amount of leeway, but this application had requested to increase that. Ms. Stanton confirmed that staff recommended allowing the increase provided they meet parking requirements; plus a possible requirement for additional studies to prove no adverse impact.

Chairperson Norbury noted that in addition to this, information about aspects such as materials seemed more vague than the Commission would normally require. Ms. Stanton similar to the Summit Innovation Center project in terms of materials as well as other developments in this area. They were all acceptable, high-quality materials so City staff had no reason to be concerned about them. She acknowledged that this preliminary development plan was more conceptual in nature than others the Commission had seen although it did have more details than an actual conceptual plan would have.

Chairperson Norbury noted that one of the Commission's concerns at the preliminary level was always that the final product looked like what was given at the beginning. He was not sure how much it would have to be modified for a requirement to bring it back for a new hearing would take effect. Sometimes final development plans received administrative approval, so the Commission might or might not see them. They had been shown pictures of certain combinations but a change to those combinations, such as materials, could alter the quality considerably. Chairperson Norbury emphasized that he was not suggesting that tonight's applicants would deliberately make a choice like that. The Commission had a responsibility to make sure that what they approved in the early stages of a project was reasonably consistent.

Mr. Smith responded that concerning the retail specifically, they had a 70-page design document that was part of the application. It provided considerable information about the design intention. The apartment design was not far enough along for many details; however, given the quality of work at New Longview, this would be a different style of architecture than New Longview but a similar high quality. He acknowledged that they did not yet have a specific concept for the office elements; however, they were willing to commit to what they did for Summit Innovation Center.

Mr. McKay referred the Commission to a past development on Colbern Road that had come through the process, and in the process of getting approval the applicant had brought back a definite change in the architecture. They had been told that staff could not approve this major a change on an administrative level. Staff would take the same approach with this one: look at the architecture that had been presented as well as at the surrounding architecture and building materials in the vicinity and if they were not comfortable, the application would have to go back through the public hearing process.

Chairperson Norbury asked if there were further questions for the applicant or staff. Hearing none, he closed the public hearing at 5:30 p.m. and asked for discussion among the Commission members.

Ms. Roberts remarked that this piece of land had been an opportunity to create a wonderful mixed-use, walkable community. She did not think this was what tonight's application represented. It included some unattractive parking lots that were right up front. The older building across the street had a very large asphalt parking lot and the new development would mirror that older approach. She also did not see the reasoning in putting residential on the back side where residents were furthest away from the retail that was supposed to attract them; and the plan did not indicate that this would be a pleasant walk. She noted that the chance to develop this property was not one that the City would have again.

Mr. Lopez stated that this was in the planning stages. He felt that he was involved as a citizen of Lee's Summit, and had heard the architect refer to the office space being at the last part of the phasing. The community did need more labor, and this would be phased in to bring in more retail. However, he felt that the office component should get a closer look, as this would be a source of the daytime employment that Lee's Summit needed.

Chairperson Norbury emphasized that his remarks about the specifics of the plan were not directed at the applicant. He did expect staff to ensure that the plan remained consistent through the process.

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

Mr. DeMoro made a motion to recommend approval of Application PL2016-039, Preliminary Development Plan: Summit Orchards, 701 NW Ward Rd; Townsend Summit, LLC, applicant; subject to staff's letter of April 22, 2016, specifically Recommendation Items 1 through 13; with Item 10 being moved to the Code and Ordinance section and deleting the last sentence of paragraph 4. Mr. Lopez seconded.

Mr. Stiles asked if the new Recommendation Item read by Ms. Stanton was included in the motion, and Chairperson Norbury said that it was included as item 13.

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

On the motion of Mr. DeMoro, seconded by Mr. Lopez, the Planning Commission members voted unanimously by voice vote to recommend **APPROVAL** of Application PL2016-039, Preliminary Development Plan: Summit Orchards, 701 NW Ward Rd; Townsend Summit, LLC,

applicant; subject to staff's letter of April 22, 2016, specifically Recommendation Items 1 through 13 as stated.

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

3. **Application #PL2016-045 – VACATION OF RIGHT-OF-WAY** – a section of SW Flintrock Dr south of SW Napa Valley Dr, located within the Napa Valley subdivision; Toscano Investments, LLC, applicant

Chairperson Norbury opened the hearing at 5:35 p.m. and stated that Application PL2016-045 was continued to a date certain of May 10, 2016 to allow for proper notification. He then asked for a motion to continue.

Ms. Roberts made a motion to continue Application PL2016-045, Vacation Of Right-Of-Way: a section of SW Flintrock Dr south of SW Napa Valley Dr, located within the Napa Valley subdivision; Toscano Investments, LLC, applicant to a date certain of May 10, 2016. Mr. DeMoro seconded.

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

On the motion of Ms. Roberts, seconded by Mr. DeMoro, the Planning Commission members voted unanimously by voice vote to **CONTINUE** Application PL2016-045, Vacation Of Right-Of-Way: a section of SW Flintrock Dr south of SW Napa Valley Dr, located within the Napa Valley subdivision; Toscano Investments, LLC, applicant to a date certain of May 10, 2016.

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

PUBLIC COMMENTS

There were no public comments at the meeting.

ROUNDTABLE

There were no Roundtable items at the meeting.

ADJOURNMENT

There being no further business, Chairperson Norbury adjourned the meeting at 5:36 p.m.

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