

The City of Lee's Summit
Action Letter
Planning Commission

Thursday, July 28, 2022

5:00 PM

City Council Chambers and via videoconference

Notice is hereby given that the Planning Commission for the City of Lee's Summit will meet on Thursday, July 28, 2022, at 5:00 pm in the City Council Chambers at City Hall, 220 SE Green Street, Lee's Summit, Missouri, and via video conference as provided by Section 2-50 of the City of Lee's Summit Code of Ordinances, adopted by the City Council on June 15, 2021, Ordinance No. 9172.

Persons wishing to comment on any item of business on the agenda, including public testimony during a Public Hearing, via video conference may do so by sending a request prior to 5:00 p.m. on Wednesday, July 27, 2022, to the City Clerk at clerk@cityofls.net to attend the meeting on the video conferencing platform. The City Clerk will provide instructions regarding how to attend by this method.

Call to Order

Roll Call

Present: 8 - Chairperson Donnie Funk
Board Member Randy Benbrook
Board Member Tanya Jana-Ford
Board Member Mark Kitchens
Board Member Jake Loveless
Board Member Cynda Rader
Board Member Chip Touzinsky
Board Member Terry Trafton

Absent: 1 - Vice Chair Dana Arth

Approval of Agenda

Chairperson Funk announced that there were no changes to the agenda, and asked for a motion to approve.

A motion was made by Board Member Trafton, seconded by Board Member Touzinsky, that this agenda be approved as published. The motion carried unanimously.

1. Approval of Action Letter

- A. [m2022-50](#) Approval of the July 14, 2022 Planning Commission Minutes
[72](#)

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

Public Comments

There were no public comments at the meeting.

Items for Discussion

There were no items for discussion at the meeting.

Public Hearings

2. **2022-5077** Public Hearing: Application #PL2021-348 - Vacation of Right-Of-Way, a portion of Right-Of-Way abutting 1100 SW 3rd Street; Schlagel & Associates, applicant.

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

Mr. Jeff Skidmore of Schlagel and Associates gave his address as 14920 W. 107th Street in Lenexa, Kansas. He stated that he was appearing on behalf of Cadence KC and the City of Lee's Summit. The right of way to be vacated dated back to the original development about 40 years ago, that had included the Pizza Hut and Hardee's properties. It was an extension off McClendon, intended to provide shared access for both these properties. The recent redevelopment was determined by the City's Engineering and Planning staffs. The right of way had not actually been needed, as the access point off McClendon could have been accommodated via a cross-access easement between the two restaurant properties. This could be recorded along with the vacation of the right of way.

A neighborhood meeting had been held, with questions raised about any changes this would involve. Mr. Skidmore stated that no physical changes would be made to the drive, to access to McClendon Road or to either of the properties. The property involved would be dedicated back to the original property owners.

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

Mr. Soto entered Exhibit (A), list of exhibits 1-13 into the record. He displayed a zoning map showing the Pizza Hut site, currently being redeveloped as Chipotle sites, with the Hardee's slightly to the south. The yellow star on the map indicated the shared access off McClendon and the existing right of way. It was divided into two pieces, one dedicated in 1984 and the other in 1986. The right of way did not serve any public purpose other than to provide shared access to the two private lots.

The application had two Conditions of Approval. One stated that the vacation "shall not become effective until such time as a cross-access easement is dedicated over the existing driveway from SW McClendon Drive shared between Lot 1, Pizza Hut Addition and Lot 1, Hardee's Addition. Condition Two required that the City's Development Services Department be provided a copy of the recorded cross-access easement.

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

Commissioner Touzinsky asked if the City had been the entity maintaining the road so far. Mr. Soto answered that it had not. To the best of his knowledge, the owners to the adjacent properties including the Pizza Hut had been doing that.

Commissioner Loveless asked what the reason was for the existing right of way being there instead of a cross-access easement. Mr. Soto responded that the City had the original documents that had dedicated the right of way. He had not been able to find any documentation beyond a statement that the right of way was there as part of a thoroughfare. McClendon was an existing street at that time; and pertinent rights-of-way for 3rd Street had been dedicated in the 1950s when it was Hoke Drive. Oldham Parkway had been part of the older US 50 Highway.

Mr. Soto related that regarding who would be required to maintain the access, the County

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considered it to be the responsibility of the right of way's original grantor. Most likely, this would be the owner of the Chipotle property. An issue over shared maintenance responsibility would have to be determined between the property owners.

Commissioner Loveless asked if this agreement would have any time frame requirements, such as being renewed at set intervals; and if the agreement would ensure access for all the property owners involved. Mr. Soto answered that staff had not considered any expiration. He asked Mr. Bushek if it would be possible to include language indicating that the easement would be kept in perpetuity. Mr. Bushek replied that adding the language "shall exist in perpetuity" would be a good addition to the first Condition of Approval.

Chairperson Funk asked if this addition should be included in the motion to approve; and Mr. Bushek recommended that "shall exist in perpetuity" should be included as part of the motion.

Commissioner Kitchens asked what was the idea behind the time considerations. Commissioner Loveless observed that the original intent for having the right of way there was to ensure that both property owners would have access to McClendon via the shared drive. If the right of way was being eliminated via putting in a cross-access agreement, this type of agreement typically had some time frame or expiration date. The property owners could determine the terms of maintenance on their own.

Mr. Bushek suggested that the phrase "which shall be effective in perpetuity" could be added to the first Condition of Approval. One possible issue might be the property being purchased and redeveloped at some time in the future; however, as long as the property was in its current formation, the agreement should be a permanent one.

Chairperson Funk asked if there were further questions for the applicant or staff. Hearing none, he closed the public hearing at 5:16 p.m. and asked for discussion among the Commission members, or for a motion.

Commissioner Kitchens made a motion to recommend approval of Application PL2021-348, Vacation of right of way: a portion of right of way abutting 1100 SW 3rd St; Schlagel & Associates, applicant; adding "which shall be effective in perpetuity" to Condition 1. Commissioner Rader seconded.

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

A motion was made by Board Member Kitchens, seconded by Board Member Rader, that this application be recommended for approval to the City Council - Regular Session with the language "Which shall be effective in perpetuity" added to Condition 1. The motion carried unanimously.

- a. **TMP-2366** An Ordinance vacating dedicated right-of-way along the east side of SW McClendon Dr adjacent to 1100 SW 3rd St, in the city of Lee's Summit, Missouri.

3. **2022-5073** Public Hearing: Application #PL2022-198 - Preliminary Development Plan - Diventures, 2951 NE Independence Avenue; Diventures, applicant.

Chairperson Funk opened the hearing at 5:20 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Mr. McGuire entered Exhibit (A), list of exhibits 1-15 into the record. He reviewed that the subject property was currently zoned CP-2. Several CP-2 zoned undeveloped properties were adjacent to the south. The property included a doctor's office, and was the future location of a K-1 indoor go-cart track that was previously approved. The property to the north across NE

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Strother Road was also zoned CP-2 and was undeveloped, as was the property to the west. This property did include a Break Time convenience store and gas station.

The applicant had submitted a preliminary development plan for a 9,910 square foot aquatic and scuba diving center. The subject property was 2.77 acres and was located in the Strother commercial district. Proposed materials included fiber cement board siding, aluminum panels, painted brick, standing seam roofing and glass. These materials were compatible with the design and construction of existing and industrial buildings in Lee's Summit.

The applicant had requested use of a "wood look" architectural metal panel. The UDO did restrict materials to masonry, concrete, stucco and glass in the CP-2 zoning district. Metal was limited to an incidental role as approved by the Planning Commission. The quality of architectural metal building materials had improved over time; and the use of these materials had become more common in both commercial and residential construction. The proposed material was consistent with other approved construction in Lee's Summit, including churches, car dealerships and the recently approved fire station.

The applicant was requesting a modification to parking lot setback requirements. Parking lots were required to be set back 20 feet from a right of way and the applicant proposed a 13-foot setback on the eastern property line, as this was adjacent to the southbound I-470 entrance ramp at NE Strother Road. The parking area as a whole was adjacent to a significant amount of green space and the MoDOT right of way was over 100 feet deep at that location. It gave the visual impression of a buffer, with adequate separation distance from the ramp. The applicant was also installing a row of shrubs along the edge of the lot. Mr. McGuire added that similar modifications had been previously granted.

Concerning signage, the applicant proposed a total of eight signs. The request for additional wall signs was consistent with this type of commercial business. Many restaurants and retail stores had more than the number of allowed signs, by right. This particular site had visibility to I-470, on the east and south sides and to NE Strother Road on the north and west sides. Staff considered the proposed wall signs to be compatible for this area, and in proportion to the building. Mr. McGuire acknowledged that the proposed dive flag signs on the east and west elevations of the wing wall did exceed the UDO's maximum 10 percent of the wall they were on. Staff did not support the request for these particular signs; and had included a Condition of Approval requiring these wall signs' dimensions to be reduced to comply with the UDO requirement.

The Ignite comprehensive plan did identify this subject area's future land use as commercial. The proposed indoor aquatic center was a land use that was allowed in the current zoning district. Mr. McGuire added that an objective of the established comprehensive plan was to create a community "that celebrates, welcomes and supports cultural, parks and recreational amenities." The subject application met this goal, providing a recreational opportunity that was not currently available in the Lee's Summit area.

Regarding the four Conditions of approval, Condition 1 required the modification to the 20-foot parking lot setback, which staff had proposed reducing to 13 feet, on the east side of the property line adjacent to the I-470 MoDOT right of way. Condition 2 allowed for a total of eight attached wall signs "as shown on the Sign Analysis, received June 28, 2022." Condition 3 required the dive flag signs to be reduced in size to equal to or less than 10 percent of the building facade; and Condition 4 required the development to be in accordance with the preliminary development plan dated June 28, 2022.

Following Mr. McGuire's presentation, Chairperson Funk asked if there were any comments or questions from the public. There were none, and he then asked for questions from the Commissioners to the applicant or staff. Chairperson Funk specifically the applicant agreed with reducing the size of the dive flag signs.

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Mr. Stephen Rucker, of Diventures, stated that the applicants agreed with staff's recommendations. He confirmed for Chairperson Funk that this included reducing the size of the dive flag signs.

Commissioner Benbrook noted that the renderings showed one indoor pool that would probably be used for the scuba classes. He asked for some details about the pool's depth and other uses. Mr. Rucker provided some details about Diventures' goals and purpose. They were planning a full-service aquatic center, offering swimming and scuba lessons as a way of serving the community and supporting water safety that could save lives. Commissioner Benbrook asked if they would offer rentals of items like scuba equipment; and Mr. Rucker replied that they would have a retail center where people could both rent and buy this equipment. They would require as well as provide proper certification.

Commissioner Benbrook noted on the elevation that the scuba flag seemed to be recessed. Mr. Rucker stated that he was familiar only with the overall design.

Commissioner Touzinsky noted that staff's report mentioned providing 70 parking spaces, although they needed 50. He asked why they did not remove a few spots in order to retain the 20-foot setback. Mr. McGuire answered that the UDO provided a minimum number of spaces but not a maximum number. The number was based on an assumption that the parking would be consistent with the turnover rate and use of the building. Commissioner Touzinsky then asked the reason for the setback, and Mr. McGuire answered that the idea was to not encroach on the right of way. These would typically be much narrower in this area. In the past, the size of a parking lot could be reduced to accommodate a right of way; with the new library near John Knox being an example.

Commissioner Trafton noted the fish and swimmers in the sign analysis, and asked if they were painted. Mr. McGuire answered that they were made of an acrylic material that was attached to the wall. The UDO defined this as an architectural feature rather than a sign, which meant that it was not included in the sign percentages. The Diventures signs were illuminated, but the architectural features were not.

Commissioner Loveless asked what was the reasoning behind the trash enclosure being so close to the road. He also mentioned that he had not seen an elevation showing what that enclosure would look like. Mr. McGuire answered that this was a design decision on the part of the applicant. He assured that the overall design of the enclosure would meet UDO requirements. This was an item that would be addressed in the final development plan.

Mr. Luke Olson of Diventures gave his address as 7301 W. 103rd Street in Overland Park. He noted that the trash enclosures were rear loaded, with trucks backing in and driving straight out after loading. Commissioner Loveless remarked that the idea was to keep trash enclosures from being too visible; though he understood the reasoning with the drive lanes that were shown. Mr. Olson emphasized that the enclosure would include masonry walls to reduce visibility. Mr. McGuire pointed out that if the enclosure was located in the rear of the property, it would be highly visible from the street. The plan showed it facing a private road with much less traffic.

Commissioner Kitchens mentioned that he was a diver, and this looked like a good facility. He understood reducing the size of the flag; but wanted to know what the percentage of the reduction was. Mr. McGuire noted that the facades differed slightly in square footage. The reduction varied from 11 to 13 percent. He estimated the size at 6 feet by 3.5 feet; so this would be a slight reduction from about 22 square feet.

Commissioner Kitchens noted that many dive shops included organized trips, and asked whether cars would be parked overnight if Diventures had plans for that. Mr. Rucker assured

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that the parking lot would not have that kind of use. Their swim classes would account for much of the traffic and parking lot use. Commissioner Kitchens remarked that most dive shops also had tow trailers for local trips, and whether any trailers would be parked in the lot. Mr. Rucker answered the business would have a trailer and some company vehicles as well as Diventures branded trucks hauling items like scuba tanks; but there would not be storage for trailers.

Chairperson Funk noted that Google Earth showed everyone's trash enclosures backed up to the highway, probably shortly off the right of way. He asked if putting the setback back in and adding some spaces up front. He did think that 73 parking spaces could be excessive, as they could accommodate as many as 140 people in the facility. He was in favor of keeping the trash enclosure away from the entrance. Mr. Olson agreed that moving the trash enclosure to the east might be a gain of a few parking spaces. Commissioner Trafton pointed out that this would mean the trash truck would have to back all the way out, which could be a safety hazard for nearby pedestrians crossing the road.

Chairperson Funk stated that it would be best for the trash truck to enter the property during off hours. Having it come in during business hours could cause some traffic congestion.

Commissioner Touzinsky remarked that the landscaping plan did not show any shrubs around the trash enclosure, other than a few trees at the end. Chairperson Funk suggested that this be brought up during the Commission's discussion.

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, or for a motion.

Chairperson Funk said he would be open to a discussion about screening. Commissioner Kitchens remarked that he would support some shrubbery or other natural screening. He did expect that the refuse from this project would be minimal. Moreover, a retail store or restaurant might have trucks making deliveries regularly but with this kind of facility the trash disposal might be once a week.

Commissioner Lovell stated that he would support the placement of the trash enclosure that the applicant would prefer.

Commissioner Trafton was not in favor of moving the trash enclosure, as that might create some problems in other areas.

Commissioner Touzinsky was in favor of the enclosure's current location. He was willing to support some landscape screening.

Commissioner Benbrook said he supported the aluminum faux wood panels, which he had used in some of his own projects. He was also satisfied with the signage. He was not totally in favor of masonry as a material for the trash enclosure

Commissioner Trafton stated that he very much liked this project, including the design of the building; and appreciated the applicant bringing it to Lee's Summit. He had preferred the flag the size it had been; however, even with the reduced size they were the same standard size for flags. He would support some additional natural screening around the trash enclosure.

Commissioner Touzinsky had a question about the amount of parking and the need for additional spaces; and Chairperson Funk re-opened the hearing at 5:45 p.m. Commissioner Touzinsky asked if staff had a figure for how many cars were likely to be in the lot at any one time. Mr. Cooley stated that their numbers were based on the IT trip generation manual. He was not sure how many students would be in a class and how often the classes met. Mr.

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Rucker replied that ultimately this would depend on demand. If they had ten classes with four students per class, it would be 40 students at peak hours. It was about the maximum number that could be using the pool at the same time. They hoped to have a significant number of families enrolled.

Commissioner Kitchens asked if staff was agreeable to the idea of removing two spaces from the current plan in order to meet the setbacks currently in place. Mr. Rucker answered that he would.

Commissioner Jana-Ford said she was very pleased and excited over this project coming to Lee's Summit.

Chairperson Funk summarized the main issues discussed: additional screening around the trash enclosure and removing the two parking spaces in order to eliminate the setback issue.

Commissioner Rader liked the look of the masonry trash enclosure. She had something similar at her office property. She also liked the idea of landscape screening. She was generally excited over this project and the mission statement; as well as more businesses coming to Lee's Summit.

Commissioner Kitchens also thanked the applicant, noting that swim lessons and classes were needed in Lee's Summit. He agreed with the majority of the Commissioners about screening for the trash enclosure. Mr. McGuire requested that the Commission specify the type of screening if they wanted to add a screening requirement.

Regarding the easement, Commissioner Benbrook considered it necessary to keep the parking spaces. This was a matter of an 8-foot encroachment on a 100-foot setback to a road that would need only 20 feet even if it was widened. If as many as 40 people were taking lessons and classes, there would be many people coming and going and the facility would need those spaces. Commissioner Touzinsky remarked that ten classes with 4 students each could mean as many as 40 cars entering and leaving the parking lot, there might be a shortage of parking at peak hours. He requested that the Commission retain the Condition of Approval that allowed the setback.

Mr. Bushek suggested that in view of this discussion, a main motion followed by secondary motions with separate votes might be necessary.

Councilmember Loveless asked if it was correct that the Commissioners all agreed to use the 13-foot setback for parking instead of the standard 20 feet. The Commissioners agreed that this was correct. They also agreed on the additional landscape screening around the trash enclosure.

Chairperson Funk asked if the Commission could recommend approval, including the condition, and proceed with a vote; and Mr. Bushek replied that they could. A secondary motion would not be needed, since this would not be a split vote.

As there was no further discussion, Chairperson Funk again closed the public hearing, at 5:50 p.m. and called for a motion.

Commissioner Trafton made a motion to recommend approval of Application PL2022-198, Preliminary Development Plan: Diventures, 2951 NE Independence Ave; Diventures, applicant; with the additional Condition 5: additional landscaping screening around the trash enclosure. Commissioner Touzinsky 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 Trafton, seconded by Board Member Touzinsky, that this application be recommended for approval to the City Council - Regular Session with Condition 5 included as noted. The motion carried unanimously.

- a. **TMP-2365** An Ordinance approving a Preliminary Development Plan for Diventures on land located at 2951 NE Independence Avenue, all in accordance with the provisions of Chapter 33, the Unified Development Ordinance, of the Code of Ordinances for the City of Lee's Summit, Missouri.

Other Agenda Items

4. [2022-5076](#) Appl. #PL2022-238 - SIGN APPLICATION - Macadoodles, 1499 SW Market St; KC Blitz, LLC dba Macadoodles, applicant

Chairperson Funk opened the hearing at 6:00 p.m.

Mr. Chris Meyer, one of the owners, stated that he had relocated to Lee's Summit from Bentonville, Arkansas. His business partner, in charge of marketing and technical issues could not be present but was attending the meeting via Zoom. He gave a summary about the company and what they wanted to do in Lee's Summit. Macadoodles was a new company but had already had 11 stores in Arkansas and southern Missouri. This would be the first location in the Kansas City region. Their current location at 1499 Market Street would be about 12,500 square feet.

The store would offer about 5,000 choices of wine, plus spirits, beer and ready to drink choices (RTD). Employees would help customers locate items, as well as offering other assistance such as advice on what wine to pair with what dishes at meals. This approach to guest service dated to the 1950s, with free extra items like popcorn and coffee. Employees could carry purchases to shoppers' cars if requested. Prices would be kept as competitive and affordable as possible, with the company striving to give the store an upper-end, luxurious atmosphere as well as décor. Mr. Meyer added that they had started on remodeling the interior, although tonight's hearing concerned the sign package.

Mr. Meyer displayed a photo of a store interior, showing part of the wine dome. The ceiling would angle up to a point, with wood beams. Close-up photographs showed the selection of wines and draft beer. An image of a store front showed the wall art panels representing wine on one side of the store front and beer and spirits on another. The panels were an aluminum composite material and would be constructed by a local company. The materials were 85 percent to 100 percent recyclable. The panels were direct mounted on exterior board located where the windows had formerly been. It was essentially print wrap vinyl, with a 5 year horizontal warranty. The material was tolerant of both very high and very low temperatures.

The next image showed the panel lighting that would illuminate the building and the mural at night. The "Max Brite" linear light was projection LED lighting and was very energy efficient. The next slide showed the illuminated signs for night time use. The top (center) sign would be back lit, a common practice with illuminated signs. It was direct mounted and UL listed, with yellow acrylic faces except for the green translucent clover image on the central sign. The top "Mac" part of the central sign was 45 inches high and the lower part was 26 inches high. The clover image was a 48 inch square. The letters on the signs to the left and right were somewhat smaller at 17 inches. Mr. Meyer added that these were well under 10 percent of the store's front facade. The next image showed a corner of the building with the front and the east side clearly visible. Mr. Meyer noted that the lamination was very durable.

Chairperson Funk asked Mr. Soto if he had anything to add to the presentation. Mr. Soto replied that considering the detailed descriptions and images, the Commission could go straight to discussion at this point and he would be available to answer any questions.

Chairperson Funk asked each Commissioner if they had questions or comments. Councilmember Benbrook commented that the applicant was requesting four additional signs. Mr. Soto reported that there were nine signs overall. He noted that the east-facing facade had three areas for sign groupings, a central area and signs on either side. "Fine Wine" to the left could be considered a single sign, but "Beer [and] Spirits" had separate words for separate types of merchandise, so these could be considered two separate signs. That was a total of four signs for this facade: those on the far left and middle. The "Now Open" sign on the right was a temporary place holder. An earlier sign package had included a sign indicating the drive-through option.

In a multi-tenant building, each tenant was allowed two signs by right. This applicant was requesting a total of nine. Between the two facades shown, there were six total 'grouping areas' of signage; however, due to the individual idea being represented by the separate types of signs, the total number was technically nine total signs. By right, they were allowed a total of two signs. The ordinance as currently written did not take any additional 'exposures' for end cap spaces into account.

Displaying an image of the south facing facade, Mr. Soto noted that a preliminary development plan in a future application would include a request for a drive-through on that side.

Commissioner Benbrook understood that an upper-scale shop was what the application was going for. However, he did not see that; and this was mostly due to the signage. It just looked like a typical liquor store located on a corner lot, with typical liquor store signage. He did not see much justification for approving an additional seven signs. He did like the wall graphics, although he was not sure they would be very durable in terms of weathering. His concern was that the way the signage was displayed was not consistent with the idea of a store selling what could be termed 'fine' wines.

Commissioner Touzinsky remarked to Mr. Soto that in addition to the traditional basic signs previously mentioned, such as "Open" and "Beer and Fine Wines", the graphics were the element in what he would consider a sign. He asked if a metal panel with a wrap was distinct from a mural. He was not clear on exactly how many signs there were, with so many variations in this application. Mr. Soto explained that this signage was similar to the Diventures application; in that there was no copy or advertisement of any specific brand. It could be considered art and an architectural feature.

Commissioner Trafton liked the murals, and admitted that he had not known what kind of business Macadoodles was. He added that he recalled a previous application where the City had approved 11 signs on one building. They were similar in that many of them were just one- or two-word messages indicating what kind of product was being sold. The City Council had later allowed the same applicant 16 signs. In this case, the signs were somewhat grouped together to form some single limits. This story apparently did not sell exactly the same products as a 'traditional' liquor store, the signage worked to make this distinction for potential customers.

Mr. Meyer remarked that they had already taken the impact of weather into account; and he was aware that winter weather in west/central Missouri would be different from what he was accustomed to further south in Arkansas. He was also familiar with the visual damage, and other damage, that weather could do to buildings and parking lots; and assured that the applicants would not allow this building to become an eyesore.

Commissioner Loveless commented that some of the signage on the south side were redundant, though the it would be visible to approaching traffic from M-291. If this was an in-line retail space and not an end cap, they would have only the five spaces for signs at the front of the building. He liked the use and concept the applicants were bringing to Lee's Summit; but recommended keeping signage up front, where they would identify the business to people driving north and south on M-291. Signage on the building's south side might just display the company's name.

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Commissioner Rader remarked that she had been to the Macadoodles in Bentonville; and she knew it did stand out visually to anyone driving by on the highway. She liked the look of the signs and the murals; and did not think they were excessive or gaudy.

Commissioner Kitchens stated that he had family in Bentonville, but did not agree with Commissioner Rader's assessment. He did like the idea of this business coming to Lee's Summit and actually preferred fewer signs. He did think the signs could be useful locally, as Macadoodles was not a familiar store to many people in Lee's Summit. He also thought that nine signs would be too much. In the previous application involving 11 signs, that business had parking lots all the way around it. It was also a much larger facility. He suggested that the applicant might choose which side to have the most signs on. He thoroughly agreed with the fine branding on either side, as it was important for the business to have a presence in Lee's Summit and potentially in the metro area as well; and he wanted to be one of the first to welcome the business to the Kansas City metro area. However, he did want to see fewer signs.

Chairperson Funk made a distinction between signs that were visible and possibly reflective; and large signs that were lit and were called murals. Mr. Soto responded that once someone put a brand or name on a displayed image, it became a sign. If it did not include identification of any particular business or brand, it could be defined as an architectural feature. The ordinance did not make a distinction whether or not it was illuminated.

The applicants' spokesperson Jacob Nilsson pointed out via Zoom that the applicants were removing the windows. Normally a shop would have windows to be visible to potential customers passing by. Part of the lighting on the murals provided additional light for customers approaching or leaving the store.

Mr. Josh Johnson pointed out that although tonight's decision about this application could be appealed to the City Council, it would not necessarily have a hearing before the Council.

Commissioner Benbrook remarked that he had seen something on either side of the door, and asked if these were signs. Mr. Meyer replied that one was a 'brand promise' sign; and the other a 'loyalty' sign that could be removed and placed inside the store. Commissioner Benbrook asked if these could be considered 'branding', which could mean additional signage. He asked if these would be on both facades and if the building now had four more signs. Mr. Soto clarified that these were being shown only on the south facade, near the drive-through. The UDO did not generally count drive-through signs, as they were not only small but also not intended to be viewed from the street. Similarly, anything internal to the site and not intended to be viewed from a right of way that was off the property did not count as signage.

Chairperson Funk asked if the location of the "Now Open" sign become the drive through, or if that drive through would become an extended piece of the building. Mr. Meyer answered that the drive through would be located where the sidewalk currently was. He added that this type of business did not usually have a drive-through; but this provided a public service for people who might not want to leave their cars, including elderly or disabled people. He confirmed that the "Now Open" sign was more a banner than a permanent sign.

Chairperson Funk said he did not think the drive-through sign would count as directional; however, Mr. Soto stated that it would count as a sign indicating a service being offered as part of the business.

The applicants' spokesperson Jacob Nilsson stated to Commissioner Benbrook that the business was following the 'franchise look'. Hopefully it would be a destination stop for people in the Kansas City metro area. The same brand and look were consistent in other communities including Columbia, Jefferson City, Springfield and Joplin. In recent years they had toned down the typical liquor store signs and window graphics. This building had formerly been freestanding, and he

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would like to have signage on both sides to identify the business and the brand look for customers.

Chairperson Funk noted that Commissioner Loveless had found an online map, showing a lot of mature trees surrounding the building's south side. That was the side with nine signs. Jacob confirmed that he would not consider cutting them down; and Chairperson Funk answered that in that case, no one traveling northbound on M-291 would see any of the signs. A small sign could be installed on the southwest corner of the building, which would be more visible. Nevertheless, the Google map's photo showed that the signs were not visible to people driving south. He would support having some discussions about putting a drive-through sign on the building's south side, and possibly something on the building's southwest corner. He would agree with three signs on the south side and keeping four signs on the front.

Commissioner Kitchens asked if a monument sign was planned for the front of the facility. Mr. Nilsson answered that there was not. A sign was there, but it was a leased sign.

Commissioner Trafton asked if the "Now Open" sign could be retained and considered to direct people to the drive-through. Mr. Soto said it could become part of the future preliminary development plan. At present, the "Now Open" sign was considered a banner sign. These could be permitted at any time; although only a set number of times a year and a set period of time. It was allowed by right under the ordinance and so could be approved administratively. At present, it was a placeholder for a permanent sign and so could be considered now or later as part of the preliminary development plan.

Concerning the mature trees, Commissioner Touzinsky wondered if they would prevent signs from being seen from the highway.

Chairperson Funk noted that no matter which signs they approved or did not approve, another potential applicant might complain. He was in favor of eliminating the "Now Open" sign, allow the applicants to get a banner administratively, and leave sign 8 while getting rid of 5, 6 and 7. This sign could be addressed when a preliminary development plan was submitted that included the drive-through. Some of the signs were advertising and branding on the front of the store.

Mr. Soto confirmed for Commissioner Touzinsky that when the drive through came in, the applicants could say they wanted the signs, which might send the signs to the City Council for approval. Or the applicants could appeal a decision to the Council, which would have the same effect.

Councilmember Kitchens suggested that concerning Chairperson Funk's statements about losing signs 5, 6 and 7 and having the banner sign, the Council might be agreeable to that. In addition, the business would have a drive-through sign once the application went through the preliminary development plan process. He emphasized that this business was a good extension from Bentonville. It was especially reasonable given the requirement for only two signs. If that was now six signs, it was triple what the business would normally be allowed.

As there was no further discussion, Chairperson Funk called for a motion.

Commissioner Touzinsky made a motion to approve Application PL2022-238, Sign Application: Macadoodles, 1499 SW Market St; KC Blitz, LLC dba Macadoodles, applicant; modifying the sign package by removing signs 5, 6, 7 and 9. Commissioner 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 Touzinsky, seconded by Board Member Benbrook, that this application be approved as amended, removing signs 5, 6, 7, and 9 from the south elevation as shown on the proposal. The motion carried unanimously.

Roundtable

Planning Commission

Action Letter

July 28, 2022

Chairperson Funk mentioned that he had heard a very good presentation at the EDC yesterday about soccer and the World Cup. Councilmember Rader agreed, adding that she had been present as well. She added that the EDC had a lot of good information.

Adjournment

There being no further business, Chairperson Funk adjourned the meeting at 6:57 p.m.

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