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LEE'S SUMMIT PLANNING COMMISSION

Minutes of Tuesday, August 23, 2016

The Tuesday, August 23, 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	Absent
Mr. Fred Delibero	Present	Mr. Beto Lopez	Present
Mr. Donnie Funk	Present	Ms. Colene Roberts	Present
Mr. Fred DeMoro	Present	Mr. Brandon Rader	Present
Mr. Frank White III	Absent		

Also present were Robert McKay, Director, Planning and Planning and Codes Administration; Chris Hughey, Project Manager; Hector Soto, Planning Division Manager; Christina Stanton, Senior Planner; Brian Head, City Attorney; Kent Monter, Development Engineering Manager; Kim Brennan, Permit Tech and Jim Eden, Assistant Fire Chief I.

1. APPROVAL OF CONSENT AGENDA

- A. Application #PL2016-144 – VACATION OF EASEMENT – 2142 NE Todd George Road; James and Shelly Breske, applicants**
- B. Minutes of the July 26, 2016 Planning Commission meeting**
- C. Minutes of the August 9, 2016 Planning Commission meeting**

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

- 2. Application #PL2016-114 – PRELIMINARY DEVELOPMENT PLAN – approximately 7.11 acres located at the southeast corner of NW Blue Parkway and NW Colbern Road, for the proposed Summit Village; Newmark Grubb Zimmer, applicant**

Chairperson Norbury opened the hearing at 5:02 p.m. and stated that the applicant had just made a request for a continuance to September 13, 2016. He asked for a motion to continue the application.

Mr. Funk made a motion to continue Application PL2016-114, Preliminary Development Plan, approximately 7.11 acres located at the southeast corner of NW Blue Parkway and NW Colbern Road, for the proposed Summit Village; Newmark Grubb Zimmer, applicant, to a date certain of September 13, 2016. Ms. Roberts seconded.

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

On the motion of Mr. Funk, seconded by Ms. Roberts, the Planning Commission members voted unanimously by voice vote to **CONTINUE** Application PL2016-114, Preliminary Development Plan, approximately 7.11 acres located at the southeast corner of NW Blue Parkway and NW Colbern Road, for the proposed Summit Village; Newmark Grubb Zimmer, applicant to a date certain of September 13, 2016.

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

<p>3. Application #PL2016-148 – SPECIAL USE PERMIT for heavy equipment sales and rental, Sunbelt Rentals, 20 and 50 SE 29th Terrace; Crossland Realty Group, applicant</p>

Chairperson Norbury opened the hearing at 5:05 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Mr. Austin Blevins, vice president of real estate for Crossland Realty Group, gave his address as 833 S. East Avenue in Columbus, Kansas. They were under contingent contract to purchase the former Bledsoe properties, for the equipment sales and rentals. That contract was based on the existing Special Use Permit getting a 20-year approval.

Chairperson Norbury asked Mr. Blevins if the applicants agreed to staff's three Recommendation Items, and Mr. Blevins answered that they did. Chairperson Norbury then asked for staff comments.

Ms. Stanton entered Exhibit (A), list of exhibits 1-17 into the record. She stated that this was the same type of use as before, though it would expand to the 50 SE 29th Terrace for storage. Staff recommended approval, subject to their three Recommendation Items.

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 asked if the Commission had questions for the applicant or staff.

Mr. DeMoro asked if the area for heavy storage would be covered with gravel, adding to it as the weight compacted the gravel until it was a solid surface. Mr. Blevins related that before Sunbelt occupied the property, they planned to remove the topsoil and existing gravel, take the

existing area down 8 inches and put down a geomat foundation with gravel on top of that. They would then compact the base. The base would be maintained through Crossland, and Sunbelt could put down concrete in the future if they wanted. It would be a stable base, and they regarded it as part of the investment.

Ms. Roberts asked if this surface could produce weeds. In terms of stormwater management she did not object to the gravel. Mr. Blevins answered that when they put down the geomat on top of the sub base, it would limit the growth of vegetation. Additionally landscaping and mowing would be part of the regular maintenance.

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

Mr. DeMoro made a motion to recommend approval of Application PL2016-148, Special Use Permit for heavy equipment sales and rental, Sunbelt Rentals, 20 and 50 SE 29th Terrace; Crossland Realty Group, applicant; subject to staff's letter of August 19, 2016, specifically Recommendation Items 1 through 3. Mr. Rader seconded.

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. Rader, the Planning Commission members voted by voice vote of six "yes" (Chairperson Norbury, Mr. Lopez, Ms. Roberts, Mr. Funk, Mr. Rader and Mr. DeMoro) and one "abstain" (Mr. Delibero) to recommend **APPROVAL** of Application PL2016-148, Special Use Permit for heavy equipment sales and rental, Sunbelt Rentals, 20 and 50 SE 29th Terrace; Crossland Realty Group, applicant; subject to staff's letter of August 19, 2016, specifically Recommendation Items 1 through 3.

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

<p>3. Application #PL2016-094 – AMENDMENT #57 to the Unified Development Ordinance, Article 10, Special Use Permits, Provisions Regarding Telecommunications Towers; and Article 13, Signs, Provisions Regarding The Use Of Appliques As Exterior Wall Signage; City of Lee's Summit, applicant</p>
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Chairperson Norbury opened the hearing at 5:15 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Mr. McKay entered Exhibit (A), list of exhibits 1-8 into the record. He stated that Planning would continue to bring amendments to the UDO to keep it current. The first item, telecommunication, was a major change, made mostly to make the UDO consistent with the State statute. This further reduced the City's ability to regulate communication towers. The existing ordinance had a requirement that *a tower shall be located a distance of four times the tower height from an existing single-family or two-family dwelling*. The 'four times' had been reduced to 'one and a half times' in the amendment. That standard met the intent to keep the towers removed from residential properties.

Another major change was the addition of the language: *accessory uses shall be placed in an underground vault, except when located in CS {Commercial Services} or PI {Planned Industrial} zoning districts.* Mr. McKay remarked that the number of smaller antennas and smaller towers for telecommunications would increase in the future. The City was in fact starting to get requests for towers closer to streets, rights-of-way and residential development. Mr. McKay displayed an image showing an example of an actual site in Thousand Oaks, California, showing an underground vault next to a park. The City definitely wanted to avoid large boxes next to roadways, residential neighborhoods or parks becoming a common sight in Lee's Summit. Locating them next to roadways in particular would create traffic hazards and legal liability, so underground locations were the option the City should take.

Mr. McKay added that former assistant City Attorney Trevor Stiles had provided staff with much of the information, and had given staff a talk about telecommunication towers. The changes would bring the UDO in line with State statutes.

Chairperson Norbury asked if the reduction of the mandated separation distance was in response to the State statute. Mr. McKay replied that staff had been considering this change for some time. The ordinance was approved in the early days of telecommunication tower use and the idea was to keep as much distance from residential property as possible. Many of these early towers used guy wires and were not the single-pole design seen today. If a tower should fall, the mandated separation would protect a residence from being hit. If one of today's monopole towers collapsed, it would collapse on itself, so much less distance was needed in terms of safety. The new mandated distance of 1.5 times the tower's height would still provide plenty of room for safety as well as some visual separation.

Chairperson Norbury recalled a recent application for a monopole tower off Blue Parkway that the City Council had denied. He asked Mr. McKay what the distance was for that application, noting that it had not been clear whether the adjoining property was residential. Mr. McKay did not recall the exact distance; however it was definitely less than four times the tower's height, about 90 feet high. Chairperson Norbury recalled hearing strong opposition to the tower being that close and he was concerned about the reduction in effect undercutting what they were complaining about. Mr. Soto stated that the adjacent property to the north had been determined to be a residence, and it was 90 feet from the center line of the monopole tower. There were other residences that were beyond the separation distance.

Chairperson Norbury stated that he had already given his opinion of the legislature's new rules; however, the separation distance had been the Council's reason for denying the application. Mr. McKay noted that the 1.5-height distance would also shrink the distance in the ordinance. Chairperson Norbury asked if the referenced "accessory uses" referred to any structure or other equipment on the property, and Mr. McKay answered that it did. "Accessory" would refer to any equipment that was necessary other than the wiring on the pole. Anything ground-mounted would have to be placed in a vault.

Chairperson Norbury noted that in the last few telecommunication tower applications, the Commission had waived the requirement for painting the pole. He asked if this requirement had been removed. Mr. McKay answered that it had, and the pole was required only to be galvanized. That blended in better with the sky than a painted surface.

Regarding the amendments to Article 13, "Signs", Mr. McKay noted that there had been numerous discussions about signage alternatives such as murals. Staff did not want to see paint on brick in particular. A sign applique was usually applied, as well as removed, with heat and the process did not damage the surface of the building. After an application for this kind of signage was brought in, staff had looked into it and concluded that this approach made sense. It could be especially useful Downtown, with more restaurants wanting to do outdoor seating and wanting some signage in those areas. The concern was about damaging the material on an outside wall. The business owner would have to give the City some assurance that the process would not damage the wall; and these would be treated like any other wall sign in terms of square footage and number of signs. Staff considered this a good approach and was very supportive of trying this new material. The background on the sign would usually blend in with the material the sign was on.

The amendment supplied a definition for an applique sign under "Attached Signs". It required the sign to be kept in good condition. When the CEDC had looked at the amendment, a member had requested more details and staff had used the language they had used for murals. If an applique sign *shall be deemed to be in a state of disrepair if 25% or more of the display area contains peeling, flaking surface or otherwise not preserved in the manner it was originally treated.* That would provide a standard that was clear on when the owner would have to replace or remove the sign. These signs could be lit; and due to their design it would have to be an external light source.

The applique signs were also added, as a sign type, to Table 13-1 under "Permanent Signs".

Ms. Roberts noted that the appliques were also applied to windows. Mr. McKay responded that signs on windows were already prohibited. Ms. Roberts remarked that she had seen them around, and in some buildings they could turn an entire window into a sign. Mr. McKay stated that staff had discussed this, and noted that these sometimes doubled as sunshade material at certain times of day. They were see-through at night but opaque in the daytime; and covering windows entirely was not a good idea in terms of crime prevention. While it was true that people could put up barriers in front of windows inside the building, the City did have a say about the windows. If this did come up for discussion, staff would want to arrive at a maximum percentage of a window that could be covered, and bring it to the Commission and the CEDC. Ms. Roberts remarked that she had seen entire windows completely covered, and Mr. McKay responded that this was common in many coastal cities but not suitable for what Lee's Summit was trying to do. Having windows of Downtown buildings completely covered would cancel out the purpose of bringing people in the community together and creating a place people would like to gather.

Chairperson Norbury asked if sign standards could be considered in the context of zoning districts, and Mr. McKay answered that they could and did. Chairperson Norbury said that in that case, the CBD could have a different design standard than other districts such as CP-2. In addition to safety standards, some forms of signage might not be appropriate for an historic area. He then asked if any distinction was made whether the applique sign would be on the inside or outside of a window. Mr. McKay did not recall, and Chairperson Norbury said they could bring that up again later.

Chairperson Norbury asked if any of the Commissioners or anyone present in the audience had any questions.

Mr. Head stated that the City had been sued over the T-Mobile telecommunications tower that was not approved by the City Council. He requested that the Commission bifurcate the amendments and table the provisions related to telecommunications part for now, until it could be determined whether the changes would impact the ongoing litigation. He suggested voting to either table this part or request staff to bring it back at some point, and Chairperson Norbury agreed.

As there were no other questions or comments. Chairperson Norbury closed the public hearing at 5:32 p.m. and asked for discussion among the Commission members. He asked if any of the Commissioners objected to Mr. Head's request, and there were no objections. Mr. Head advised that the first motion would be to amend the application to remove the provisions pertaining to telecommunications towers. The second motion would be to approve the UDO application as amended.

Mr. DeMoro made a motion to remove Article 10, Special Use Permits, Provisions Regarding Telecommunications Towers and to recommend approval of Application PL2016-094, Amendment #57 to the Unified Development Ordinance, Article 10, Special Use Permits and Article 13, Signs; City of Lee's Summit, applicant.

At Chairperson Norbury's direction, Mr. DeMoro amended his motion and moved to remove Article 10, Special Use Permits, Provisions Regarding Telecommunications Towers from Application PL2016-094, Amendment #57 to the Unified Development Ordinance, Article 10, Special Use Permits and Article 13, Signs; City of Lee's Summit, applicant. Mr. Delibero seconded.

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. Delibero, the Planning Commission members voted unanimously by voice vote to remove Article 10, Special Use Permits, Provisions Regarding Telecommunications Towers from Application PL2016-094, Amendment #57 to the Unified Development Ordinance, Article 10, Special Use Permits and Article 13, Signs, Provisions Regarding The Use Of Appliques As Exterior Wall Signage; City of Lee's Summit, applicant.

Mr. DeMoro then made a motion to recommend approval of Application PL2016-094, Amendment #57 to the Unified Development Ordinance, specifically Article 13, Signs, Provisions Regarding The Use Of Appliques As Exterior Wall Signage; City of Lee's Summit, applicant. Mr. Delibero seconded.

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. Delibero, the Planning Commission members voted unanimously by voice vote to recommend **APPROVAL** of Application PL2016-094, Amendment #57 to the Unified Development Ordinance, specifically Article 13, Signs, Provisions Regarding The Use Of Appliques As Exterior Wall Signage; City of Lee's Summit, applicant.

(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 5:38 p.m.

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