

On the motion of Mr. DeMoro, seconded by Mr. Rader, the Planning Commission members voted unanimously by voice vote to recommend **APPROVAL** of Application PL2016-165, Rezoning from PI to PMIX and Preliminary Development Plan: The Grove, approximately 73 acres located at the northeast and southeast corners of SE M-291 Hwy. and SE Bailey Rd.; Westcott Investment Group, LLC, applicant; subject to staff's letter of October 21, 2016, specifically Recommendation Items 1 through 4.

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

4. Application #PL2016-167 - PRELIMINARY DEVELOPMENT PLAN - New Longview Commercial Phase II, approximately 13 acres located at the southeast corner of SW Fascination Dr and SW Longview Blvd; Box Real Estate Development, applicant

Chairperson Norbury opened the hearing at 5:44 p.m. and stated that Application PL2016-167 was being continued to a date certain of November 8, 2016, at staff's request. He called for a motion to approve the continuance.

Ms. Roberts made a motion to continue Application PL2016-167 to a date certain of November 8, 2016. 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 Ms. Roberts, seconded by Mr. Delibero, the Planning Commission members voted unanimously by voice vote to **CONTINUE** Application PL2016-167 to a date certain of November 8, 2016

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

5. Application #PL2016-168 - SPECIAL USE PERMIT renewal for automotive sales - Pinnacle Auto Sales, 516 SW 3rd St; Pinnacle Investments, LLC, applicant

Chairperson Norbury opened the hearing at 5:45 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Mr. John Finnegan, of Pinnacle Investments, gave his address as 516 SW 3rd Street in Lee's Summit. He was the building's owner. He had been before the Commission and the City Council three years ago, with a plan for car sales. This was restrictive due to the special nature of 3rd Street Downtown; so the business was Internet-based. The business had been there for three years and had served the public well. He was aware of a stigma but the business was Internet based and it had made improvements to the safety of 3rd Street and Noel by eliminating a lot of traffic cutting across to avoid stop signs. He wanted to make this a more long-term relationship with the City and proposed keeping the business at this location for 10 years with the same approach of using no banners or stickers on vehicles. He did not keep any cars in front of the building and provided late-model cars for wholesale prices to the public. The

business had done well at that location and in fact had compliments from customers on the improvements to the building.

Mr. Finnegan added that he wanted to put five more spaces on a strip on the east side of the building, as the vacant strip still enabled people to cut across and across the median that had been installed. He had noted that if drivers saw cars there they just took the left turn on Noel at the stop sign. That was the only change he was requesting, and it was basically a safety issue.

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

Mr. Soto entered Exhibit (A), list of exhibits 1-17 into the record. He related that this application was to renew a Special Use Permit originally granted a little under three years ago. At that time the applicant had requested a longer term and staff had supported this request; however, three years was what the Council had approved. Staff's current recommendation for three years was based on the Council's previous decision based on long-term redevelopment they wanted to do in the 3rd Street corridor. They did not want this area encumbered for long periods of time by Special Use Permits granted to small businesses like this one. This was the only auto sales SUP between US 50 and the west side of Downtown. He understood Mr. Finnegan's reasons for wanting the long time period but staff was recommending three years. Staff recommended approval based on Recommendation Items 1 and 2.

Chairperson Norbury asked if the applicant's request for an extra five spaces was in line with staff's recommendations. Mr. Soto answered that the site plan provided did show those spaces and they did not extend further south than the front of the building. Staff had no problem with that. Chairperson Norbury asked what term the Commission had recommended previously, and Mr. Soto answered that they had recommended five years.

Following Mr. Soto's comments, Chairperson Norbury asked if there was anyone present wishing to give testimony, either in support for or opposition to the application. As there were none, he opened the hearing for questions for the applicant or staff.

Ms. Roberts asked if the conditions set forth when the Commission had approved the SUP three years ago had been met. Mr. Soto replied that the two conditions had been removal of the existing pole, which had been done; and the two driveways close to the intersection had been recurbed and resodded.

Chairperson Norbury asked if there were further questions for the applicant or staff. Hearing none, he closed the public hearing at 5:50 p.m. and asked for discussion among the Commission members.

Chairperson Norbury noted that staff had provided a list of the SUPs for car, boat and trailer sales; and seven or ten years seemed to be the standard, with some of these sales being the primary use and others the secondary use. He was in favor of the Commission approving a five or ten-year term and letting the new Council decide whether to truncate an SUP for car sales along 3rd Street. He added that coming back every three years was an expensive process for a small business.

Ms. Roberts noted a number of five-year, seven-year and ten-year SUPs on the list; and one of these was on 3rd Street. Mr. DeMoro agreed with Chairperson Norbury's statements, remarking

that three years would go very fast and five years or ten years would provide a greater sense of security for an established business. Mr. Delibero added that the SUP length would not preclude the applicant from being part of the redevelopment, including selling the property.

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

Mr. Delibero made a motion to recommend approval of Application PL2016-168, Special Use Permit renewal for automotive sales: Pinnacle Auto Sales, 516 SW 3rd St; Pinnacle Investments, LLC, applicant; subject to staff's letter of October 21, 2016, specifically Recommendation Items 1 and 2, modifying Recommendation Item 1 to grant the SUP for a period of five years. Mr. Gustafson seconded.

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

On the motion of Mr. Delibero, seconded by Mr. Gustafson, the Planning Commission members voted unanimously by voice vote to recommend **APPROVAL** of Application PL2016-168 - Special Use Permit renewal for automotive sales: Pinnacle Auto Sales, 516 SW 3rd St; Pinnacle Investments, LLC, applicant; subject to staff's letter of October 21, 2016, specifically Recommendation Items 1 and 2, with Recommendation Item 1 amended as stated.

(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

Chairperson Norbury welcomed the new Commissioner, Mr. Herman Watson.

ADJOURNMENT

There being no further business, Chairperson Norbury adjourned the meeting at 5:57 p.m.

PC 102516