



## The City of Lee's Summit

### Action Letter

### Planning Commission

Thursday, January 7, 2021

5:00 PM

Via Video Conference

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Notice is hereby given that the Planning Commission of the City of Lee's Summit will meet in regular session on January 7, 2021, at 5:00 pm by video conference as provided by Section 610.015 of the Revised Statutes of the State of Missouri. Due to the ongoing Covid-19 pandemic, public attendance in the meeting room at City Hall is extremely limited, and therefore the public is invited to attend the meeting by one of these methods:

- By viewing the meeting on the City website at [www.WatchLS.net](http://www.WatchLS.net), and various cable providers (Spectrum channel 2, Google TV channel 143, AT&T U-Verse channel 99 and Comcast channel 7) for those whose cable providers carry the City of Lee's Summit meetings.
- By sending a request to the City Clerk at [clerk@cityofls.net](mailto:clerk@cityofls.net) to attend the meeting on the Zoom platform. The City Clerk will provide instructions regarding how to attend by this method.

Persons wishing to comment on any item of business on the agenda may do so in writing prior to 5:00 p.m. on January 6, 2021, by one of the following methods:

- By sending an e-mail to [clerk@cityofls.net](mailto:clerk@cityofls.net),
- By leaving a voicemail at 816-969-1005 or
- By leaving written printed comments in the utility payments drop boxes located in the alley behind City Hall or inside the foyer at the north end of City Hall, both located at 220 SE Green Street, Lee's Summit, MO 64063.

Written comments submitted by these methods will be presented at the January 7, 2021, meeting. Persons wishing to speak at a public hearing on this agenda may do so by contacting the City Clerk prior to 5:00 p.m. on January 6, 2021 by e-mail at [clerk@cityofls.net](mailto:clerk@cityofls.net), and they will be provided with instructions regarding how to provide their live testimony via videoconference during the public hearing.

In the event that the meeting cannot be broadcast via [www.WatchLS.net](http://www.WatchLS.net) and the cable channels noted above, this agenda will be amended to include directions for the public to attend via the Zoom software platform at [www.Zoom.com](http://www.Zoom.com); such amendment will include a specific link to attend the Planning Commission meeting.

Call to Order

Roll Call

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**Present:** 7 - Chairperson Donnie Funk  
Board Member Dana Arth  
Board Member Tanya Jana-Ford  
Board Member Mark Kitchens  
Board Member Jake Loveless  
Board Member Matt Sanning  
Board Member Terry Trafton

**Absent:** 2 - Vice Chair Carla Dial  
Board Member John Lovell

### Approval of Agenda

Chairperson Funk amended the agenda to add an item at the end, namely the nomination of an officer. He asked for a motion to approve the agenda. A motion was made by Board Member Trafton, seconded by Board Member Loveless, that this agenda be approved as amended. The motion carried unanimously.

### Public Comments

There were no public comments presented at this meeting.

### Approval of Consent Agenda

[BILL NO. 21-17](#) An Ordinance accepting final plat entitled Osage, 1st plat, lots 1-41 and tracts A-H, as a subdivision to the City of Lee's Summit, Missouri.

A motion was made by Board Member Arth, seconded by Board Member Kitchens, that this application be recommended for approved. The motion carried unanimously.

[TMP-1810](#) Appl. #PL2020-278 - FINAL PLAT - Woodland Glen, Block 1, Lots 1 and 2 and Tract N, 1514 SW Heartwood Dr; ABP Funding, LLC, applicant

A motion was made by Board Member Arth, seconded by Board Member Kitchens, that this application be recommended for approved. The motion carried unanimously.

[BILL NO. 21-18](#) An Ordinance vacating certain easements generally located at the NE corner of NW View High Dr and I-470 Hwy in the City of Lee's Summit, Missouri.

A motion was made by Board Member Arth, seconded by Board Member Kitchens, that this application be approved. The motion carried unanimously.

[2020-3913](#) Approval of the December 10, 2020 Planning Commission Minutes

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

### Public Hearings

**2020-3888** Public Hearing: Application #PL2020-243 - Preliminary Development Plan - PetSuites Of America, 250 NW McNary Court; Premier Design Group, 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. Keith Demchinski, with the commercial real estate company of T.M. Crowley and Associates, gave his address as 501 Pennsylvania Parkway in Indianapolis, Indiana. They were the third party developer for Petsuites of America, working with Petsuites in five different US states. "Petsuites Stay and Play" was a luxury boarding and daycare facility. This particular project in Lee's Summit was coupled with the Lee's Summit Animal Hospital North. Both

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entities were owned by the National Veterinarians Association (NVA), which had existed for a little over 25 years. The NVA was also associated with with emergency animal hospitals, in four different countries and over 100 facilities across the United States.

Mr. Demchinski then gave some information about Petsuites. It offered not only boarding but grooming services, training services and overnight boarding, with a maximum occupancy of 150 dogs and cats. Their operations were 7 days a week, and hours for both the hospital and boarding facility were 7:00 a.m. to 7:00 p.m.

Mr. Demchinski displayed a map showing the proposed location at 250 NW McNary Court. This was just north of Chipman Road, on the west side of Commerce Drive. The total site was 2.81 acres and was zoned CP-2 (Planned Community Commercial District). Mr. Matt Fogarty of Premier Design Group was the civil engineer and landscape architect for the project.

Mr. Matt Fogarty gave his business address as 100 Midland Park Drive in Wentzville, Missouri, and displayed the proposed landscape plan. The building would be 14,000 square feet, with outdoor play yards and kennels. These outdoor areas were open only in the daytime. Boarding was indoors, with security cameras and an on site staff. He pointed out the locations of the trash enclosure and McNary Court, which terminated in a cul-de-sac. A detention basin was to the north, and a detention system was east of the site. The yellow coloring on the edge of the map indicated existing trees, and the applicants wanted to preserve as many as possible. The overall landscaping met City requirements.

Mr. Demchinski displayed a drawing of the floor plan. The left (south) side of the building would be the animal hospital, with the boarding facilities on the other side. The outdoor play area included turf spaces and play spaces with some concrete pools. The elevations showed the proposed materials consisting of split face blocks of varying earth tone colors, with some accent highlighted canopies in Petsuites' green and purple. A blade panel sign indicated in green on the elevations also had the company's paw print logo. The proposed signage showed the two separate entries for the medical and boarding/grooming services. The PetSuite signage also included a dog silhouette on the far end of the building, which would be highlighted at night by backlit aluminum channel lighting. It would add some use-related interest to the building's facade.

The outdoor play area was secured by a seven-foot opaque vinyl fence that would keep the pets in the yard from being seen from outside. A monument sign for both Petsuites and the hospital would be at the cul-de-sac entrance, plus directional entrance and exit signs.

Following this presentation, Chairperson Funk asked for staff comments.

Ms. Nelson entered Exhibit (A), list of exhibits 1-18 into the record. She confirmed that this area was zoned CP-2 and was currently vacant land. Businesses in the surrounding area had stone and brick building materials similar to what was proposed for this project. She confirmed that this would be a single story building, with 14,100 square feet, on about 2.1 acres. It would have 36 parking spaces, including two handicap spaces. The proposed facade and colors would blend in with other businesses nearby.

Ms. Nelson displayed detailed images of the signs to be used. The UDO allowed for two wall signs; so the building would have wall signs for both the hospital and Petsuites, in addition to the shared monument sign. The four Conditions of Approval required the development to be in accordance with "the site plan dated on October 30, 2020;" the "grading plan and utility plan dated on November 25, 2020;" and the "landscape plan, dated August 8, 2020". The architectural style and building materials "shall be consistent with the building elevations issued November 5, 2020."

Chairperson Funk asked if the applicant agreed with these four Conditions of Approval, and Mr.

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Demchinski answered that they did.

Chairperson Funk asked if staff had received any comments from the public related to this application, and Ms. Nelson replied that they had not. Chairperson Funk then asked if the Commissioners had questions for the applicant or staff.

Ms. Arth noted that a business called Summit Pet Care about a quarter mile to the north, and the Chipman Animal Hospital to the south. Tonight's applicant would make it three very similar businesses in a small area. Mr. Soto explained that there were no proximity or density requirements that would limit the number of similar uses, in this case CP-2 zoning uses, within a given area. Pharmacies and fast food restaurants, both permitted by right in CP-2, were examples. Ms. Arth was concerned about the risk of saturation in that area; and Mr. Demchinski responded that Premier Design Group did a thorough market analysis beforehand, including this particular site.

Mr. Kitchens asked if there was there a limitation on sizes and species of animals that would be brought to the veterinary hospital, including exotic species. Mr. Demchinski answered that he was not sure about exotic species being brought to the veterinary clinic. Petsuites' business would be limited to domestic dogs and cats.

Mr. Loveless noted that the requirement for parking spaces was four per 1,000 square feet, and asked Mr. Soto for details about the parking plan. Mr. Soto was not certain what the requirement was, and stated that he would look it up. Mr. Loveless also noted that this building was at the end of a cul-de-sac and asked if it would be sprinklered. Mr. Demchinski answered that it would be. Mr. Demchinski added that the parking for Petsuites in particular was typically for people who were picking up or dropping off animals, so most spaces would be occupied only briefly.

Regarding the parking, Mr. Fogarty because the proposed use was not standard retail, the standard was actually 2.5 spaces per thousand. The total was 35.25 spaces, or 36, including two handicap spaces.

Mr. Sanning knew that the model for parking and services had changed a little as applied to veterinary hospitals since the pandemic had started. He asked if the applicant would need to do any re-evaluating, specifically picking up animals and dropping them off and the time people might spend in the lobby. Mr. Demchinski acknowledged that this had not been factored into the design, as this might not be a factor by the time the building was up and the businesses had moved in. Mr. Fogarty stated that since the pandemic started, veterinary clinics had asked people to call or text when they arrived, and the clinic would send someone out to pick up and then return the pet. At present, the pet would enter the building but not the owner.

Regarding Ms. Arth's question about the location, Chairperson Funk remarked that a very similar business was just around the corner from this location and asked if the applicant had been in contact with the other business owner. Mr. Demchinski answered that he had not, and did not know if anyone on the pre-construction team had done that. He emphasized that although Petsuites and the National Veterinarians Association were national companies, they did both have a type of 'homegrown business' culture, so neither operated like a large national firm.

Chairperson Funk asked staff if the art in the dog silhouette would be considered artwork and not a mural. Ms. Nelson replied that it was, and staff would not need to require a permit. Chairperson Funk then asked if the Lee's Summit North Animal Hospital was a new business or if it was an existing business currently at another location. Mr. Demchinski answered that it was new.

Chairperson Funk asked if there were further questions for the applicant or staff. Hearing

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none, he closed the public hearing at 5:33 p.m. and asked for discussion among the Commission members.

Mr. Kitchens stated that he understood the concerns about the market getting saturated with a specific type of business. He had learned from friends, as well as online, that a need existed for more veterinary clinics and animal care businesses in this area. He knew that getting appointments was more difficult since the pandemic had started. This application did look like an opportunity to address a current need.

Ms. Arth remarked that due to the pandemic, not only had a reduction of available services had happened with existing businesses but many people were also spending more time with pets because they were staying home more. The subject property was close to some apartments where many people had pets and a need definitely existed for this kind of business. The applicants had a good plan for that space.

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

Ms. Arth made a motion to recommend approval of Application PL2020-243, Preliminary Development Plan: Petsuites Of America, 250 NW McNary Court; Premier Design Group, applicant. Mr. Kitchens 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 Arth, seconded by Board Member Kitchens, that this application be recommended for approval to the City Council - Regular Session. The motion carried unanimously.

[TMP-1790](#) An Ordinance approving a commercial preliminary development plan located at 250 NW McNary Court in district CP-2, 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.

**2020-3892** Public Hearing: Application #PL2020-315-Rezoning from CP-2 to RP-4 and Preliminary Development Plan - Chapel Ridge Townhomes, Phase 5; Engineering Solutions, LLC, applicant.

Chairperson Funk opened the hearing at 5:38 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Mr. Matt Schlicht of Engineering Solutions gave his business address as 50 SE 30th Street in Lee's Summit. He was appearing tonight on behalf of Chapel Ridge Townhomes and of Mr. Mike Atcheson. It was a continuation of the townhomes on the west side of Akin Drive. On the displayed map, he pointed out Woods Chapel on the north side, M-291 and I-470 to the east. Controlled Services and a vacant five acres were across the street. Currently that area was zoned as part of an original PMIX plan. It was mixed use, with residential single-family homes and attached townhomes. About a year ago, the applicant had redone some of townhomes and estate lots on the north side of Woods Chapel. The developer had brought in a plan almost 20 years ago and had been amending the plan all along.

The 5.5 acre property was currently zoned CP-2, and the rezoning request was for a change to RP-4. He had provided some information about zoning requirements such as side and rear yard setbacks, with front yard setbacks being about the same for both zoning classifications. The intensity of use was not changing. Mr. Schlicht had held a neighborhood meeting via Zoom last Tuesday, though only one person had attended. That was the former owner of the old clubhouse, which now housed a law firm. The property owner had requested a 30-day delay

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on the project, to give him time to evaluate it more in depth.

Mr. Schlicht had sent out notices to neighbors as required by the UDO on December 11th via certified mail, with the neighborhood meeting on December 5th. The concerns were about impacts in converting a commercially zoned property to residential; and he had explained that this had been a PMIX development where residential and commercial development already existed. Several acres were still available for development. One concern was that people were currently cutting across the property while walking from the townhomes on the west side of Akin; but the proposed development would most likely reduce that. Not only would buildings go up; and a large amount landscaping would be installed between the two properties.

The existing HOA required dues from all the tenants on both commercial and residential properties; and this development would pay the dues as well. Mr. Atcheson had remarked that he would hope things would go faster but this product and project did seem to be moving along well. Some discussion had occurred about proposed building locations and how close they were to property lines. Mr. Atheson had acknowledged that the zoning change would not affect setback changes in terms of where buildings were and how close they were to each other. The maintenance-provided townhome product had been regarded as an attraction to both elderly "empty nest" buyers and young professional people.

Mr. Schlicht displayed elevations of the current buildings, whose style would be continued with the new development. The townhomes would offer three bedroom and two bedroom units, with varying overall square footage. All the units would be rentals, owned and maintained by Mr. Atcheson's development company. Building materials were lap or shingle siding, with use of stucco and stone, all of which were similar to current development in that neighborhood. The displayed elevations were examples of the 11 4-plex buildings, three 5-plex buildings and a few 3-plex buildings. A displayed sample floor plan of a two-story 1,668 square foot unit showed a single car garage, 3 bedrooms and 3.5 bathrooms.

Mr. Schlicht remarked that off street parking was now a priority, and for fire safety they were not allowing parking on most of the streets. Each unit would have a parking space inside the garage; and driveways would wide enough for a driveway parking space. The blue highlighted areas on the displayed diagram indicated a total of 34 off-street parking areas. The requirement for the overall development was 130 parking spaces; and the plan was for 164 spaces.

The applicants had one modification request. This was a rather unconventional project in view of the fact that it was more typical for residential development to start before commercial development; and business owners adjacent to residences were typically required to provide a high-impact screen. In this case, some commercial uses already existed before residential development started. Mr. Schlicht noted that the UDO required a low-impact screen plus an opaque fence along property lines and the current owner had not had much success in keeping the fences looking attractive; and he had suggested a vegetative screen buffer. This was actually an upgrade from a low-impact buffer to a medium-impact one; which would increase the number of trees and shrubs placed on the property line. Staff supported this request.

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

Ms. Nelson entered Exhibit (A), list of exhibits 1-16 into the record. She confirmed that the subject property was a parcel of vacant land that was surrounded by townhomes, apartments, offices and commercial uses including a shopping center and fast food restaurants. The zoning map showed mostly CP-2 zoning, other than some RP-4 parcels and RP-3 uses to the west. The subject property was a total 5.42 acres, with the proposed density being 11.9 units per acre. The maximum allowed in RP-4 zoning was 12 units per acre. The uses would be 16 townhomes, with a total 65 units.

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The two 3-plex structures would have six living units, and the 11 4-plexes would total 44 living units. Three 5-plex structures would have a total of 15 living units. The townhomes would match the existing ones to the west; and Ms. Nelson displayed a color image of the existing townhomes. Materials would be stone, stucco, lap siding and accent shingle siding with a composition roof. The 3-plex, 4-plex and 5-plex buildings would all have the same design.

Ms. Nelson then addressed the requested modification. A high-impact buffer would be required between two land uses, in this case CP-2 and RP-4. This would include a 6-foot masonry wall or opaque vinyl fence plus low-impact landscaping on both sides of the fence.. The applicant was proposing medium-impact landscaping without a wall or fence. Staff supported this request, as it would increase the amount of landscaping materials. The anomaly of residential development being constructed after commercial businesses had already gone in was also a factor, so anyone moving into the townhomes would be aware of existing businesses nearby. The proposal would help meet housing demands found in the housing needs assessment of 2017. The site had limited visibility, which would not be suitable for retail businesses; although an office might be feasible. The proposed multi-family development was compatible with similar townhome and apartment developments to the west and southwest of the property.

The application met the requirements of the UDO and the Design and Construction Manual. Staff had three Conditions of Approval. The first granted the modification requested for the landscape buffer. The second required the development to be "in accordance with the preliminary development plan dated October 23, 2020" and the third required that the townhomes' architectural style and building materials be "consistent with the building elevations [and] 4-plex elevation, dated October 23, 2020 and 5-plex elevations dated January 22, 2020. The 3-plexes would be required to "follow the architectural style and materials depicted in the elevations for the 4- and 5-plexes".

Following Ms. Nelson's comments, Chairperson Funk asked if there was anyone present wishing to give testimony, either in support for or opposition to the application. Ms. Nelson replied that she had not seen any.

Mr. Mike Healey gave his home address as 425 NE St. Andrews Circle in Lee's Summit. He was the owner and manager of the adjacent property, the Chapel Ridge Executive Center, which had been a golf clubhouse and later a banquet center. He was speaking not only for himself but on behalf of Scott and Linda Drake, the owners of Custom Eyes. They were one of three adjacent property owners. The third was Control Services. Mr. Healey requested that the Planning Commission table its vote, and grant additional time of 30 days. He needed to further look into this matter and to present some additional materials, information and evidence, as well as to talk with the third adjacent neighbor, Control Services.

Mr. Healey asserted that he had not received the notice from the City until right before Christmas last month. He had emailed the City Clerk requesting more information, but had not heard back until two days ago. At present he was actually out of town on a family vacation, as were the Drakes. He had also spoken with Mr. Atcheson via Zoom. He added that another reason for the request for more time was so that he could determine whether the notice he had received was in compliance with the UDO. He had some additional concerns, but with some extra time he could bring these up later.

Chairperson Funk answered that this would be the decision of the Commission whether to vote to continue the application. He added that the applicant had already gone through the application process and probably already had a construction timeline. He would need a summary of Mr. Healey's concerns; and City staff or the applicant would need the opportunity to answer them. Mr. Healey then summarized his concerns.

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Mr. Healey first stated that the rezoning request was not consistent with the plan. When he had purchased his office building and lot from Mr. Atcheson, it was shown as part of a business park that was clearly a business facility. It was important to him and to his clients that the office building they were occupying was clearly a business, not something put in a residential area that did not belong there. There was a certain value in being part of the business park near other businesses of a similar nature. The use of the second-tier lot as an office building was consistent with other second-tier office buildings; and that was what he had expected. It was probably the best use of that particular property, without having the negative effect on his or the Drakes' professional offices. High-density apartments would not be consistent with that environment.

Mr. Healey added that as he understood it, the density would be the maximum number of apartment units that could be fit into one place but still comply with the UDO. The plan would almost double the number of apartments that were already there. He had heard that Mr. Atcheson was currently clearing land at the end of the cul-de-sac for constructing additional townhomes; in this case with RP-4 zoning. He added that a look at the website would show that the townhomes planned in this application were not all leased; so he doubted there was a demand or need for more, or for rezoning. He also believed that the market for multi-plex dwellings and apartments was saturated.

Mr. Healey stated that he had looked up information online about the existing townhomes on Akin Drive, and had found complaints about poor management, poor construction and insufficient parking as well as negative comments. There was definitely a level of concern that would warrant further investigation, especially when these buildings would be behind two professional offices. He pointed out that Mr. Atcheson owned a lot of property in the business park and if he wanted to build townhomes, he owned enough land on the south side of the business park to build the apartments and townhomes. In that location, they would be next to other properties that Mr. Atcheson owned. The rezoning would result in an impact on him and on the Drakes.

Mr. Healey added that he had brought this up and had been told that they wanted to use the swimming pool and clubhouse. These were quite small and would not have the capacity to serve all the residents that this development would bring in.

Chairperson Funk summarized that Mr. Healey did not want these townhomes next to his property, and Mr. Healey answered that this was correct. Chairperson Funk noted that Mr. Healey had mentioned some questions concerning the timeline and zoning, specifically with compatibility issues. The meeting could move on to take questions from the Commission to the applicant and staff; and hopefully these would answer Mr. Healey's questions and concerns as well.

Mr. Sanning said he was interested in the points brought up. \*Mr. Schlicht noted that the City sent out notices via certified mail. Many notices, including the one sent to Mr. Healey were returned, signed not by the recipient but by the Postmaster and put in the recipient's mailbox via certified mail. He displayed a copy of the certified mail receipt that was returned. This particular mail was sent out on December 11th and signed on December 16th. He had received a call from staff on January 5th suggesting that Mr. Healey had some questions and staff had tried to get the answers out to him. Regarding the 30 day extension, he confirmed that the process had begun in September. The applicants had made their submittal and notifications, newspaper posting and distribution of signs had all been done; so they had provided as much information as possible. He displayed the aerial map of the area, pointing out the subject property and noted that the surrounding area including Ralph Powell Road had developed and transitioned from a first tier commercial, retail and office user to the second tier and on back.

What Mr. Atcheson had found was that a transition then happened from multi-family to



single-family. The subject property was between multi-family housing and an office setting; so a multi-family development would be completely consistent with an appropriate zoning strategy: moving from a higher end use back to a single-family use. That was the intent when this project started. Rather than a business park, this was really a PMIX zoned district that had residential and commercial zoning throughout the entire development. As time had gone on, the developer had worked through the varying market demands; and Mr. Healey was incorrect in claiming that townhome housing was overbuilt.

The 2017 study referenced earlier had concluded that there was a demand for this kind of product and the rental rates and occupancy confirmed that. The community center, pool and other amenities were all on this side of the development. It was consistent to develop in the area where the other product was, in order to make the maintenance and product consistent and make the amenities usable for everyone there. Concerning the buffers between uses, a natural buffer was preferable to something like a fence which would need more maintenance. A landscape plan for that had been provided to staff that was in the Commissioners' packets.

Mr. Sanning asked for some more details about what purposes a buffer would serve. Mr. Soto explained that the requirement for a buffer between dissimilar uses would be to mitigate some of the impacts, provide a spacial and visual barrier and to create a distinction between two adjoining, and differing, land uses. In this case, the applicant was proposing a medium-impact landscape buffer, which would not have the physical barrier of a fence. Staff would not have a problem if one of the users did add a fence. The medium-impact buffer would typically have less landscaping material to complement the fence. In this case, they could remove the fence and increase the amount of landscaping. A medium-impact landscape buffer would have a 70 percent opacity, whereas an opaque wall or fence would be 100 percent, with less landscaping. Staff would not have a problem if the Commission wanted a fence and require the applicant to meet the requirements for a high-impact buffer. It would be necessary to add wording to that effect to any motion, as it differed from what was depicted on the plans.

Mr. Sanning asked if it was correct that the owner of the property the buffer would be on would be responsible for the maintenance and upkeep. He asked if there were specific standards for aspects such as height with this kind of organic buffer. Mr. Soto replied that these responsibilities would be on the applicant. Minimum landscaping size requirements were in effect at the time of planting, and about three seasons would have to pass before the installed vegetation would fill in the gaps.

Mr. Sanning asked if the application included any UDO modification requests for aspects such as the required sizes of plants. Mr. Schlicht answered that it did not, adding that a medium-impact screen could have varying types and sizes of trees. They would plant standard materials in the buffer and even some additional, as the buffer would be a visual improvement.

Mr. Loveless said that the only comment he had heard from the neighbor was a question as to whether the current amenity center would be adequate for the additional residents who would move in. Mr. Schlicht believed that the size of the amenity center was appropriate, especially considering that the use was seasonal to some extent. If the size was not appropriate, the developer would either lose some tenants or expand it and make improvements. At present it had a pool, workout room with equipment and some space for meetings and gatherings.

Mr. Loveless asked if it was fair to say that for some time, the applicant had been marketing this property as being for office and commercial use; and there had not been enough response. That could be the reason for the change in intended use. Mr. Atcheson related that he had bought the property in 1998 and it had been available for purchase for several years before that. A lot of ground in the first tier did not yet have anything built on it. It would be

several years before the better ground had any commercial use. Office markets were extremely soft at present, so if it was just office use the land might never be developed.

Regarding the size of the pool and clubhouse, Mr. Atcheson pointed out that many multi-family projects had as many as 200 to 400 units. When the current construction was done, there would be 105 units, with the same size amenities that many of those larger developments had. When the 65 townhome units were done, that would be 170.

Ms. Arth noted that Mr. Schlicht had mentioned additional parking, specifically off-street parking. She wanted to know how deep the driveways were. The plan looked like they would not be long enough for two cars, without coming close to blocking the sidewalk. Mr. Schlicht answered that the driveways would be 22 feet from the garage door; so they were adequate for one car parked in the driveway and another in the garage.

Ms. Arth then asked for details about the finishes inside the units. Mr. Atcheson replied that the units were very large, with granite on a variety of surfaces, wood floors on the main floor, and artificial fireplaces. Ms. Arth remarked that there was a growing demand for this type of product, and asked Mr. Atcheson if he had considered offering them for sale as well as rentals. Mr. Atcheson answered that his concern was the inevitable complaints about what neighbors had in their back yards, including swingsets. He noted that this kind of product did not typically have many tenants with children and their being rentals would preserve some central control. At 1,200 to 1,600 square feet, these were much bigger than apartments, which had a typical area of about 800 square feet. The prospective tenants would be professional people, middle age and older, although there would probably be some who were retired.

Mr. Sanning noted to Chief Eden he had seen a lot of congestion with these types of units, even with additional parking provided in order to prevent on-street parking. He asked if there is congestion on the street that would impede the Fire Department's ability to respond to an emergency. Chief Eden answered that the Fire Department worked with applicants to provide not only parking but also street widths that were adequate for emergency vehicles including fire trucks and ambulances as well as school buses. They had learned from other parts of the city that it was also important to look at how the development was laid out, and worked with the applicant to eliminate the larger parking lots and putting the buildings on the street. With no on-street parking allowed, additional access to parking effectively kept people from parking on streets. The applicant had worked well with the Fire Department in providing adequate access, for routine traffic as well as emergency vehicles.

Mr. Sanning then wanted to know what sort of enforcement would happen if the streets became congested; and whether the enforcement would be done by the City or some entity like an HOA or the property management company. Chief Eden answered that the road going through the neighborhood would be posted, and enforcement could be done by both police and the HOA. Although the street was on private property, emergency access was required by ordinance, so it was enforceable under the Fire code.

Mr. Atcheson added that there had not been any issues with parking that had not been resolved by simply asking the owner of a parked car to move it. They had not yet had to have a car towed. Moreover, most people with cars parked where they should not be were visitors, not residents. In the first phase, they had learned that they did need to have some off-street parking; so room had been set aside for that.

Chairperson Funk recalled that Mr. Healey had mentioned looking into some things from the UDO regarding a timeline; and asked staff if they were satisfied that the applicant had been timely in terms of notifications to neighbors. Mr. Soto replied that the UDO requirement was to send out notices to all property owners within 300 feet, a minimum of 15 days before the public hearing. The only thing the applicant could control was the date the notices were mailed out. There was no specific requirement that an applicant or property owner receive it,

because a number of issues could exist that were not under the applicant's or the City's control. The City was satisfied that the notification requirement was met.

Regarding the landscape buffer, Mr. Trafton said he could understand the concern. It did look like a robust landscaping plan; but what he saw was mostly trees including a few evergreens. More of this type tree would create a more effective buffer; but the property had a total of 46 evergreen trees; most on the inside of the property but mostly redbuds and basswoods on the perimeter. These were not likely to provide high level screening but not necessarily on the ground. If he was looking to install a buffer he would want something more appealing. He would not necessarily support a fence but in some situations, including this one, a fence would be the most effective visual screen. He asked if any consideration was being given to enhancing the screening with more vegetation. Under those circumstances a fence would be the best option.

Mr. Schlicht replied that evergreens had worked well on other projects. Another approach was to cluster additional landscaping close to the buildings; and the adjacent owner was probably less concerned about screening the parking lot than the building. The drawback for a fence was that fences as a buffer often became a maintenance problem, both the condition of the fence itself and the difficulty in mowing that it created.

Mr. Atcheson stated that he would double the amount of buffer vegetation shown on the plan. He wanted to screen off the back of the property; but the cost of a fence was not really an issue. He added that he had never seen a six-foot privacy fence that did not become fragile and dilapidated after about ten years. In addition to trees, some low-growing shrubs could be needed to provide screening closer to the ground. One advantage of evergreens as a screen was that they would remain dense and retain their foliage in the winter. Mr. Trafton said he also preferred natural screens. The landscape plan did include a lot of trees but they were mostly deciduous trees, which would be less effective. He appreciated the offer to add more evergreens, which would be much more aesthetically pleasing than a fence.

Chairperson Funk asked if there were further questions for the applicant or staff. Hearing none, he closed the public hearing at 6:40 p.m. and asked for discussion among the Commission members, noting that a number of issues that would need discussion. In particular the Commission would need to discuss an amendment to the recommendation of approval if the applicant was going to be asked to increase the landscaping.

Mr. Trafton believed that the City had made a good indication of the overall strategic plan for the city and the need for more housing. He liked the idea of having the townhome product with three to five family units. It was a better option than a five-story apartment complex, several of which the City had approved on the north side of town. He remarked that the developer had done some duplex and three-plex units. Lee's Summit did need the variety of product, and he appreciated Mr. Atcheson's offer to increase the number of evergreens. He would support an additional Condition Of Approval requiring this additional screening on the properties perimeter.

Mr. Sanning agreed with Mr. Trafton's remarks. He also thanked the developer for the support of the buffering.

Mr. Kitchens agreed with the idea of additional language about additional foliage, and pointed out that this property had been for sale for about 15 years. Ms. Arth thanked Mr. Atcheson for being so accommodating. It was evident that he was committed to selling a quality product. The square footage would be a good choice for families who did not want to purchase a house just yet and would want to rent. She would definitely recommend this application for approval.

Mr. Loveless said he had not heard an answer to the neighbor's request for a 30-day delay.

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Nevertheless, the applicant had satisfied all the City's requirements and those opposed would have the opportunity to get their concerns heard when the City Council reviewed the application.

Chairperson Funk thanked Mr. Atcheson and his team for their work on this application.

Mr. Loveless asked how the language about the buffer should be amended, and Chairperson Funk said the motion could recommend approval, subject to amending the landscape plan and adding more evergreens and other landscaping. Mr. Bushek replied that it looked like the amendment would be to Condition of Approval 1, subject to "a modification to the requirement of a high-impact landscaping buffer to allow a medium-impact landscaping buffer." Mr. Bushek was not sure what the wording of the amendment would be some additional language added to Condition of Approval 1, including the details about evergreen trees.

Mr. Soto recalled a mention of doubling the landscaping, which might not be feasible. If the landscaping was too crowded, some plants might not thrive and that would defeat the purpose of buffering. Mr. Soto was in favor of deferring to Mr. Atcheson's expertise since he owned a landscaping company.

Mr. Atcheson responded that he had actually meant doubling, just to quantify. He recommended a mixture of evergreens, deciduous trees, and an assortment of shrubs of various heights. Mr. Atcheson recommended that as this would be part of a Condition of Approval, it should just state that the quantity of plant material as shown on the plan would be doubled at the property boundaries on the east and south sides. Those were the sides that adjoined the different zoning district.

Chairperson Funk asked Mr. Soto if he was satisfied with amending Condition 1 to "double the quantities of landscaping material on the east and south sides of the development." Mr. Soto answered that he was; however, another Condition of Approval referred to the "landscape plan, dated August 8, 2020", and that would have to be modified as well. Mr. Trafton reported that this was Condition of Approval 3. He asked what was the difference between a medium-impact and a high-impact buffer. Mr. Soto explained that a high-impact buffer had a very specific definition in the ordinance. It called for additional landscaping plus a solid six-foot fence. Mr. Trafton observed that in that case, they were discussing enhancing a medium-impact buffer to include evergreens. He asked what needed to be changed in Condition 3. Mr. Soto discovered that he had been thinking of the Petsuites application; so amending Condition 1 would be sufficient.

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

Mr. Trafton made a motion to recommend approval of Application PL2020-315, Rezoning from CP-2 to RP-4 and Preliminary Development Plan: Chapel Ridge Townhomes, Phase 5; Engineering Solutions, LLC, applicant; amending Condition of Approval 1 to add "double the landscaping buffer to include evergreens and shrubs. Mr. Bushek confirmed that Condition 1 already had the reference to east and south boundaries. The wording about the landscape buffer was to "allow a medium-impact landscape buffer and including "doubling the landscaping quantities as set forth on the landscaping plan, including additional evergreen trees." Mr. Loveless 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 Loveless, that this application be recommended for approval to the City Council - Regular Session with an amendment to condition #1 - Add to the end of condition #1 – A modification shall be granted

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to the requirement for a high-impact landscape buffer between the proposed RP-4 property and the abutting CP-2 property to the east and south, to allow a medium-impact landscape buffer which includes double the landscaping quantities as set forth in the landscaping plan, including additional evergreen trees. The motion carried unanimously.

**TMP-1802** An Ordinance approving a rezoning from CP-2 (Planned Community Commercial) to District RP-4 (Planned Apartment Residential) and preliminary development plan for Chapel Ridge, Phase 5, located at 3701 NE Akin Dr., 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.

**2020-3916** Public Hearing: Application #PL2020-335 - Rezoning from R-1 to RP-1 and Preliminary Development Plan - Highland Meadows, 5th and 6th Plat, 1201 SW Longview Boulevard; Clayton Properties Group, Inc., applicant.

Chairperson Funk opened the hearing at 6:55 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Mr. Vincent Walker, of Summit Homes, gave his address as 120 SE 30th Street in Lee's Summit. He stated that Mr. Patrick Joyce from Anderson Engineering was present as well.

Mr. Joyce, gave his address as [no house/office number] Brockton Drive in Lee's Summit. He was the civil engineer for this project. The applicants were requesting a zoning change from R-1 to RP-1 for Phases 5 and 6, the final two phases of Highland Meadows. Highland Meadows was located generally south of the intersection of Longview Road and Longview Boulevard. He gave a brief history of the development. The property was between two existing developments, The Glen at the Meadows of Winterset to the east and Longview Farms to the west. The total area for Highland Meadows was 80 acres, 30 of which were Phases 5 and 6. Among the proposals was the extension of Longview Boulevard from where it terminated in the development's previous phases down to the vacant ground to the southwest. SW 12th Street would also extend further, to Winterset. 11th Terrace, which ended in a cul-de-sac, would extend to connect with Fjord Drive up to where it had ended in the previous phase.

The project was originally platted in 2010, with the original plat including 214 lots. Phase 5 would have 26 lots and Phase 6 would have 77 lots. The final phase would have a total 210 lots, representing four houses less than originally platted. Highland Meadows had six phases, and Phase 4 was the last one where public infrastructure was completed and homes were being constructed. Summit Homes planned to complete Phases 5 and 6 including the necessary public infrastructure.

When Anderson had first become involved in Highland Meadows they had received a great deal of feedback regarding the size of the lots, specifically the depths. The lot depths were limiting which homes could be put on those lots. The original developer had proposed other options for Phases 5 and 6 that would increase the lot depths. One of the problems at present was that this was the last two phases of an established development; and all of the infrastructure surrounding the development was in place. That effectively locked in the road network. As all the roads were basically extensions of other roads planned and started previously; and the lots had to follow the directions of the roads. That limited the options for adjusting the lot depths. The requested rezoning would allow for reducing the lots' rear setbacks from 30 feet for R-1 zoning to 20 feet for RP-1 zoning. It would allow Summit Homes to construct more homes on the lots, and in most cases the rear setback could be changed from 30 feet to 25 feet.

At present, a Summit Homes house would fit on only 15 out of the 77 proposed lots. Mr.

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Joyce added that they would be constructing homes that were similar to those already built in Highland Meadows. Summit Homes had constructed 47 of the 133 homes in that development. The rezoning would just allow that to continue. Mr. Joyce added that they had sent out notices to neighbors and held an online neighborhood meeting.

Mr. Walker pointed out that when they had started discussions with City staff, they had thought they would need variances for the lots. However, as this approach to addressing the lot depths would affect 80 percent of the existing two plats, the recommendation of City staff was for an RP-1 rezoning. The intent with the rezoning was to enable Summit Homes to offer the same spectrum of home plans and exterior options that they had offered in the previous plats.

Following this presentation, Chairperson Funk asked for staff comments.

Ms. Nelson entered Exhibit (A), list of exhibits 1-17 into the record. She displayed aerial and zoning maps that showed the vacant land surrounded by R-1 zoning, plus some RP-1 zoning. The applicants were requesting to have the whole tract rezoned to RP-1. The property was a total 29.16 acres, with 25 lots in the 5th plat and 51 in the 6th plat; for a total of 77 lots. The applicants proposed 2.6 units per acre, although the maximum density for RP-1 was 6 units per acre.

Ms. Nelson displayed six color elevations of the proposed colors and styles of homes to be constructed, noting that the applicant had submitted a total of 17. Materials used would be stone, stucco, and shake shingles and siding. She displayed a list of comments from the neighborhood meeting on December 12, 2020.

Following \*'s comments, Chairperson Funk asked if there was anyone present wishing to give testimony, either in support for or opposition to the application. The proposed change to RP-1 was partly due to Summit Homes having many different styles but also for changing the rear setbacks in order to give buyers more options. Although the zoning was RP-1, only standard detached single-family residences could be built on the property without another public hearing. The houses would have three car garages and the suggested price range would be \$375,000 and up. Groundbreaking would most likely be in late spring of 2021. Additional amenities such as pools and playgrounds would not be included, and the square footage of the homes would be 1,300 square feet or larger.

A concern had been brought up about whether the detention basin in Phase 4 would be draining onto these two phases. Summit Homes was not responsible for drainage on Phase 4, but would try to make Phases 5 and 6 look as good as possible. Actually Highland Meadows Developers LLC was responsible for Phase 4; and the plan now was for the runoff from Phases 5 and 6 would be directed into a new detention basin on the southeast corner. Regarding Longview Boulevard, it was being extended to connect with M-150; however in this development it would be extended only to the south boundary. The Thoroughfare Master Plan called for Longview Boulevard to eventually connect with [Horridge] Road in Kansas City, Missouri and from there to M-150.

The homes were similar in style, though the applicant's website needed to be updated regarding the types of homes. Some questions had come up about the trees between Highland Meadows and the Meadows of Winterset that were supposed to stay. The applicants had stated that they needed to research it. However, the UDO did not require a buffer due to the similarities in lot sizes. Another question was whether the HOA could buy a few lots and put in a playground or tennis court. A major factor was that the approval process was dependent on the scope of any future improvements.

A question about HOA fees would have to be settled between the developer and the HOA. A pool had been constructed according to the approved plan filed with the City. Concerning the

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definition of RP-1 zoning, it did list examples of types of homes including patio homes and cluster homes. However, the proposal was for a standard detached single-family residence; and anything different would have to be approved via the public hearing process.

On January 6th, Ms. Nelson had received a phone call from a resident who was concerned over both the rezoning and the proposed setbacks. A specific concern was this bringing down the values of the other existing houses as well as RP-4 zoning possibly giving the area a crowded atmosphere as well as causing more traffic.

The application had three Conditions of Approval. The project did meet the requirements of the UDO and the Design and Construction Manual. Condition 1 required the development to "be in accordance with the preliminary development plan dated December 14, 2020." Condition 2 required that "The architectural style and building materials for the single-family homes shall be consistent with the building elevations that were submitted on December 30, 2020." Condition 3 required the applicants to:

"present financial security to the City for the construction of Longview Boulevard from 10th Street to the south property line of Highland Meadows, in lieu of construction if developer elects to defer such construction prior to the release of residential building permits associated with either [the] 5th Plat or 6th Plat. However, no more than one plat, whether it is 5th Plat or 6th Plat, shall be recorded and associated residential building permits issued unless the aforementioned Longview Boulevard road improvements are substantially completed."

Chairperson Funk asked Ms. Nelson if she had received any other public comments. Ms. Nelson reported that she had not. Chairperson Funk then asked if the Commission had questions for the applicant or staff.

Mr. Trafton said he had thought the RP-1 would change the setback only from 30 to 20 feet but not the width of the lot. Ms. Nelson answered that side setbacks in R-1 were 7.5 feet and 5 feet for RP-1.

Chairperson Funk noted the public comment about the 4th Plat detention pond and the drainage. He asked if an issue had come up about stormwater drainage. Ms. Nelson answered that the comment was that the detention basin in Phase 4 was an eyesore, which would have to be directed to the developer.

Chairperson Funk asked if there were further questions for the applicant or staff. Hearing none, he closed the public hearing at 7:17 p.m. and asked for discussion among the Commission members, or for a motion.

Mr. Sanning made a motion to recommend approval of Application PL2020; subject to staff's letter of Application PL2020-335, Application PL2020-335, Rezoning from R-1 to RP-1 and Preliminary Development Plan: Highland Meadows, 5th and 6th Plat, 1201 SW Longview Blvd; Clayton Properties Group, Inc., applicant. Mr. 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 Sanning, seconded by Board Member Trafton, that this application be recommended for approval to the City Council - Regular Session. The motion carried by the following vote:

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**Aye:** 6 - Chairperson Funk  
Board Member Arth  
Board Member Jana-Ford  
Board Member Kitchens  
Board Member Sanning  
Board Member Trafton

**Absent:** 2 - Vice Chair Dial  
Board Member Lovell

**Abstain:** 1 - Board Member Loveless

**TMP-1809** An Ordinance approving a rezoning from R-1 (Single-family Residential) to District RP-1 (Planned Single-family Residential) and preliminary development plan for Highland Meadows 5th and 6th Plat, located at 1201 SW Longview Blvd., 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

**Chairperson Funk announced that Ms. Carla Dial was resigning from the Planning Commission. The Commission would need to elect a Vice Chair. He asked for nominations. Mr. Sanning nominated Ms. Arth, and Mr. Kitchens seconded. The Planning Commission then voted by roll call vote to appoint Ms. Arth Vice Chair of the Commission.**

#### Adjournment

**There being no further business, Chairperson Funk adjourned the meeting at 7:20 PM.**

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