



**The City of Lee's Summit**  
**Action Letter**  
**City Council - Regular Session**

Thursday, July 13, 2017

6:15 PM

City Council Chambers

City Hall

220 SE Green Street

Lee's Summit, MO 64063

(816) 969-1000

**AMENDED - REGULAR SESSION NO. 39**

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INVOCATION

PLEDGE OF ALLEGIANCE

CALL TO ORDER

Mayor Rhoads called the July 13, 2017, City Council Regular Session No. 39 to order at 6:37 p.m.

ROLL CALL

**Present:** 8 - Mayor Randy Rhoads  
Councilmember Rob Binney  
Councilmember Trish Carlyle  
Councilmember Phyllis Edson  
Councilmember Diane Forte  
Councilmember Dave Mosby  
Councilmember Diane Seif  
Councilmember Fred DeMoro

**Absent:** 1 - Councilmember Craig Faith

APPROVAL OF AGENDA

**A motion was made by Councilmember Carlyle, seconded by Councilmember DeMoro, that the amended agenda be approved as published. The motion carried by the following vote:**

**Aye:** 7 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Edson  
Councilmember Forte  
Councilmember Mosby  
Councilmember Seif  
Councilmember DeMoro

**1. PUBLIC COMMENTS:**

Ms. Annalise Arth thanked Councilmember Binney for communicating her concerns for construction littering to other councilmembers and Staff. Animals are at risk when they eat the litter left by crews. With the city

growing, there are more construction sites, specifically residential. Mr. Dunning will contact Ms. Arth.

2. **COUNCIL COMMENTS:**

Councilmember Mosby mentioned that the additional ambulance for Fire Station 6 was still not delivered. Fire Chief Poeschel advised they were finalizing the equipment and the ambulance should be at the location by the first of next month.

Councilmember Binney asked for an update on the issue of solar panels at Animal Control. Mr. Dunning informed the Council that Staff met with the student who brought this issue to Council and they were discussing the RFP process.

3. **APPROVAL OF CONSENT AGENDA**

**ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Mosby, to approve the Consent Agenda as follows. The motion carried by the following vote:**

**Aye:** 7 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Edson  
Councilmember Forte  
Councilmember Mosby  
Councilmember Seif  
Councilmember DeMoro

**Absent:** 1 - Councilmember Faith

- A. [2017-1266](#) Approval of Action Letters from June 1 and June 15, 2017.

**The action letters were approved.**

- B. [2017-1294](#) Mayor's Appointments:  
Historic Preservation Commission: Appoint Gary Keshner to replace Eric Vaughan, term to expire 5-01-19.  
Industrial Development Authority: Appoint Robert Handley to replace Keith Fenwick, term to expire 11-4-22.  
Planning Commission: Appoint Jeff Sims to replace Brandon Rader, term to expire 4-15-18.

**Appointments from Mayor Rhoads were approved.**

- C. [2017-1301](#) Approval of change in Managing Officer for LaFuente Mexican Restaurant, 899 SW LeMans Lane.

**This Liquor License was approved.**

- D. [2017-1302](#) Approval of change in liquor license from a Type "H" to a Type "G-1" for Libations, LLC, 23 SE 3rd Street.

**This Liquor License was approved.**

- E. [2017-1303](#) Approval of a Type "H" and "S" liquor license for Fuel Espresso 27, 616

SW Jefferson. (Previously Traffik Jam).

This Liquor License was approved.

**4. PROPOSED ORDINANCES FORWARDED FROM COMMITTEE:**

- A. [BILL NO. 17-139](#) AN ORDINANCE AUTHORIZING THE EXECUTION OF A LICENSE AGREEMENT BETWEEN OAK TREE FARM CLUBHOUSE/HOMES ASSOCIATION, INC., AND THE CITY OF LEE'S SUMMIT, MISSOURI FOR THE INSTALLATION AND MAINTENANCE OF IMPROVEMENTS TO A PORTION OF THE CITY'S RIGHTS-OF-WAY ON LANGSFORD ROAD AND CLUBHOUSE DRIVE. (PWC 6/20/17)

**A motion was made by Councilmember Carlyle, seconded by Councilmember Binney, for second reading of Bill No. 17-139. The motion passed by the following vote:**

**Aye:** 7 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Edson  
Councilmember Forte  
Councilmember Mosby  
Councilmember Seif  
Councilmember DeMoro

**On motion of Councilmember Seif, second by Councilmember Mosby, Bill No. 17-139 was approved and numbered Ord. No. 8190. Motion passed by the following vote:**

**Aye:** 7 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Edson  
Councilmember Forte  
Councilmember Mosby  
Councilmember Seif  
Councilmember DeMoro

- B. [BILL NO. 17-140](#) AN ORDINANCE AUTHORIZING THE EXECUTION OF MODIFICATION NO. 6 TO THE AGREEMENT WITH CRAWFORD, MURPHY AND TILLY, INC. FOR ON CALL ENGINEERING SERVICES FOR THE AIRPORT (RFQ 2015-300) IN THE AMOUNT OF \$58,630 FOR DESIGN OF BIDDING DOCUMENTS FOR TWO NEW MULTI-UNIT PRE-ENGINEERED T-HANGAR BUILDINGS AND A SINGLE NEW T-HANGAR TAXI LANE AND OTHER INCIDENTAL WORK. (BOAC 6/12/17) (PWC 6/20/17)

**Motion was made by Councilmember Forte, seconded by Councilmember Binney, for second reading of Bill No. 17-140. The motion passed by the following vote:**

**Aye:** 7 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Edson  
Councilmember Forte  
Councilmember Mosby  
Councilmember Seif  
Councilmember DeMoro

**On motion of Councilmember Forte, second by Councilmember Binney, Bill No. 17-140 was approved and numbered Ord. No. 8191. The motion carried by the following vote:**

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**Aye:** 7 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Edson  
Councilmember Forte  
Councilmember Mosby  
Councilmember Seif  
Councilmember DeMoro

- C.**     [BILL NO.](#)     AN ORDINANCE AUTHORIZING THE EXECUTION OF AN AMENDMENT TO  
[17-141](#)           THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF LEE'S  
SUMMIT AND CASS COUNTY REGARDING SNOW REMOVAL AND ROAD  
MAINTENANCE TO PROVIDE FOR FUNDING OF A CAPITAL  
IMPROVEMENT PROJECT BY THE CITY OF LEE'S SUMMIT FOR WARD  
ROAD IMPROVEMENTS AND ONGOING MAINTENANCE  
RESPONSIBILITIES (COUNTY LINE ROAD TO 163RD ST.) (PWC 6/20/17)

**ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Carlyle, for second reading of Bill No. 17-141. The motion carried by the following vote:**

**Aye:** 7 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Edson  
Councilmember Forte  
Councilmember Mosby  
Councilmember Seif  
Councilmember DeMoro

**Motion was made by Councilmember Binney, seconded by Councilmember Carlyle, to approve Bill No. 17-141, which was numbered Ord. No. 8192 The motion carried by the following vote:**

**Aye:** 7 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Edson  
Councilmember Forte  
Councilmember Mosby  
Councilmember Seif  
Councilmember DeMoro

- D.**     [BILL NO.](#)     AN ORDINANCE AUTHORIZING THE EXECUTION OF A MEMORANDUM  
[17-152](#)           OF UNDERSTANDING BETWEEN THE KANSAS BUREAU OF  
INVESTIGATION AND THE CITY OF LEE'S SUMMIT, MISSOURI FOR THE  
USE OF MIDWEST HIGH INTENSITY DRUG TRAFFICKING AREA AWARD  
FUNDS.

(KC) (GP43). (PSAB 6/20/17) (F&BC 7-10-17).

**On motion by Councilmember Carlyle, second by Councilmember Forte, the Council voted for second reading of Bill No. 17-152. The motion passed by the following vote:**

**Aye:** 7 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Edson  
Councilmember Forte  
Councilmember Mosby  
Councilmember Seif  
Councilmember DeMoro

**On motion of Councilmember Carlyle, second by Councilmember Seif, the Council voted to approve Bill No. 17-152, which was numbered Ord. No. 8193. The motion passed by the following vote:**

**Aye:** 7 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Edson  
Councilmember Forte  
Councilmember Mosby  
Councilmember Seif  
Councilmember DeMoro

**5. EMERGENCY ORDINANCES:**

- A. [BILL NO. 17-142](#)** AN ORDINANCE APPROVING CHANGE ORDER #3 TO THE CONTRACT WITH WIEDENMANN INC., PROJECT NO. 20231683-C, FOR THE WATER MAIN REPLACEMENT FY16, AN INCREASE OF \$48,459.39 AND AN ADDITIONAL 10 CALENDAR DAYS FOR A REVISED CONTRACT PRICE OF \$1,665,520.09 AND 220 CALENDAR DAYS TO REACH SUBSTANTIAL COMPLETION AND 250 DAYS TO REACH FINAL COMPLETION; AND, CONTAINING AN EMERGENCY CLAUSE.

**Motion was made by Councilmember DeMoro, seconded by Councilmember Seif, for second reading of Bill No. 17-142. The motion passed by the following vote:**

**Aye:** 7 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Edson  
Councilmember Forte  
Councilmember Mosby  
Councilmember Seif  
Councilmember DeMoro

**On motion of Councilmember DeMoro, second by Councilmember Seif, the Council voted to approve Bill No. 17-142, which was numbered Ord. No. 8194. Motion passed by the following vote:**

**Aye:** 7 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Edson  
Councilmember Forte  
Councilmember Mosby  
Councilmember Seif  
Councilmember DeMoro

**6. PUBLIC HEARINGS:**

- A. [2016-0806](#)** CONTINUED PUBLIC HEARING - Appl. #PL2016-185 - SPECIAL USE PERMIT renewal for a telecommunication tower - 2750 NW Clifford Rd; American Tower Asset Sub, LLC, applicant.  
(NOTE: This item was continued from April 6th, May 18th and June 1st, 2017 per the applicant's request. The applicant requests an additional continuance to a date uncertain.)

Mayor Rhoads closed the Regular Session, opened the public hearing and asked all those wishing to speak to be sworn in by the City Clerk.

Councilmember Carlyle expressed concern about the safety of this tower.

Mr. Gregory Mercier with American Tower discussed the geotechnical evaluation performed on the property and the need for additional testing to ensure stability.

**On motion of Councilmember Binney, second by Councilmember Mosby, the Council voted to CONTINUE the Public Hearing to August 24, 2017.**

**Aye:** 7 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Edson  
Councilmember Forte  
Councilmember Mosby  
Councilmember Seif  
Councilmember DeMoro

- B.**      [2016-0688](#)      CONTINUED PUBLIC HEARING - Appl. #PL2016-190 - SPECIAL USE PERMIT renewal for telecommunication towers - 2140 NW Lowenstein Dr.; American Tower Asset Sub II, LLC, applicant.  
(NOTE: This item was continued from April 6th, May 18th and June 1st, 2017 per the applicant's request.)

Mayor Rhoads closed the Regular Session at 7:20 p.m. and opened the public hearing. Those wishing to speak were sworn in by the City Clerk.

Mr. Gregory Mercier represented the applicant and stated this application was for renewal of an existing cell tower, utilized by several different telecommunication companies. This tower is located about a mile away from the tower in the previous public hearing and stability is not a concern.

Mr. Hector Soto, Jr., Planning Division Manager, entered Exhibits 1-21 into the record. If approved, this tower will continue as currently exists. Towers have been located in this area for 25 to 30 years. The special use permit was request for 20 years. Staff recommended approval, subject to Condition #1.

Councilmember Carlyle offered several questions and concerns, specifically the general safety of the tower; life expectancy of a tower; tower height; tension wires; the need for additional bore testing; and, undermining in the area.

Hearing no further testimony, Mayor Rhoads closed the public hearing at 7:45 p.m. and reconvened the regular meeting.

- 1)**      [BILL NO. 17-143](#)      AN ORDINANCE GRANTING A SPECIAL USE PERMIT RENEWAL FOR A TELECOMMUNICATIONS TOWER IN DISTRICT AG (AGRICULTURAL) ON LAND LOCATED AT 2140 NW LOWENSTEIN DRIVE, ALL IN ACCORDANCE

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WITH ARTICLE 10 WITHIN THE UNIFIED DEVELOPMENT ORDINANCE,  
FOR THE CITY OF LEE'S SUMMIT, MISSOURI. (NOTE: First Reading - July  
13, 2017.)

The bill was read for the first time by Councilmember Mosby who moved for  
second reading; motion was seconded by Councilmember DeMoro.

DISCUSSION: Councilmember Carlyle wanted to know if the City could be  
completely indemnified for all the safety concerns she mentioned.  
Councilmember Head doubted the City had such ability. The regulations for  
placement, building and time allowed for the City to approve an application  
is Federally-regulated. There was no proof and nothing of record showing  
that the concerns she expressed exist.

**A motion was made by Councilmember Forte, seconded by Councilmember Binney, to  
AMEND the ordinance to grant a 10 year special use permit, rather than the requested 20  
years. Motion passed by the following vote:**

**Aye:** 7 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Edson  
Councilmember Forte  
Councilmember Mosby  
Councilmember Seif  
Councilmember DeMoro

**Councilmember Carlyle moved to continue the second reading of Bill No. 17-143 until  
August 24th to allow time to answer the questions about indemnification Motion was  
seconded by Councilmember Forte but MOTION FAILED by the following vote.**

**Aye:** 3 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Forte

**Nay:** 4 - Councilmember Edson  
Councilmember Mosby  
Councilmember Seif  
Councilmember DeMoro

**Motion was made by Councilmember Mosby, seconded by Councilmember DeMoro, that  
Bill No. 17-143 be advanced to second reading as amended. The motion passed by the  
following vote:**

**Aye:** 5 - Councilmember Binney  
Councilmember Edson  
Councilmember Mosby  
Councilmember Seif  
Councilmember DeMoro

**Nay:** 2 - Councilmember Carlyle  
Councilmember Forte

- C. [2017-1291](#) PUBLIC HEARING - Appl. #PL2017-094 - REZONING from AG to RP-4 and  
CP-2 and PRELIMINARY DEVELOPMENT PLAN - West Ridge at the Lake,  
approximately 23 acres located at the southwest corner of NE Bowlin  
Road and NE Jamestown Drive; Sallee Homes, applicant.

Mayor Rhoads closed the Regular Session at 8:10 p.m. and opened the

public hearing. All those interested in speaking were asked to be sworn in by the City Clerk.

Mr. Greg Musil represented the applicant. This project is on 23 acres and 297 units are proposed. Percentage of impervious coverage will be 46%, while 80% is allowed by the UDO. Also, there will be 53% open space, over twice the required amount of 20%. He discussed the proposed office space and amenities that will be provided. They proposed a heavy green buffer between this project and the single-family development to the south, rather than the required vinyl fencing. The developer of the subdivision to the south agreed with this proposal for buffering.

The Planning Commission discussed adding a requirement for elevators in all the buildings. This was not a UDO requirement, would require a total reconfiguration of the structures and would increase the cost by over \$100,000 per building. ADA requirements have been met in first floor units.

On a request from District 3 councilmembers, the Blue Springs School District was contacted. They had no problem with the development, since there were very few 3-bedroom units for families, and the district was pleased that the applicant was not requesting incentives. These units will rent for \$1,200 to \$1,800 per month.

Mr. Hector Soto, Jr., Planning Division Manager, entered Exhibits 1-21 into the record and reviewed the application. Staff recommended approval with two modifications, one to allow a density of 14.7 units per acre and the other modification for two setbacks. The first setback would allow the clubhouse to be located 10 feet from public right-of-way instead of the required 20 feet, which was due to the curvature of the road. The second setback modification was for the parking area, from 20 feet to 15 feet.

Councilmember Binney questioned the fire protection times for this area of the city and wondered about the impact of this development. Chief Poeschl advised the current challenge is reaching the northern end of the city in the required response time and that challenge is basically in the travel time.

Councilmember Binney also asked about the existing roadway for Jamestown from Bowlin to the Monticello development. Mr. Michael Park, Traffic Engineer, explained that at this time, the roadway connecting the existing subdivision and the new development of Monticello is at interim standards, since they were unsure how this property between the two would be developed. The roadway will be brought up to current standards with this development.

Councilmember Binney wanted to know if there are capacity issues on the



outer road (Lakewood Way). Mr. Park advised congestion could develop but there was still no recommendation to widen Lakewood Way.

Mr. Bob McKay, Director of Planning and Development, noted the change in types of apartments from the last five to seven years. The amenities are requiring higher density in order to cover the investment. Staff has supported higher density for some time. They would rather build up than out in order to provide more green space. Councilmembers wondered if the UDO should be amended to allow higher density.

The following residents spoke in protest to the proposed development, citing issues such as traffic, increased crime; decrease in property value; setback modifications; increased density; difficulty in access to the highway; challenges to Fire Department; desire to keep the open, park setting of the subject property to enjoy the view and wildlife; potential decline in the development, which could lead to Section 8; location of school bus stops and safety of children; construction traffic; potential commercial development in the vacant area; a separate road to access commercial and apartments; preservation of existing oak trees; and, drivers using Monticello to reach Lakewood Way. The residents requested a second traffic study:

Ms. Mary Kathleen Morgan, 4525 NE Jamestown Drive; Ms. Kathleen Morgan, 4525 NE Jamestown Drive; Mr. Bill Clector; Mr. Randy Talon, President of HOA; Ms. Sara McDaniel, Lake Ridge Meadows; Mr. John Walden 1016 NE Kinwood Drive; Mr. Brett Westhues, building home in Monticello; Mr. Scott Richards, 1332 NE Brandywine; Mr. Norman Greer, 1517 Amanda Lane; Ms. Kathy Jordan 1100 NE Franklin Dr and neighborhood watch coordinator;

Mr. John Lovell, a resident of New Longview related his experience with apartments in New Longview. They had similar fears but those fears did not reach fruition and their property values increased exponentially.

There being no further business, Mayor Rhoads closed the public hearing at 9:52 p.m. and reconvened the Regular Session.

The Council deliberated on this request, taking into consideration the comments from the public.

Councilmember Binney pointed out that residents in Lake Ridge Meadows made the same comments when Monticello was proposed. Property values are up and Kinwood Drive houses sold the fastest. This area has been planned to be multi-family for some time and this proposal is less dense. However, he was struggling with the road but saw no need for an additional

traffic study for a closed subdivision. Elevators would be a good idea but he pointed out there were no garages. Rental by choice is growing.

Councilmember Edson wanted to know if this was planned for multifamily and is shown as such on the Comprehensive Plan, why does the zoning need to be changed. This doesn't fit next to a neighborhood and great parkland.

Councilmember Mosby thought this was a good application but was concerned with all the modifications and traffic

Councilmember Forte appreciated that the applicant was not asking for incentives. She was concerned about modifications and thought the location was good for the city as a whole. The biggest negative was the road alignment and connectivity.

Councilmember Seif reiterated that traffic is a problem at certain times. The road should be moved. Otherwise, this is a great, sound project, but perhaps the wrong time. The full council needs to hear the studies on apartments and aging before making a decision on this project.

- 1) [BILL NO. 17-148](#) AN ORDINANCE GRANTING A CHANGE IN ZONING CLASSIFICATION FROM AG TO RP-4 and CP-2 ON APPROXIMATELY 23 ACRES GENERALLY LOCATED AT THE SOUTHWEST CORNER OF NE BOWLIN RD AND NE JAMESTOWN DR. FOR THE PROPOSED WEST RIDGE AT THE LAKE DEVELOPMENT, AND APPROVING A PRELIMINARY DEVELOPMENT PLAN FOR WEST RIDGE AT THE LAKE, ALL IN ACCORDANCE WITH THE PROVISIONS OF UNIFIED DEVELOPMENT ORDINANCE NO. 5209 FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

**On motion by Councilmember Binney, second by Councilmember Forte, the Council voted to CONTINUE Bill No. 17-148 until September 7, 2017. Motion passed by the following vote:**

**Aye:** 5 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Forte  
Councilmember Seif  
Councilmember DeMoro

**Nay:** 2 - Councilmember Edson  
Councilmember Mosby

- D. [2017-1368](#) PUBLIC HEARING - Appl. #PL2017-095 - PRELIMINARY DEVELOPMENT PLAN - Bloom Living, approximately 2.5 acres located at the southwest corner of SE Shenandoah Drive and SE Battery Drive; Complete, LLC, applicant.

Mayor Rhoads closed the Regular Session at 10:17 p.m. and opened the public hearing. All those wishing to speak were sworn in by the City Clerk.

The applicant explained this will be a life style community, with a three-story building and elevators.

Mr. Hector Soto, Jr., Planning Division Manager, entered Exhibits 1-19 into the record and reviewed the application. There will be 95 units total, no garages but some covered parking on the west side. A modification to the landscaping requirements would allow a smaller caliper of trees at the time of planting. Staff was already planning a change to the UDO that would allow a smaller caliper. Staff recommended approval, subject to Conditions 1 and 2.

Hearing no further testimony, Mayor Rhoads closed the public hearing at 10:29 p.m. and reconvened the regular session.

- 1) [BILL NO. 17-145](#) AN ORDINANCE APPROVING A PRELIMINARY DEVELOPMENT PLAN ON LAND LOCATED AT THE SOUTHWEST CORNER OF SE SHENANDOAH DR. AND SE BATTERY DR. IN DISTRICT CP-2, PROPOSED BLOOM LIVING, ALL IN ACCORDANCE WITH THE PROVISIONS OF UNIFIED DEVELOPMENT ORDINANCE, NO. 5209, FOR THE CITY OF LEE'S SUMMIT, MISSOURI. (NOTE: First Reading - July 13, 2017.)

**Motion was made by Councilmember Mosby, seconded by Councilmember Carlyle, that Bill No. 17-145 be advanced to second reading. Motion passed by the following vote:**

**Aye:** 7 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Edson  
Councilmember Forte  
Councilmember Mosby  
Councilmember Seif  
Councilmember DeMoro

- E. [2017-1300](#) PUBLIC HEARING - Appl. #PL2017-096 - SPECIAL USE PERMIT for a senior independent living facility - Bloom Living, approximately 2.5 acres located at the southwest corner of SE Shenandoah Drive and SE Battery Drive; Complete, LLC, applicant.

Mayor Rhoads closed the Regular Session and opened the public hearing at 10:31 p.m. All those wishing to speak were sworn in by the City Clerk.

The applicant had no comments.

Mr. Hector Soto, Jr., Planning Division Manager, entered Exhibits 1-19 into the record and reviewed the application. Staff recommended 30 years, based on past special use permits for similar applications.

Hearing no further testimony, Mayor Rhoads closed the public hearing at 10:33 p.m. and reconvened the Regular Session.

- 1) [BILL NO. 17-146](#) AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR A SENIOR INDEPENDENT LIVING FACILITY, BLOOM LIVING, IN DISTRICT CP-2 (PLANNED COMMUNITY COMMERCIAL) ON LAND LOCATED AT THE SOUTHWEST CORNER OF SE SHENANDOAH DR. AND SE BATTERY DR. FOR A PERIOD OF THIRTY (30) YEARS, ALL IN ACCORDANCE WITH ARTICLE 10 WITHIN THE UNIFIED DEVELOPMENT ORDINANCE, FOR THE CITY OF LEE'S SUMMIT, MISSOURI.  
(NOTE: First Reading - July 13, 2017.)

**A motion was made by Councilmember Edson, seconded by Councilmember Seif, that Bill No.17-146 be advanced to second reading. The motion carried by the following vote:**

**Aye:** 7 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Edson  
Councilmember Forte  
Councilmember Mosby  
Councilmember Seif  
Councilmember DeMoro

- F. [2017-1298](#) PUBLIC HEARING - Appl. #PL2017-093 - PRELIMINARY DEVELOPMENT PLAN - Pine Tree Plaza Renovations, 300 SW Blue Pkwy.; Pine Tree Plaza, LLC, applicant.

Mayor Rhoads closed the Regular Session and opened the public hearing at 10:41 p.m. All those wishing to speak were sworn in by the City Clerk.

The applicant explained this was an opportunity to bring in new tenants and improve the center. A rendering of the proposed upgrades was displayed.

Mr. Hector Soto, Jr., Planning Division Manager, entered Exhibits 1-17 into the record and reviewed the application. He pointed out this plan encompassed only the area previously used by the Price Chopper grocery store. Staff recommended approval with Condition #1.

In answer to questions from Councilmember Binney, the applicant and owner explained the rest of the center will also receive improvements but they were cognizant of the needs of existing tenants and timing for the improvements.

Hearing no further testimony, Mayor Rhoads closed the public hearing at 10:58 p.m. and reconvened the regular session.

Motion was made by Councilmember Binney, seconded by Councilmember Forte, to require all phases of the project to be simultaneous.

Mr. Trent Overhue, owner, would rather have a time limit, which would

make the development process easier. He did not want to tear up the entire center at once. Mr. Dunning thought Councilmember Binney meant "continuously" rather than "simultaneously".

Councilmember Binney withdrew his motion and Councilmember Forte withdrew her second.

- 1) [BILL NO. 17-144](#) AN ORDINANCE APPROVING A PRELIMINARY DEVELOPMENT PLAN ON LAND LOCATED AT 300 SW BLUE PARKWAY IN DISTRICT PMIX, PROPOSED PINE TREE PLAZA RENOVATIONS, ALL IN ACCORDANCE WITH THE PROVISIONS OF UNIFIED DEVELOPMENT ORDINANCE, NO. 5209, FOR THE CITY OF LEE'S SUMMIT, MISSOURI.  
(NOTE: First Reading - July 13, 2017.)

Motion was made by Councilmember Binney, seconded by Councilmember Forte, to require the improvements to the shopping center to be completed continuously without delay. The motion passed 6 "aye", 1 "no" (Councilmember Edson), on roll call vote.

**Motion was made by Councilmember Binney, seconded by Councilmember Forte, that Bill No. 17-144 be second read, as amended. The motion passed by the following vote:**

**Aye:** 7 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Edson  
Councilmember Forte  
Councilmember Mosby  
Councilmember Seif  
Councilmember DeMoro

**Motion was made by Councilmember Carlyle, seconded by Councilmember Mosby, that Bill No. 17-144 be advanced to second reading as amended. The motion carried by the following vote:**

**Aye:** 7 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Edson  
Councilmember Forte  
Councilmember Mosby  
Councilmember Seif  
Councilmember DeMoro

- G. [2017-1363](#) PUBLIC HEARING - Pine Tree Community Improvement District - Pine Tree Plaza Shopping Center; NSI Investments LLC, applicant.

Mayor Rhoads closed the Regular Session at 10:52 p.m., opened the public hearing and asked all those who wished to speak to be sworn in by the City Clerk.

Mr. Rich Wood, Gilmore and Bell, entered Exhibits 1-14 into the record and reviewed the application for CID. This request is for improvements to the front facade, parking lot, curb and interior improvements, limited to 20

years. Two seats of the five on the District Board of Directors will be City representatives and the City will have approval power over any financing. A cooperative agreement will be negotiated.

- 1) [BILL NO. 17-149](#) AN ORDINANCE APPROVING THE PETITION FOR AND ESTABLISHING THE PINE TREE COMMUNITY IMPROVEMENT DISTRICT.  
(NOTE: First Reading - July 13, 2017.)

**Motion was made by Councilmember Forte, seconded by Councilmember Carlyle, that Bill No. 17-149 be advanced to second reading. The motion passed by the following vote:**

**Aye:** 5 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Forte  
Councilmember Seif  
Councilmember DeMoro

**Nay:** 2 - Councilmember Edson  
Councilmember Mosby

- H. [2017-1296](#) PUBLIC HEARING - Appl. #PL2017-097 - PRELIMINARY DEVELOPMENT PLAN - Coleman Equipment, 4101 NE Lakewood Way; Coleman Equipment, applicant.

At 11:14 p.m., Mayor Rhoads closed the Regular Session, opened the public hearing and asked all those wishing to speak to be sworn in by the City Clerk.

Mr. Kevin Tubbesing represented the applicant. This site was difficult to develop, due to the topography and the location of City utilities located in the middle of the property.

Mr. Hector Soto, Jr., Planning Division Manager, entered Exhibits 1-20 into the record and reviewed the application. At this time, only the west half of the lot is to be developed. Two modification were requested, one of which was for the exterior display area on the west side of the building. The applicant also proposed a grid system to support the weight of vehicles and drivable surface with gravel and decorative rock. They wanted to display the equipment in an area similar to the conditions in which the equipment will be used. Instead of a parapet on the perimeter of the large building, they planned to have individual screens for the equipment in the locations where screens would be needed.

Hearing no further testimony, Mayor Rhoads closed the public hearing at 11:21 p.m. and reconvened the regular session. Councilmember Binney stated he was hesitant about the roof screening.

- 1) [BILL NO. 17-147](#) AN ORDINANCE APPROVING A PRELIMINARY DEVELOPMENT PLAN ON LAND LOCATED AT 4101 NE LAKEWOOD WAY IN DISTRICT PMIX, PROPOSED COLEMAN EQUIPMENT, ALL IN ACCORDANCE WITH THE

PROVISIONS OF UNIFIED DEVELOPMENT ORDINANCE, NO. 5209, FOR  
THE CITY OF LEE'S SUMMIT, MISSOURI.

(NOTE: First Reading - July 13, 2017.)

**Motion was made by Councilmember Seif, seconded by Councilmember Carlyle, that Bill No. 17-147 be advanced to second reading. The motion carried by the following vote:**

**Aye:** 7 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Edson  
Councilmember Forte  
Councilmember Mosby  
Councilmember Seif  
Councilmember DeMoro

**7. PROPOSED ORDINANCES - FIRST READING:**

- A.**     [BILL NO.](#)     AN ORDINANCE APPROVING A LAND CLEARANCE FOR REDEVELOPMENT  
[17-154](#)           AUTHORITY REDEVELOPMENT PROJECT, COLEMAN EQUIPMENT,  
PURSUANT TO THE PROVISIONS OF THE LAND CLEARANCE FOR  
REDEVELOPMENT AUTHORITY LAW, SECTIONS 99.300 TO 99.660 RSMo.  
(NOTE: First Reading - July 13, 2017.)

**ACTION: A motion was made by Councilmember DeMoro, seconded by Councilmember Carlyle, that Bill No. 17-154 be advanced to second reading. The motion carried by the following vote:**

**Aye:** 7 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Edson  
Councilmember Forte  
Councilmember Mosby  
Councilmember Seif  
Councilmember DeMoro

- B.**     [BILL NO.](#)     AN ORDINANCE VACATING TWO BLANKET WATER LINE EASEMENTS  
[17-150](#)           GENERALLY LOCATED AT THE SOUTHEAST CORNER OF SE M-291 HWY.  
& SE BAILEY RD. IN THE CITY OF LEE'S SUMMIT, MISSOURI.  
(NOTE: First Reading - July 13, 2017.)

**Motion was made by Councilmember Mosby, seconded by Councilmember Forte, that Bill No. 17-150 be advanced to second reading. The motion carried by the following vote:**

**Aye:** 7 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Edson  
Councilmember Forte  
Councilmember Mosby  
Councilmember Seif  
Councilmember DeMoro

- C.**     [BILL NO.](#)     AN ORDINANCE VACATING A CERTAIN STORM DRAINAGE EASEMENT  
[17-151](#)           GENERALLY LOCATED AT THE SOUTHEAST CORNER OF SE M-291 HWY.  
& SE BAILEY RD. IN THE CITY OF LEE'S SUMMIT, MISSOURI.  
(NOTE: First Reading - July 13, 2017.)

**A motion was made by Councilmember Binney, seconded by Councilmember Seif, that Bill**

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**No. 17-151 be advanced to second reading. The motion carried by the following vote:**

**Aye:** 7 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Edson  
Councilmember Forte  
Councilmember Mosby  
Councilmember Seif  
Councilmember DeMoro

**D. [BILL NO.](#)  
[17-153](#)**

AN ORDINANCE APPROVING AMENDMENT NO. 1 TO PARKING LOT FACILITY USE AGREEMENT BY AND BETWEEN THE CITY OF LEE'S SUMMIT, MISSOURI AND THE JUNIOR COLLEGE DISTRICT OF METROPOLITAN KANSAS CITY (A/K/A METROPOLITAN COMMUNITY COLLEGE) AND AUTHORIZING THE MAYOR TO EXECUTE THE SAME BY AND ON BEHALF OF THE CITY.

(NOTE: First Reading - July 13, 2017.)

**A motion was made by Councilmember Edson, seconded by Councilmember Binney, that Bill No. 17-153 be advanced to second reading. The motion carried by the following vote:**

**Aye:** 7 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Edson  
Councilmember Forte  
Councilmember Mosby  
Councilmember Seif  
Councilmember DeMoro

**8. COMMITTEE REPORTS (Committee chairs report on matters held in Committee):**

Councilmember Binney commented on the successful Tour de Lakes.

Councilmember Carlyle noted the Rules Committee will meet on August 16th at 5:30 p.m.

Councilmember Forte advised the update on apartments that was presented to the CEDC on Wednesday will be presented to the full Council next week.

**9. COUNCIL ROUNDTABLE:**

Councilmember Binney mentioned the public comments this evening regarding trash at construction sites. Mr. Dunning advised that the City previously looked at trash at construction sites, predominantly in residential areas. The comments tonight focused on animals eating trash left by construction workers, rather than blowing trash that was the prior focus. If the Council would like to pursue this issue, Staff could add an item to a CEDC agenda. Currently, the city does not require trash receptacles at job sites.

**10. STAFF ROUNDTABLE:**

Mr. Dunning advised that COMBAT will be holding a take-back program on July 20th. Also, MoDOT announced two upcoming lane closures, one on



I-470 and another on 50 Highway at the O'Brien overpass.

**11. ADJOURNMENT**

There being no further business, Mayor Rhoads ADJOURNED the July 13, 2017, City Council Regular Session No. 39 at 11:30 p.m.

For your convenience, City Council agendas, as well as videos of City Council and Council Committee meetings, may be viewed on the City's Internet site at "[www.cityofls.net](http://www.cityofls.net)".