

LEE'S SUMMIT PLANNING COMMISSION

Minutes of Tuesday, September 12, 2017

The Tuesday, September 12, 2017, Lee's Summit Planning Commission meeting was called to order by Chairperson Norbury at 5:00 p.m., at City Council Chambers, 220 SE Green Street, Lee's Summit, Missouri.

OPENING ROLL CALL:

Chairperson Jason Norbury	Present	Mr. Herman Watson	Present
Mr. Donnie Funk, Vice Chair	Present	Mr. Beto Lopez	Present
Ms. Colene Roberts	Present	Ms. Carla Dial	Present
Mr. Don Gustafson	Absent	Mr. Jeffrey Semmes	Present
Ms. Dana Arth	Present		

Also present were Hector Soto, Planning Division Manager; Jennifer Thompson, Staff Planner; Victoria Nelson, Staff Planner; Chris Hughey, Project Manager; Josh Johnson, Assistant Director, Development Services; Nancy Yendes, Chief Counsel Infrastructure and Zoning; Gene Williams, Senior Staff Engineer; Michael Park, City Traffic Engineer; Jim Eden, Assistant Fire Chief I, Fire Department; and Jeanne Nixon, Development Center Secretary.

APPROVAL OF AGENDA:

Chairperson Norbury announced that there were no changes to the agenda, and asked for a motion to approve. On the motion of Ms. Roberts, seconded by Mr. Lopez, the Planning Commission voted unanimously by voice vote to **APPROVE** the agenda as published. On the motion of Ms. Roberts, seconded by Mr. Funk, the Planning Commission voted unanimously by voice vote to **APPROVE** the agenda as published.

1. APPROVAL OF CONSENT AGENDA

- A. Application #PL2017-152 – FINAL PLAT –** Pergola Park, 4th Plat, Lots 81 thru 107, and Tracts N, 8-4 and 9-4; Inspired Homes LLC, applicant
- B. Minutes** of the August 22, 2017 Planning Commission meeting

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

Chairperson Norbury stated that the Commission would hear both Items 2 and 3 at the same time. This was to make it unnecessary for the applicant to submit the same information and presentation twice. Each of the two applications would be voted on separately.

2. **Continued Application #PL2017-142 – SPECIAL USE PERMIT** for a telecommunications tower – 465 SE Oldham Parkway, Skyway Towers, applicant

3. **Application #PL2017-143 – PRELIMINARY DEVELOPMENT PLAN –** telecommunications tower – 465 SE Oldham Parkway, Skyway Towers, applicant

Chairperson Norbury opened the hearing for Application PL2017-142 and Application PL2017-143 at 5:02 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Mr. Curtis Holland, present representing Skyway Towers, gave his address as 6201 College Blvd., Ste. 500 in Overland Park, Kansas. Skyway Towers, the proposed owner and developer, was a national development company that entered into agreements with wireless carriers for their towers to provide support infrastructure. In this application, Skyway had an agreement with T-Mobile to attach their wireless antennas to the tower. Mr. Holland commended staff on their assistance in preparing the applications and working through some of the issues. Staff was recommending approval of the structure.

Mr. Holland displayed an aerial rendering of the subject property and its surroundings, with tower's location marked by a yellow tack. It was adjacent to a Storage Mart's mini-warehouses. US 50 Highway ran east-west along the property's north side, with Lee's Summit High School across the highway. Oldham Parkway was to the east. Mr. Holland remarked that this tower's location next to a mini-warehouse use was a location unlikely to raise any objections. The land and surrounding properties were zoned for industrial uses. He displayed a photo simulation of the proposed monopole tower, stating that it was designed to accommodate additional users. Space at the bottom of the pole would be used for necessary equipment.

The applicants had requested a modification to landscaping requirements, due to the industrial location and the lack of visibility. Staff was supporting this modification, as well as a request to waive the requirement of painting the galvanized steel structure. The applicants also intended to ask for a modification for the setback equal to the height of the 150-foot tower. The way the code was interpreted in Lee's Summit, the antennas at the top were taken into consideration along with the tower structure itself. The structure was 140 feet tall, plus the antennas and a lightning arrester that increased the overall height to 150 feet. The original application had requested a 160-foot structure to allow a full 150-foot height but the applicants had been unable to meet the ordinance requirement according to that interpretation. At this point, they intended to request this modification to allow the extra height at the City Council level, as it was that governing body that would make the decision. Mr. Holland added that in all other respects the tower conformed to City requirements, and the applicant agreed to staff's Recommendation Items.

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

Mr. Soto entered Exhibit (A), list of exhibits 1-18 into the record for Application PL2017-142, and Exhibit (B), list of exhibits 1-14 for Application PL2017-143. He added that from here on the Commission would be looking at PowerPoint presentations from staff. He first displayed an aerial map of the site, he addressed some of the nearby land uses. Most of the property to the east, west and north of the site had been developed for industrial uses. A trucking facility under

construction was to the immediate south. This would include a 41,000 square foot building, and the property could accommodate up to 100 trucks. The tower's site was about 26 acres. Then displaying a zoning map, Mr. Soto noted that all of this area south of US 50 and east of the Union Pacific Railroad right-of-way had industrial zoning and uses. The area was bounded on three sides by US 50, Bailey Road and Hamblen Road. With a total height of either 150 or 160 feet, the structure would be within a 50 x 50-foot lease site, on a 6.7 industrial parcel. Mr. Soto confirmed that it would be at the south end of the existing storage buildings. He confirmed that the applicant wanted a tower structure of 150 feet, plus 10 feet of tower appurtenances including antennas, for a total height of 160 feet. A displayed detail of the site plan contrasted the setbacks for this height with those for a total of 150 feet. It indicated the length of setbacks on all four sides for both heights, with all setbacks for the 150-foot height in compliance with City requirements. The south setback for the 160-foot height was 150 feet, which would not be in compliance. The next elevation showed the 150-foot tower's components. Mr. Soto confirmed that staff supported the requested modifications for the landscaping requirement and tower painting. Staff did not support the request for a total height of 160 feet. He added that the next UDO amendment would eliminate the requirement for tower painting.

Concerning the landscaping requirement, Mr. Soto pointed out that the tower site was in an area with a high coverage percentage of concrete and compacted gravel. The dashed spaces indicated south of the buildings indicated the storage facilities for outside storage of boats and recreational vehicles. The site essentially had not open space for landscaping. Moreover, the buildings effectively blocked the lease site from public view from the major roads nearby, and for these reasons staff supported the requested landscaping modification. The requested third request for setback modification would be granted or denied by the City Council. Staff was in favor of maintaining the required 150-foot setback; and staff had seen no evidence that this would impact the facility's delivery of service. Mr. Soto confirmed staff's reasons to support both applications. The neighborhood's character, zoning and uses was industrial. The nearest residential-zoned property being Lee's Summit High School, across US 50 and about 900 feet away; and the nearest property actually having residential uses was 1,320 feet away. The tower would have no negative impact on the adjoining industrial properties; and a tower at this location would improve wireless coverage in the area.

Mr. Soto then reviewed staff's four Recommendation Items for the Special Use Permit (PL2017-142). Recommendation Item 1 granted the modification to the tower painting requirement, "*to allow the tower to be galvanized as shown on the plans.*" Item 2 recommended another modification for the required landscaping screening to allow the applicants to omit the landscaping around the tower's perimeter. Recommendation Item 3 required the applicant to "*maintain setbacks from all property lines a distance at least equal to the height of the tower as measured from the base of the tower to its highest point.*" Item 4 stated that approval was contingent upon approval of the preliminary development plan.

Approval of the preliminary development plan (PL2017-143) was, in return, contingent on approval of the Special Use Permit, and the development would be consistent with the current version of the PDP, stamped August 1, 2017. Mr. Soto added that this PDP was for a 140-foot tower with 10 feet added for the antennas and lightning resistor.

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. Seeing none, he then asked if the Commission had questions for the applicant or staff.

Chairperson Norbury asked Mr. Holland if it was correct that the part of the parcel to be used for the structure was next to the storage facility's outdoor RV and boat parking. Mr. Holland answered that this was correct; however, it was also adjacent to the mini-warehouses used for indoor storage. The business provided by indoor and outdoor storage. Chairperson Norbury then asked about the pad where the tower would be located, and Mr. Holland answered that they had leased a 50x50 foot area at the south end. That area would be surrounded by a security fence. Chairperson Norbury asked what the consequences would be of someone hitting the tower with an RV. Mr. Holland replied that a driver would have to go through the gate or fence and at a rather high speed.

Chairperson Norbury noted that concerns about safety were typically raised in earlier applications of this kind; and he wanted to ensure that the surroundings were managed safely. He was not sure that this would be addressed in an environment where the facility would be surrounded by large vehicles. Mr. Holland replied that these towers were designed to withstand considerable force; including 90 mph winds with half inch radial ice. The tower would have a massive concrete foundation and the base was bolted to the concrete. A vehicle hitting it would have to be large and be moving at a high speed; which would be difficult in that small area. These kinds of pole structures were widely used, including the one nearest City Hall, and this had not been an issue. The scenario Chairperson Norbury was concerned about was unlikely.

Chairperson Norbury asked if there were further questions for the applicant or staff. Hearing none, he closed the public hearings for Applications PL2017-142 and PL2017-143 at 5:33 p.m. and asked for discussion among the Commission members, or for a motion.

Ms. Roberts made a motion to recommend approval of Application PL2017-142, Special Use Permit for a telecommunications tower: 465 SE Oldham Parkway, Skyway Towers, applicant; subject to staff's letter of September 8, 2017, specifically Recommendation Items 1 through 4. Mr. Lopez seconded.

Chairperson Norbury asked if this approval was for a tower with a total height of 150 feet. Ms. Yendes confirmed that it was. Hearing no other questions, Chairperson Norbury called for a vote.

On the motion of Ms. Roberts, seconded by Mr. Lopez, the Planning Commission members voted by voice vote of seven "yes" and one "no" (Chairperson Norbury) to recommend **APPROVAL** of Application PL2017-142, Special Use Permit for a telecommunications tower: 465 SE Oldham Parkway, Skyway Towers, applicant; subject to staff's letter of September 8, 2017, specifically Recommendation Items 1 through 4.

Chairperson Norbury then called for a motion on Application PL2017-143.

Ms. Roberts made a motion to recommend approval of Application PL2017-143, Preliminary Development Plan: telecommunications tower, 465 SE Oldham Parkway, Skyway Towers, applicant; subject to staff's letter of September 8, 2017, specifically Recommendation Items 1 and 2. Ms. Dial 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 Ms. Dial, the Planning Commission members voted by voice vote of seven “yes” and one “no” (Chairperson Norbury) to recommend **APPROVAL** of Application PL2017-143, Preliminary Development Plan: telecommunications tower, 465 SE Oldham Parkway, Skyway Towers, applicant; subject to staff’s letter of September 8, 2017, specifically Recommendation Items 1 and 2.

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

<p>4. Application #PL2017-144 – PRELIMINARY DEVELOPMENT PLAN – Kessler Ridge at New Longview, 2nd Plat, Lots 56-87, Tracts E-G, northeast corner of Longview Blvd. and Longview Rd.; Inspired Homes, LLC, applicant</p>
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Chairperson Norbury opened the hearing at 5:35 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Ms. Shannon Buester of Olsson Associates, gave her address as 1301 Burlington, Ste. 100, North Kansas City, Missouri. She related that this application was an amendment to the approved preliminary plat for Kessler Ridge. The first plat had already been developed and the water detention installed with this plat. Displaying the site plan, she explained that the the plan that was approved didn't show a layout for the area at the southwest corner by the roundabout. The neighbors on the south side of Longview Road were concerned about this; as they had wanted an area to serve as a buffer. The housing product type in the first plat was the traditional single-family home and they wanted a buffer at the roundabout to suggest the atmosphere of the existing TNZ neighborhood. They had held some discussions with the neighbors.

One approach involved three existing historic houses were undergoing assessments as to whether they were salvageable and what adaptive uses might be possible. One was considered in very poor shape and might be parted out for scrap to help restore the other two. The applicants had platted a lot for these two houses, planning an open space park area, which could provide the needed buffer. The garages were on the back of the cul-de-sac and faced the park on the north and Longview Road on the south. In working with staff, the applicants had originally shown the cul-de-sac functioning as more of an alley, which raised concerns about emergency vehicle access. They had widened it to the size of a traditional cul-de-sac.

The applicants were in agreement with staff's 7 Recommendation Items; however, the Traffic Impact Analysis did include a few items they wanted to discuss. First, there seemed to be some concern over the lack of on-street parking. This had not come up in the several pre-application meetings and most of the plat was traditional, 70-foot wide single-family lots. Much of the street frontage was not developed at all, some of it taken up by the historic homes and open space. The applicants did not believe on-street parking would be a problem. Concerning sidewalks, the traffic analysis' wording seem to suggest that the developers were not providing them. The cul-de-sac did not have sidewalks, because despite its size it was intended basically for use as an alley. It was intended for utility and not specifically for pedestrians. However, the houses did have sidewalks in front, as did Longview Boulevard, Redbuck and Longview Road.

Following Ms. Buester's presentation, Chairperson Norbury asked for staff comments.

Ms. Thompson entered Exhibit (A), list of exhibits 1-15 into the record. She stated that the applicant proposed a single-family subdivision, Kessler Ridge at New Longview, 2nd plat, which also served as the preliminary development plan. It was at the corner of Longview Boulevard and Longview Road, and had single-family subdivisions adjacent to the north, east and south, with the historic dairy barn buildings to the west. Zoning to the north, south and west was mostly PMIX, with a combination of R-1 and RP-1 to the east and south. The total area was 11.55 acres, with 32 lots and three common area tracts. Average density would be 2.77 units per acre including the common area and 3.03 units per acre excluding the common area. Proposed building setbacks were 20 feet for a front yard, 5 feet for side yards and a 25-foot setback for lots 56 through 77. Lots 78 through 87 had three-foot yard setbacks. The site plan showed two distinct areas. The lots to the north and east were standard single-family lots and were actually a continuation of Kessler Ridge 1st Plat. The ten lots in the southwest corner were in the transitional neighborhood category. Ms. Thompson displayed elevations of proposed homes, for the TNZ portion and the standard single-family lots, noting several design options for the TNZ portion such as front porches and stoops and detached garages. In contrast, those for the standard single-family lots.

Ms. Thompson concluded that staff considered this development compatible with adjacent land uses and appropriate for that site. The proposed design standards were consistent with those applied to single-family development at New Longview. She cited staff's seven conditions. (1) The development would be consistent with the preliminary development plan date stamped August 1, 2017. (2) The development standards would be shown on the PDP, with the same date. This included density, lot area and setbacks. (3) Architecture, building materials and colors would be as shown on the building elevations of the same date. Items 1, 2 and 3 were standard requirements for approval.

Recommendation Items 4 and 5 specified setbacks. For lots 56-77, Item 4 recommended: front yard setbacks from 20 to 25 feet; side setbacks a minimum of 5 feet and 15 feet from a side street. Rear setbacks were a minimum 25 feet. For lots 78-87, Item 5 recommended front setbacks of 20 feet, side setbacks at least 5 feet and rear setbacks at least 3 feet. Recommendation Item 6 provided that "*porches, cantilevers, roofs, roof overhangs and any and all building appurtenances may encroach a maximum of 8 feet into the front building setback.*" Recommendation Item 7 recommended the developer be responsible for constructing a white rail fence along SW Longview Road, similar to those seen in other parts of Longview Road and the New Longview development.

Ms. Thompson noted an error in staff's letter. Staff requested that Items 11 and 12 in the Codes and Ordinance section be deleted.

Following Ms. Thompson's comments, Chairperson Norbury asked if there was anyone present wishing to give testimony, either in support for or opposition to the application. Seeing none, he then opened the hearing for Commissioners' questions for the applicant or staff.

Mr. Funk asked for clarification about where sidewalks were omitted. Ms. Buester explained that sidewalks were used throughout except around the cul-de-sac. It actually functioned as an alley. Ms. Buester pointed out the very narrow setbacks with garages backing up to the cul-de-sac. The driveways were very short, about 8 feet; so sidewalks would essentially route

pedestrians into driveways close to the back of a garage. Mr. Funk replied that every house had a garage that cars pulled out of and he assumed they would have sidewalks as well as an area for children to play after they rode out of the garage. Ms. Buester pointed out that in a traditional subdivision with a garage in front, they would have a setback as much as 30 feet. In New Longview, the driveways backed into alleys and driveways could not be very long. With an 8-foot driveway a car could back into a sidewalk very quickly.

Ms. Roberts asked to see where on-street parking would be allowed. Mr. Park explained that the parking would have to be a minimum distance back from a stop sign or anywhere parking would be restricted, such as a fire hydrant. He pointed out the stretches on Redbuck, Merriam Drive and Edwards Drive. Parking would not be allowed along Longview Boulevard, Longview Road and the cul-de-sac. Ms. Roberts then asked where the white rail fence on Longview would be in relation to the sidewalk, and what material it would be. Ms. Thompson answered that it was a continuation of the fence along Longview, and staff had not received any details about placement. Mr. Todd Lipshutz of Inspired homes explained that the existing fence was installed when Kessler Ridge Phase 1 was developed and would sit at the back edge of the right-of-way. Ms. Buester clarified that the sidewalk was in the right-of-way and the fence ran along the right-of-way. The expanse of fence would have gaps for residents to access the sidewalk.

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.

Ms. Roberts was concerned about the parking, noting that people often used their garages for storage and parked cars outside. Chairperson Norbury noted that this was what was asked for,, and was the arrangement elsewhere in the Longview development; and no problems had been reported. Ms. Roberts noted that teenagers had extra cars and she was concerned about where the overflow would go, especially with no on-street parking allowed on Longview Road or Longview Boulevard.

Ms. Dial remarked that in New Longview diagonally across from the roundabout were several houses that had no on-street parking. Further down on Longview parallel parking was available at turn-outs. She did not like the idea of five houses in a row fronting a street with no parking. Ms. Roberts remarked that people were likely to park in the cul-de-sac.

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

Mr. Funk made a motion to recommend approval of Application PL2017-144, Preliminary Development Plan: Kessler Ridge at New Longview, 2nd Plat, Lots 56-87, Tracts E-G, northeast corner of Longview Blvd. and Longview Rd.; Inspired Homes, LLC, applicant; subject to staff's letter of September 8, 2017, excluding items 11 and 12 in the Codes section. Mr. Lopez seconded.

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

On the motion of Mr. Funk, seconded by Mr. Lopez, the Planning Commission members voted unanimously by voice vote to recommend **APPROVAL** of Application PL2017-144, Preliminary

Development Plan: Kessler Ridge at New Longview, 2nd Plat, Lots 56-87, Tracts E-G, northeast corner of Longview Blvd. and Longview Rd.; Inspired Homes, LLC, applicant; subject to staff's letter of September 8, 2017, excluding items 11 and 12 in the Codes section.

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

5. Application #PL2017-153 – REZONING from AG to PI – Tailor Made Landing, 1600 SE Hamblen Rd.; Nolte & Associates, applicant

Chairperson Norbury opened the hearing and announced that Application PL2017-153 was being continued to a date certain of September 26, 2017 at staff's request. He asked for a motion to continue.

Mr. Funk made a motion to continue Application PL2017-153 to a date certain of September 26, 2017. Ms. Roberts seconded.

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

On the motion of Mr. Funk, seconded by Ms. Roberts, the Planning Commission members voted unanimously by voice vote to **CONTINUE** Application PL2017-153 to a date certain of September 26, 2017.

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

OTHER AGENDA ITEMS

6. Discussion – proposed amendment to Planning Commission bylaws

Mr. Soto stated that the proposed change moved the public comment section up to in front of approval of the consent agenda. At a recent meeting a resident had questions about a consent agenda item but could not bring this up until the public comments period. Ms. Roberts commended staff for following this up so quickly. There were no objections to the change. He noted some 'clean up' language regarding titles of departments. Chairperson Norbury stated that this would be voted on at the next meeting.

PUBLIC COMMENTS

There were no public comments at the meeting.

ROUNDTABLE

There were no Roundtable items at the meeting.

ADJOURNMENT

There being no further business, Chairperson Norbury adjourned the meeting at 6:10 p.m.

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