

The City of Lee's Summit
Action Letter - Draft
Planning Commission

Thursday, November 18, 2021

5:00 PM

City Council Chambers and via videoconference

Notice is hereby given that the Planning Commission for the City of Lee's Summit will meet on Thursday, November 18, 2021, at 5:00 pm in the City Council Chambers at City Hall, 220 SE Green Street, Lee's Summit, Missouri, and via video conference as provided by Section 2-50 of the City of Lee's Summit Code of Ordinances, adopted by the City Council on June 15, 2021, Ordinance No. 9172.

Persons wishing to comment on any item of business on the agenda, including public testimony during a Public Hearing, via video conference may do so by sending a request prior to 5:00 p.m. on Wednesday, November 17, 2021, to the City Clerk at clerk@cityofls.net to attend the meeting on the video conferencing platform. The City Clerk will provide instructions regarding how to attend by this method.

Call to Order

Roll Call

Present: 7 - Chairperson Donnie Funk
Vice Chair Dana Arth
Board Member Randy Benbrook
Board Member Tanya Jana-Ford
Board Member Mark Kitchens
Board Member Cynda Rader
Board Member Terry Trafton

Absent: 2 - Board Member Jake Loveless
Board Member Matt Sanning

Approval of Agenda

A motion was made by Vice Chair Arth, seconded by Board Member Trafton, that this Agenda be approved. The motion carried unanimously.

Public Comments

There were no public comments at the meeting.

Approval of Consent Agenda

[TMP-2101](#) Appl. #PL2021-261 - FINAL PLAT - Osage, 3rd Plat, Lots 76-87 and Tracts O & P, 2151 SW M-150 Hwy; Clayton Properties Group, Inc., applicant

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

[2021-4518](#)

Minutes of the November 4, 2021, Planning Commission meeting

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

Public Hearings

[2021-4530](#)

Appl. #PL2021-353 - PRELIMINARY DEVELOPMENT PLAN - Raintree Animal Health Center addition & renovation; 3820 SW Ward Rd; Davidson Architecture & Engineering, applicant

Chairperson Funk opened the hearing at 5:03 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Ms. Karen Oppliger, of Davidson Architecture and Engineering, gave her address as 503 W. 87th Street in Overland Park, Kansas. She confirmed that the Raintree Animal Health Center was located at 3820 SW Ward Road. The existing building was 3,950 square feet, and the proposed addition would be 2,630 square feet. The addition would retain the current setbacks, building height and style; with a new entrance and a proposed tower for an increased visual presence along the street. The displayed site plan showed the retained setbacks and parking. The applicants planned to provide new landscaping for screening of any new equipment.

Ms. Oppliger then displayed elevations of the proposed addition and the existing building, which also showed the proposed tower element with new signage. She had shared this design at a neighborhood meeting on October 29th. Those attending had expressed support for the project.

Following Ms. Oppliger's presentation, Chairperson Funk asked for staff comments.

Mr. Soto entered Exhibit (A), list of exhibits 1-11 into the record. He displayed an aerial map of the general area that included the zoning designations. The subject property was currently zoned AG (agricultural), with the Raintree Lake single-family R-1 subdivision to the east, and Parkwood and Stoney Creek to the west. The area along Ward Road south of MO-150 was generally rural, agricultural; with much of the residential development being on large lots with a minimum of five acres.

The displayed project information showed the proposed addition in green. It extended slightly north of the existing building and a sidewalk running along it to the south. The existing parking lot would not be changed. The elevations showed a composition roof, stucco exteriors and fiber cement trim. A stone base already existed on the east elevation facing Ward Road.

One modification was being requested for the setback that was required to separate a veterinary facility from adjoining residential zoning or land uses. If the use included an outdoor activity area or outdoor component, that setback was a minimum 100 feet. This particular use would have an outdoor component, specifically an exercise area on the back (east) side of the building. Nothing extended further south; and the existing building already had a 50 foot setback from the residential properties to the south.

The proposed addition would require a reconfiguration to that exercise area. The project information image showed this as a gray area off the back of the building, with some of it a little to the north. It would result in a 63 foot separation from the property to the north. At present, it was about 100 feet; so, the separation for the dog exercise area would be reduced from 100 feet to 63 feet. Mr. Soto pointed out the residence closest to the boundary of the exercise area was a little over 100 feet away; so that part of the setback requirement was being met. The modification to the 50 foot setback from the south had been approved when the Health Center was originally approved in 2012.

Veterinary uses, including outdoor activity areas, were allowed by right with conditions in AG zoning. Setback requirements came into play for nearby residential zoning and uses. The surrounding area on the same side of Ward Road was rural residential in nature; and the addition would have some color changes but would be consistent with the general design of the existing building. Its impact on existing public infrastructure nearby would be negligible. The existing land use was consistent with the Ignite Comprehensive Plan.

The two Conditions of Approval included the proposed setback modification to allow for a 63 foot outside area setback and 50 foot building setback from the abutting residential properties; and to be "in accordance with the preliminary development plan dated October 18, 2010."

Chairperson Funk asked if the Commissioners had questions for the applicant or staff.

Commissioner Benbrook asked if the facility would have its own septic system, and Ms. Oppliger answered that it was on the public system. Commissioner Benbrook asked if the exercise area could be extended to the west, and Ms. Oppliger explained that the topography was rather steep on that side, which would make maintenance difficult.

Commissioner Trafton noted to Mr. Soto that the residential lot directly north was zoned AG, and asked if it was planned for commercial use in the future. Mr. Soto replied that the Comprehensive Plan designated the future use of the large undeveloped acreage shown on the map as commercial in nature.

Commissioner Arth asked what was being done with the space. Ms. Oppliger displayed the plan and pointed out the locations of the existing building and the proposed expansion to the back. It would contain mostly offices, although some space was reserved to accommodate animal patients staying at the facility, plus an increased surgical area bay in the back. The front was being renovated with offices and a reception area. The rest of the building would have upgraded finishes and restrooms.

Commissioner Rader asked if the people attending the neighborhood meeting were aware of the fact that the setback was being reduced. Ms. Oppliger did not recall a discussion with the owner of the pet that would be affected; adding that several people had called in to participate in the meeting. She did recall a full discussion about the building setbacks.; and the attendees had seen the same plans being presented at tonight's meeting.

Mr. Soto corrected his earlier report of the list of exhibits. The list was 1-14, not 1-11.

Commissioner Kitchens asked Mr. Soto if the setback to the south reduced to 50 feet from 100 feet was for the previous building, and Mr. Soto confirmed that it was. They were the building that were approved previously; and not for the exercise yard in the back. Commissioner Kitchens then noted that the number of parking spaces was not being increased and asked how many there were at present. Ms. Oppliger answered that there were 38. This number was not being increased because the original requirement was for 18 spaces. Commissioner Kitchens remarked that the facility was being expanded by about three-fifths of its original size; and asked if the owners were expecting increased business from the expansion. Ms. Oppliger responded that they did not expect a large enough increase to impact parking; since a large portion of the increase would be for offices.

Commissioner Kitchens then asked if they would be expanding some services, such as pet daycare; and Ms. Oppliger answered that they did have daycare available. She was not certain which other services would be expanded. Commissioner Kitchens remarked that there had been issues with daycare in the past, with very long lines that were similar to a situation with pick up and drop off at schools. He then asked what the proposed landscaping was for; and Ms.

Oppliger explained that there would be some new heating and air conditioning equipment in the back, which was what they wanted to screen.

Chairperson Funk asked if the shed on the plan was an existing one, and Ms. Oppliger answered that it was. Noting the AG zoning, Chairperson Funk asked what might happen if this business was to move to a bigger space and the property did not have veterinary use. Mr. Soto replied that any type of non-veterinary use would most likely require rezoning. It would need to be more consistent with the commercial zoning that existed further north along the M-150 frontage. Chairperson Funk asked if it would change anything for the owner if the property was rezoned at present; and Mr. Soto answered that it would not.

Chairperson Funk asked if there were further questions for the applicant or staff. Hearing none, he closed the public hearing at 5:22 p.m. and asked for discussion among the Commission members, or for a motion.

Commissioner Arth made a motion to recommend approval of Application PL2021-353, Preliminary Development Plan: Raintree Animal Health Center addition & renovation; 3820 SW Ward Rd; Davidson Architecture & Engineering, applicant. Commissioner Rader seconded.

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

A motion was made by Vice Chair Arth, seconded by Board Member Rader, that this application be recommended for approval to the City Council - Regular Session, due back on 12/21/2021. The motion carried unanimously.

[TMP-2103](#)

An Ordinance approving a preliminary development plan on land located at 3820 SW Ward Road in district AG, proposed Raintree Animal Health Center addition & renovation, all in accordance with the provisions of Unified Development Ordinance, No. 5209, for the city of Lee's Summit, Missouri.

[2021-4529](#)

Appl. #PL2021-355 - SPECIAL USE PERMIT renewal for automotive sales - Pinnacle Auto Sales, 516 SW 3rd St; Tenland, LLC, applicant

Chairperson Funk opened the hearing at 5:23 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Mr. John Finnegan, owner of Tenland, LLC, gave his address as 909 SW Drake Drive in Lee's Summit. He stated that Pinnacle Auto Sales had been in business for almost ten years at this location. They were asking to extend the Special Use Permit for a ten year term, pointing out that it was costly and rather time-consuming to renew it every three to five years. He was not proposing any changes to the building or business plan; and the business had proved to be an asset to the community.

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

Mr. Soto entered Exhibit (A), list of exhibits 1-16 into the record. He displayed an aerial zoning map, with the business' location indicated by a yellow star. The business was along the SW Third Street corridor, at the corner of Third and Noel Streets, between the Central Business District and US 50 Highway to the west. To the east was an existing gas and service station that also did some moving truck rentals. An inline multi-tenant building, which also included an auto repair service, was to the immediate west. No site improvements or building changes were associated with the application. The existing building was 4,616 square feet, on .57 acres, and had CP-2 zoning. It had 35 total parking and display spaces. The general display area was on the north and east sides of the building.

An additional driveway had existed off the corner of Third and Noel, plus other driveway indicated by hatched areas. One of the 2013 Conditions of Approval was to close off the two corner driveways, turn them into grass areas. The driveways were in too close proximity to the intersection; and the change would bring the site into better compliance with the Access Management code.

One requested modification was similar to one requested in the most recent renewal in 2016. The UDO called for a minimum ten foot setback from property lines; and no parking setback requirements were in place when the site was first developed in 1966. This site was similar to many of the older properties along the Third Street, Blue Parkway and Oldham corridors had parking extending up to the property line. The SUP would need a modification to reflect the existing conditions on the site. Mr. Soto added that a similar request had been granted when the Special Use Permit was renewed in 2016.

Automobile sales were allowed with a SUP in the CP-2 zoning district. Conditions included the minimum 10 foot display area setback; no fencing forward of the main building and the vehicles being displayed on a paved surface. The first Condition required a modification and the other two had already been met, although a pipe rail fence was near the back of the property. The business had been at this property since 2013; and two zoning violations had occurred in 2014 and 2016. These had been addressed via the renewal in 2016. It had involved some miscommunication about the limits of the display areas. A modification to the minimum display setback area was granted at that time. Other than Instant Auto, all these businesses occupied existing buildings and so did not require any new construction.

The requested ten year term was consistent with other SUPs that had been granted for used auto sales businesses; from May of 2013 to June of 2019. Staff recommended approval, subject to two Conditions of approval. Condition 1 required the SUP renewal to "be granted for a period of ten (10) years from the current Special Use Permit expiration date, to expire December 12, 2031. Condition 2 required that "Vehicles displayed for sale shall be located on the north side and east side of the building as depicted on the site plan."

Following Mr. Soto's comments, Chairperson Funk noted that no members of the public were present; and then asked if the Commission had questions for the applicant or staff.

Commissioner Kitchens noted that this was an area the City was looking at for redevelopment; and he agreed that market pressure would help expand that. He asked Mr. Finnegan if he was the owner of the facility; and Mr. Finnegan replied that he was. Commissioner Kitchens speculated that some development might occur close to the subject property; and he asked Mr. Finnegan about his relationship with business neighbors. Mr. Finnegan answered that it was a good one; not only close neighbors but also people nearby who had been customers. He was not a stereotypical used car dealer; and he did not try to make the sales cars too conspicuous.

Commissioner Trafton asked about the entrance off Noel Street, and specifically how much use it got. Mr. Finnegan said that the ongoing issue was the number of impatient drivers at the intersection of Noel and Third. That made it dangerous for him to not have access to the intersection blocked; because drivers so often went speeding through the intersection without stopping. It was essentially closed off for safety reasons. He recalled one incident where a car with an impatient driver went airborne over the grass into the driveway. The entrance was sometimes used when trucks made deliveries and he wanted to route cars to the back of the building. It prevented these deliveries blocking Third Street, especially during rush hours. He added that he encouraged truck drivers to make deliveries in the evenings or on weekends when possible. He confirmed that a lot of sales were online.

Commissioner Trafton asked about the volume; and Mr. Finnegan answered that it was 35 to 40 cars a month. It was a one-price deal, with no hidden fees; and most of his customers came

to buy and not shop. Commissioner Trafton asked if he had considered doing any landscaping on the Noel corner, and Mr. Finnegan answered that he had not. There was some irresponsible driving, and a number of transients, on Third; and he did not want to keep replacing landscaping that people had driven over.

Commissioner Trafton asked Mr. Soto if there were plans to improve that segment of Third Street, and Mr. Soto stated that the Comprehensive Plan identified it as an 'opportunity for future redevelopment'. Regarding landscaping along that street, Commissioner Trafton asked what was the easement in terms of future widening of the street. Mr. Soto said he was not aware of a need for additional right-of-way at present. With a parking lot built up to the property line, the only place for a green space would be a public right-of-way. Mr. Finnegan would have to take out some of the 'hardscape' in his parking lot in order to have landscaping on his private property.

Chairperson Funk asked Mr. Soto if the Noel entrance being blocked might create any issues with emergency access to the property. Mr. Soto answered that this was not likely, since there was adequate access on Third.

Hearing no further questions, Chairperson Funk closed the public hearing at 5:43 p.m. and asked for discussion among the Commission members, or for a motion.

Commissioner Kitchens made a motion to recommend approval of Application. PL2021-355, Special Use Permit renewal for automotive sales: Pinnacle Auto Sales, 516 SW Third St; Tenland, LLC, applicant. Commissioner Rader 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 Kitchens, seconded by Board Member Rader, that this application be recommended for approval to the City Council - Regular Session, due back on 12/7/2021. The motion carried unanimously.

[TMP-2102](#)

An Ordinance granting a special use permit renewal for car sales in district CP-2 on land located at 516 SW 3rd Street, Pinnacle Auto Sales, for a period of ten (10) years from the current permit expiration date, to expire on December 21, 2031, all in accordance with Article 6 within the Unified Development Ordinance, for the city of Lee's Summit, Missouri.

Roundtable

Chairperson Funk asked Mr. Soto if there was any update on the proposed joint meeting with the City Council. Mr. Soto said he would send an update via email.

Adjournment

There being no further business, Chairperson Funk adjourned the meeting at 5:49 P.M.

For your convenience, Planning Commission agendas, as well as videos of Planning Commission meetings, may be viewed on the City's Legislative Information Center website at "lsmo.legistar.com"