

## The City of Lee's Summit

### Action Letter

### Planning Commission

Thursday, August 25, 2022

5:00 PM

City Council Chambers  
and Via Video Conference  
220 SE Green Street  
Lee's Summit, MO 64063

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Notice is hereby given that the Planning Commission for the City of Lee's Summit will meet on Thursday, August 25, 2022, 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, August 24, 2022, to the City Clerk at [clerk@cityofls.net](mailto: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 Tanya Jana-Ford  
Board Member Mark Kitchens  
Board Member Jake Loveless  
Board Member Cynda Rader  
Board Member Terry Trafton

**Absent:** 2 - Board Member Randy Benbrook  
Board Member Chip Touzinsky

#### Approval of Agenda

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

#### Public Comments

There were no public comments at the meeting.

#### 1. Approval of Consent Agenda

A. [2022-5117](#) Approval of the August 11, 2022 Planning Commission minutes

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

#### Public Hearings

2. [2022-5121](#) Continued Appl. #PL2022-216 - PRELIMINARY DEVELOPMENT PLAN - Macadoodles, 1499 SW Market St; KC Blitz, applicant

A motion was made by Board Member Jana-Ford, seconded by Board Member Rader, that this application be continued to the Planning Commission, due back on 9/8/2022. The motion carried unanimously.

3. [2022-5120](#) Appl. #PL2022-192 - REZONING from RP-2 to CBD and PRELIMINARY DEVELOPMENT PLAN - Ellis Glen, 102-110 SW Market St; MKEC Engineering, applicant

Chairperson Funk opened the hearing at 5:09 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Mr. Sam Collins of Collins Webb Architecture gave his address as 307 B SW Market St. Lee's Summit, MO. The proposed project is a mixed-use building that will utilize five current properties with office space on the 1st floor, residential on the 2nd and 3rd floors, and a rooftop amenity space on the 4th floor. The property sits on Market St. between 1st and 2nd St. Some of the existing properties are vacant lots and some have houses that will be demolished. Mr. Collins gave an overview of the site plan. The façade will face Market St. and all parking will be located behind the building. There are heavily landscaped buffers on the north and south sides. To the west there is an existing garage that will be maintained for maintenance to the property. The architecture will contain a plaza area out front for the office tenants. Most of the units have an outdoor space looking toward the downtown core. The building consists of brick façade, large format cementitious siding and lap siding with cultured stone around the base and the entrance of the office areas. The balcony railings are all a powder coated aluminum material. The first floor has three office tenant spaces that range from 2,200 sf to almost 3,000 sf. There is a central core with an elevator and a stairwell. Access for the office users would be directly into their spaces, from the common core or from Market St. There are three different types of residential units: studio, one bedroom, and two bedroom. There is a roof top access that looks to the east. This is only accessible by the residents, not office tenants. Mr. Collins went on to describe the elevations.

Mr. Brian Hill, Civil Engineer with MKEC Engineering, gave his address as 11827 W. 112th St. Overland Park, KS. Mr. Hill talked about the site plan and the location of the building. The parking is on the back side of the building to preserve the Market St. frontage. There are significant landscaping buffers on the north and south sides. There is also a retaining wall on the north side. There will be a fence provided on the south property line at the request of one of the current neighbors.

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

Mr. Soto entered Exhibit (A), list of exhibits 1-15 into the record. Mr. Soto explained that the project will be located on five existing parcels. He explained the current zoning areas that surround the project. The building height is just under the maximum allowable building height of 50' in the Central Business District. Total number of dwelling units is 26. The proposed FAR is 0.74, in the CBD the allowable FAR is 1.0. The proposed building falls within the FAR and building height for the CBD. There are modifications that are being requested with this application. The first modification is in regards to parking setbacks. The minimum setback is 20 feet. Increased landscaping is proposed to make up for the reduction in setbacks. The drive aisle is the only portion that does not meet the required setbacks. The parking stalls are all at least 20' from the property line. The second modification has to do with the requirement for the first two floors in the downtown corridor to be brick. It is available in select areas, not across the entire façade. Staff's opinion is that it gives a better aesthetic given the type of architecture that is proposed. There is a mix of materials being proposed. Staff is supportive of the modification.

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The amount of parking that is proposed does satisfy the minimum standards if all of the office spaces are professional and do not include medical or dental. General office space requires 4 spaces per 1,000 sf and dental or medical requires 5 per 1000.

There are five Conditions of Approval. The third one has an amendment so that it reads "A modification shall be granted to the design of the required high impact landscape screen along the north property line, to eliminate the fence component of the high impact landscape screen." There will be a retaining wall that will serve the function of the fence. Staff recommends approval subject to Conditions 1-5 with the noted change to #3.

Following Mr. Soto's comments, Chairperson Funk asked if there was anyone present wishing to give testimony for this application.

Ms. Elizabeth Myers gave her address as 103 SW Madison St. Ms. Myers expressed concerns related to access to the alley. She explained that the alley is her only access to her driveway and her garage. She wanted to know how the applicant's garage would be accessed and used. She explained that the alley has not been used or maintained by the city since 1979.

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

Mr. Mark Kitchens had various questions for the applicant regarding the cost of the units, concern for neighbors, access to the garage, parking counts, storage for residents, and security.

Mr. Jake Loveless asked about storm water and the parking counts.

Ms. Tanya Jana-Ford asked about parking and lighting.

Chairperson Funk confirmed that the applicant is in agreement with the Five Conditions of Approval.

Mr. Brad Cooley gave testimony that the subject alley will be vacated and a cross access easement could be put in place.

Chairperson Funk asked if there were further questions for the applicant or staff. Hearing none, he closed the public hearing and asked for discussion among the Commission members.

There was discussion among the Planning Commission members regarding the parking counts.

Josh Johnson explained that a Final Development Plan would be part of this process and the uses would be looked at during that process, making certain that the parking is met. There is also a zoning sign-off during a tenant finish permit. Those processes would both look at parking counts and eliminate a tenant that would not fit into that space based on parking or other aspects.

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

Mr. Mark Kitchens made a motion to recommend approval of Application PL2022-192, REZONING from RP-2 to CBD and PRELIMINARY DEVELOPMENT PLAN – Ellis Glen, 102-110 SW Market St; MKEC Engineering, applicant. Mr. Jake 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 Kitchens, seconded by Board Member Loveless, that this application be recommended for approval to the City Council - Regular Session. The motion carried unanimously.

- a. [TMP-2399](#) An Ordinance approving a rezoning from district RP-2 (Planned Two-family

Residential District) to CBD (Planned Central Business District) and preliminary development plan for land located at 102-110 SW Market St, all in accordance with the provisions of Chapter 33, the Unified Development Ordinance, of the Code of Ordinances for the city of Lee's Summit, Missouri.

4. [2022-5115](#) Appl. #PL2022-241 - PRELIMINARY DEVELOPMENT PLAN - Lot 12 Streets of West Pryor, 1010 NW Pryor Rd; Streets of West Pryor, LLC, applicant

Chairperson Funk opened the hearing and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Mr. David Olson, representing Streets of West Pryor, gave his address as 7200 W 132nd St. Overland Park, KS. Mr. Olson explained that he was here in regards to a Preliminary Development Plan for Lot 12 which was originally approved with the overall development plan for the Streets of West Pryor. The reason is a significant change in architectural style that is being proposed for the tenant building. As far as the site layout and building arrangement nothing has really changed. The building is being referred to as a casual, family-oriented dining. The tenants will provide a fun, family atmosphere. The proposed tenants are Crack Shack and VIA313 Pizzeria. The Crack Shack has a diverse menu that specialized in chicken. This is a prominent corner on this site. I-470 on the north and Pryor Rd on the east. Crack Shack is situated on the north section of the lot, VIA313 on the south. Both restaurants have a very large patio space. Some of that area is covered. VIA313 uses overhead doors and lifting windows to integrate the interior space with the exterior space. Crack Shack will have some corn hole units to provide a game atmosphere. The west elevation of the Crack Shack will have a logo on the front along with the name. The west elevation of VIA313 will have a single sign and fenced patios. The east elevation will have the Crack Shack name and logo and the covered patio space. The north elevation facing I-470 will include a chicken mural and a chicken statue as a way to create their fun atmosphere. VIA313 south elevation will include outdoor signage displaying the Detroit Style Pizza. The materials for Crack Shack will include a white washed faux brick material, aluminum store front, and glazing. The mural is painted on EIFS. There is a weathered wood siding used as a rain screen system and masonry wainscoting down below. THE VIA313 building is brick with aluminum store front and masonry. The southern elevation is predominantly brick with overhead doors and windows that open to a walk-up bar and seating. A canopy will cover part of the patio area. The main entrance for both locations is on the west side. A neighborhood meeting was held, and no one attended.

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

Mr. Soto entered Exhibit (A), list of exhibits 1-15 into the record. This is the furthest NE pad site of the development. Right off of east bound 470 off ramps. The original site plan was approved in 2019. The scope of the application is architecture and signage related. There are materials that are proposed as conditional materials that would be approved through this PDP. There are a total of 9 signs between the two tenant spaces. Four for VIA313 and five for the Crack Shack. The Logo for Crack Shack was counted separately. The mural is not a sign. Mr. Soto went on to give details of the signs. There are two conditions of approval.

Following Hector's comments, Chairperson Funk asked if there was anyone present wishing to give testimony, either in support for or opposition to the application.

Hearing none Chairperson Funk then asked if the Commission had questions for the applicant or staff.

Mr. Trafton asked if there was a UDO standard for statues. Mr. Soto said that there is not. Mr. Monte White gave his address as 308 Ridgcrest Rd in Georgetown, TX. He explained that the

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height of the chicken is 8' tall and is plastic/ fiberglass and is lightweight to enable moving it.

Mr. Kitchens asked about the 22' chicken mural and if it counted as a sign. Mr. Soto explained that it counted as "art" or a mural. He commented that the mural and the chicken statue would face the corridor into the city. He asked if the statue could be moved.

Mr. Funk commented on the mural and asked if it was necessary or could it be moved to another elevation. The applicant responded that it may be possible to make it smaller and place it on the NE quadrant of that wall. The image may also be changed. There are several other images that could be used of chickens.

Ms. Tanya Jana-Ford asked about the lighting on the north façade and if the mural would be accentuated. Mr. Olson indicated that the sign would be illuminated. The mural would have site lighting but not accentuated.

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

The Planning Commission members made comments in regards to their appreciation and excitement of the project.

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

Terry Trafton made a motion to recommend approval of Application PL2022-241, Preliminary Development Plan – Lot 12 Streets of West Pryor, 1010 NW Pryor Rd; Streets of West Pryor, LLC, applicant. Tanya Jana-Ford 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 Jana-Ford, that this application be recommended for approval to the City Council - Regular Session. The motion carried unanimously.

- a. [TMP-2398](#) An Ordinance approving a preliminary development plan on land located at 1010 NW Pryor Rd in district PMIX, Lot 12, Streets of West Pryor, all in accordance with the provisions of Unified Development Ordinance, Chapter 33, of the Code of Ordinances for the city of Lee's Summit, Missouri.

## Roundtable

There was discussion among the Planning Commission members and the city staff regarding a date for the next training session. It was determined that the training would occur in September and that additional communication would be sent out via email. Mark Kitchens stated that he would like to include a discussion regarding the limitations for art and statues in new development.

## Adjournment

There being no further business, Chairperson Funk adjourned the meeting at 6:41 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"