

## LEE'S SUMMIT PLANNING COMMISSION

Minutes of Tuesday, January 10, 2017

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The Tuesday, January 10, 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:

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|---------------------------|---------|--------------------|---------|
| Chairperson Jason Norbury | Present | Mr. Herman Watson  | Absent  |
| Mr. Fred Delibero         | Absent  | Mr. Beto Lopez     | Present |
| Mr. Donnie Funk           | Present | Ms. Colene Roberts | Present |
| Mr. Fred DeMoro           | Present | Mr. Brandon Rader  | Absent  |
| Mr. Don Gustafson         | Present |                    |         |

Also present were: Hector Soto, Jr., Planning Division Manager; Jennifer Thompson, Staff Planner; Ryan Elam, Director of Development Center; Dawn Bell, Project Manager; Robert McKay, Director of Planning and Special Projects; Heping Zhan, Assistant Director of Planning Services; Kent Monter, Development Engineering Manager; Michael Park, City Traffic Engineer; Nancy Yendes, Law; Jeanne Nixon, Secretary; Joe Dir, Battalion Chief, and Jim Eden, Assistant Fire Chief II.

### 1. APPROVAL OF CONSENT AGENDA

- A. **Application #PL2016-202 - VACATION OF EASEMENT** - 1710 NE Ozark Dr.; Trent & Christy Yager, applicant
- B. **Minutes** of the December 13, 2016, Planning Commission meeting

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

### 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. Gustafson, the Planning Commission voted unanimously by voice vote to **APPROVE** the agenda as published.

- ### 2. Continued Application #PL2016-114 - PRELIMINARY DEVELOPMENT PLAN - approximately 7.11 acres located at the southeast corner of NW Blue Pkwy. and NW Colbern Rd. for the proposed Summit Village; Newmark Grubb Zimmer, applicant

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

Mr. Michael VanBuskirk, with the law firm of Newmark Grubb Zimmer, gave his business address as 1220 Washington in Kansas City (MO). This project was 'Phase 1A' of the Summit Village development. The applicants were doing this project with and on behalf of Unity Village via Unity Reality. They had worked out some issues concerning financing and construction costs with staff over the past few months. The main building would be for the Summit Eye Clinic. Also present at the meeting, and available for questions, was Mr. Paul Osbourne, the project's civil engineer from Lutjen Associates, which was the applicant's partner on the Unity Village property.

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

Mr. Soto entered Exhibit (A), list of exhibits 1-16 into the record. He displayed a conceptual master plan, noting that the property was annexed to the City in 2011 and that the application tonight was for a preliminary development plan. The conceptual master plan was to provide an overview of how the property could be developed. Lot 1, directly southeast of the Colbern Road/Blue Parkway intersection and indicated in gray, showed how the first phase could be divided into two smaller phases. It was the site of the proposed eye care/surgery center building, about 18,500 square feet. This could be subdivided into a 6,500 square foot first phase and the remaining 12,000 square feet after that. Two 10,000 square foot spec buildings could go in north of this lot, with frontage along Colbern. However, the preliminary development plan in this application was only for the area shaded on the plan; and development outside it would require a separate application and hearings. The plan was consistent with the overall vision for the property. There was a gap between those two structures, and that was where the applicant wanted to use the fence required by the UDO. They wanted to use those existing structures to serve as buffers, supplementing that with some medium-impact buffer landscaping.

The application included one modification request. The Unity Villa Apartments, on Colbern Road, was adjacent to the Phase One lot on the east. This was potentially a commercial use adjacent to multi-family residential and would need a high-impact buffer. That would be a six-foot vinyl fence with masonry piers, with a 20-foot landscape buffer. The applicants were requesting a 10-foot buffer instead, with more trees and shrubs. It would essentially be medium-impact instead of high-impact landscaping. Along the development project's west property line was a two-story apartment building plus a long carport structure along the lower half of the frontage. Staff supported this modification request, as the existing structure plus the fencing and landscaping would meet the intent to provide a significant barrier between the uses. Staff recommended approval of the application subject to Recommendation Items 1 through 3.

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. As there were none, he then opened the hearing for questions for the applicant or staff.

Chairperson Norbury asked for some clarification as to where the buffer was in relation to other elements on the property. Marking the area on the displayed map, Mr. Soto stated that the ordinance required a buffer along that stretch. He marked the places where the fence would begin and end, and pointed out the locations of the buildings. Chairperson Norbury noted the testimony that a carport was on the south end of the lot; and said that the north corner was his specific concern. He asked if the existing apartment building at that point had ground floor apartments, and Mr. Soto replied that it did. They were oriented so that one side faced the

development and the entrances faced north and south; although these units did have a few windows facing the development.

Chairperson Norbury remarked that he would prefer a fence for the whole length of the boundary line; but at any rate, the buffer was intended to separate two different uses. Buffering between two parking lots would not be much of an issue, and the carport would be equivalent to that. However, this situation would be an area where people lived directly adjacent to a commercial use; and he preferred that the fence be longer, preferably extending to the north property line. Mr. Soto suggested it go to a point parallel to the building's northernmost face, and Chairperson Norbury said that was a possibility.

Chairperson Norbury also had some questions concerning the architecture. He asked Mr. VanBuskirk what was the property to the north across Colbern, and Mr. VanBuskirk answered that it was main campus of Unity Village. Chairperson Norbury stated that this was a landmark piece of property in Lee's Summit, and included the tower and some very distinctive buildings. The campus had a unique style; and he was extremely disappointed to see so little reflection of that significance or style in the proposed architecture. Unity Village's architecture had some vertical elements in the tower, arches in the other buildings, and Mediterranean tile roofs as a consistent element. Everything he had seen on the elevations emphasized horizontal elements and had metal roofs. While he would not expect a 21st century office park to have the same early 20th century design as its neighbor, the designs could certainly do better in being consistent with the surroundings. Tonight's application was for the first building, which would tend to set a precedent for the rest of the development.

Mr. VanBuskirk stated that the architect, Mr. Guy Gronberg, was not able to be present; however, the applicants had made a conscious effort to not make anything in the development look like Unity Village. Unity's governing board had wanted the separation of this development from Unity Village to be clear. They intended to put private covenants and restrictions in place since this would be at the front door of the Unity campus. He added that Newmark Grubb Zimmer's other office parks had been done under covenants and restrictions but each architect had made their own decisions so these were not 'cookie cutter' architectural designs.

Ms. Roberts remarked that she did not think the designs should mimic Unity's look in the way that Hazelgrove Elementary school did. Mr. VanBuskirk noted that this building had actually been a Unity school that was donated to the school district. However, she was not entirely at ease with how stark the contrast was. The renderings she had seen suggested that these buildings would look downright unattractive compared with what was visible across the road. She did like them all being oriented toward the street, with parking behind, which ensured that people approaching via the roundabout would see the buildings first, not a parking lot; although the corner building in particular was not attractive visually. Mr. VanBuskirk suggested that she make the comparison to the medical office building immediately to the south. It looked very similar and was the prairie style of architecture. Due to the building's use, they did have some specific requirements especially concerning windows. The overall concept plan did emphasize the buildings being visible and noticeable from the street.

Ms. Roberts summarized that she would like to see something with a little less extreme contrast to what was visible on Colbern across the street; especially in view of this being a historically notable site. To go the such an opposite extreme in appearance, with such sharp edges, did not look to her to have a potential for being visually appealing and in that setting had the

potential to look cheap. She also had a general concern about the site having too much parking, although they were probably over the requirement by about 10 spaces. Mr. Soto answered that parking could be phased in as needed. It had to be planned for enough parking spaces at full build out. It could be scaled out in the initial phases.

Chairperson Norbury agreed that a few design elements used at Unity could help with a visual transition without any of the newer buildings looking like imitations. He wanted to see some alternate approaches, noting that the City Council might have some of the same questions and concerns. In terms of visual reaction, people at the intersection of Blue Parkway and Colbern were likely to look at the surroundings as a unit; and not likely to think in terms of architecture to the south. He respected the Unity board's desire to keep a clear distinction but that would not preclude some kind of visual transition. Ms. Roberts remarked that the New Longview development had taken that approach, making no effort to duplicate the Longview mansion. She was concerned that the contrast between the two properties could easily create an eyesore, and wanted to see something more complementary with the older architecture across the road. Mr. VanBuskirk replied that he would bring this input back to Mr. Gronberg, and consult with staff and the Unity board.

Concerning the parking, Mr. VanBuskirk explained that they had used 6 spaces per 1,000 square feet for the general office use. Concerning screening for the apartments, he added that the deannexation of the property had not included the apartments, so they were closely tied to Unity Village. The applicant had preferred screening with landscaping, since they would prefer their office tenants looking at the landscaping rather than at a vinyl fence. That was the reason for requesting the modification.

Mr. DeMoro asked if the applicant had held meetings with the apartment tenants, and Mr. VanBuskirk replied that they had not, since the residents were not citizens of Lee's Summit. There had been a number of meetings during the deannexation process, and the majority of the tenants had not wanted to be a part of Lee's Summit. No one had wanted the matter to come to a public vote, so the apartments were parceled out. They were sensitive to the opinions of the apartment residents, especially since many of them were Unity Village employees.

Chairperson Norbury asked if there were further questions for the applicant or staff. Hearing none, he closed the public hearing at 5:30 p.m. and asked for discussion among the Commission members, or for a motion.

Mr. DeMoro remarked that Mr. VanBuskirk was giving a workable approach to the concerns about design in offering to pass the Commission's input on to the architect and to the board of Unity Village.

Mr. DeMoro made a motion to recommend approval of continued Application PL2016-114, Preliminary Development Plan: approximately 7.11 acres located at the southeast corner of NW Blue Pkwy. and NW Colbern Rd. for the proposed Summit Village; Newmark Grubb Zimmer, applicant; subject to staff's letter of January 6, 2017, specifically Recommendation Items 1 through 3. 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. DeMoro, seconded by Mr. Lopez, the Planning Commission members voted by roll call vote of three “yes” (Mr. DeMoro, Mr. Lopez, Mr. Gustafson) and three “no” (Chairperson Norbury, Ms. Roberts, Mr. Funk) to recommend **APPROVAL** of continued Application PL2016-114, Preliminary Development Plan: approximately 7.11 acres located at the southeast corner of NW Blue Pkwy. and NW Colbern Rd. for the proposed Summit Village; Newmark Grubb Zimmer, applicant; subject to staff’s letter of January 6, 2017, specifically Recommendation Items 1 through 3.

Ms. Heanue confirmed that since the vote was tied, the matter would go to the City Council. She added that the Legal Department had confirmed the title of the applicant in the motion, since the agenda had given something different.

Chairperson Norbury stated for the record that he had not been expressing disapproval of the project’s concept in requesting the changes.

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

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| <p>3. <b>Continued Application #PL2016-184 - SPECIAL USE PERMIT</b> renewal for outdoor storage of temporary storage containers - Walmart, 1000 NE Sam Walton Lane; Walmart Real Estate Business Trust, applicant</p> |
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Chairperson Norbury opened the hearing at 5:33 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Ms. Callie Butts stated that she was a co-manager at the Walmart retail store at 1000 NE Sam Walton Lane in Lee’s Summit. They were requesting renewal of the ten-year Special Use Permit that allowed the use of the temporary storage containers during the entire month of December. They also wanted to expand the time period for holiday season storage to 12 weeks: from October 1st through December 31st. The containers were used for overflow inventory for holiday sales.

Chairperson Norbury noted that staff’s letter included four Recommendation Items and asked Ms. Butts if the applicant agreed with these, and Ms. Butts answered that they did.

Following Ms. Butts’ presentation, Chairperson Norbury asked for staff comments.

Mr. Soto entered Exhibit (A), list of exhibits 1-15 into the record. He stated that the requested SUP renewal would be the second one, as it had been originally approved in October of 1996. The proposed location of the storage containers, along the west (back) side of the store, were shown on the displayed site plan in yellow. A solid masonry fence spanned the entire Independence Avenue frontage, from Tudor Road to the back driveway, on that side. That part of the property also sat below the roadway. The containers were only used during the holiday period, from the first of October through the end of the year. Temporary storage containers needed for projects like remodeling were allowed by the ordinance. The request was for an additional ten years, and up to 25 containers.