

**The City of Lee's Summit**  
**Action Letter**  
**Planning Commission**

Thursday, June 13, 2019

5:00 PM

City Council Chambers

City Hall

220 SE Green Street

Lee's Summit, MO 64063

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Call to Order

Roll Call

**Present:** 6 - Board Member Carla Dial  
Board Member Jason Norbury  
Board Member Dana Arth  
Board Member Donnie Funk  
Board Member John Lovell  
Board Member Mark Kitchens

**Absent:** 3 - Board Member Don Gustafson  
Board Member Jeff Sims  
Board Member Jake Loveless

Approval of Agenda

**A motion was made by Board Member Funk, seconded by Board Member Dial, that this agenda be approved. The motion carried unanimously.**

Public Comments

**There were no public comments presented at the meeting.**

Approval of Consent Agenda

[TMP-1269](#) Appl. #PL2018-202 - PRELIMINARY PLAT - Hook Farms, Lots 1-258, 2020 SW Hook Rd; Hunt Midwest Real Estate Development, Inc., applicant

**A motion was made by Board Member Funk, seconded by Board Member Dial, that this application be approved. The motion carried unanimously.**

[TMP-1268](#) Appl. #PL2019-127 - VACATION OF EASEMENT - 4032 SW Benziger Dr; Engineering Solutions, LLC, applicant

**A motion was made by Board Member Funk, seconded by Board Member Dial, that this application be recommended for approval to the City Council - Regular Session. The motion carried unanimously.**

[TMP-1271](#) Appl. #PL2019-152 - FINAL PLAT - Pergola Park, 4th Plat, Lots 81 thru 117 and Tracts N thru P, 8-4, 9-4 and 10-4; NLVC, LLC, applicant

**A motion was made by Board Member Funk, seconded by Board Member Dial, that this application be recommended for approval to the City Council - Regular Session. The motion**

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carried unanimously.

**2019-2862** Approval of the May 23, 2019 Planning Commission minutes

A motion was made by Board Member Funk, seconded by Board Member Dial, that the minutes be approved. The motion carried unanimously.

Public Hearings

[2019-2850](#) Continued Appl. #PL2019-126 - VACATION OF RIGHT-OF-WAY - a segment of SW Blackstone Pl located between 4028 SW Benziger Dr and 4032 SW Benziger Dr; Engineering Solutions, LLC, applicant

Chairperson Norbury opened the hearing at 5:12 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Mr. Mike Machlin, owner of the RestoMod Store, related that his business built high-end custom cars and restored classic cars. They did conversions using new technology that made these cars more fun to drive. In restoring a 1965 Ford Mustang, for example, they would use a motor from a new Mustang, so the car could be driven long distances and had contemporary emissions control. This was about ten cars per year. He wanted to move his business out of Independence, as its location was no longer a good neighborhood. Mr. Machlin noted the reference to car sales in the application's description and explained that they built cars rather than sold them like a regular dealership; nor did their shop do repairs.

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

Mr. McGuire entered Exhibit (A), list of exhibits 1-15 into the record. He stated that the application was for an SUP for major automotive repair services; and confirmed that the RestoMod specialized in restoring, customizing and modernizing classic vehicles. This kind of work included painting and car body and interior work. These would all be contained within the building, with no outside storage. The business would be in a portion of an existing 12,000 square foot building. The applicant was requesting a 50-year term for the permit. Mr. McGuire then displayed aerial and zoning maps that showed the proposed location in the Newberry Landings industrial subdivision. The use was compatible with uses on adjacent properties, which were all zoned PI (Planned Industrial). Displaying a slide of the building on the site, Mr. McGuire noted that the neighborhood's character would not be impacted, and confirmed that there would be no exterior storage of vehicles or materials. Existing and available public and services in the area were adequate for the proposed use.

Staff did not support the request for a 50-year SUP, and recommended a 10-year term. It would be consistent with other approved Special Use Permits for this type of use. The application did meet the UDO's requirements and those of the Design and Construction Manual.

Following Mr. McGuire'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 opened the hearing for questions for the applicant or staff.

Chairperson Norbury asked Mr. Machlin if he had any specific reason for requesting 50 years, and Mr. Machlin replied that he did not.

Chairperson Norbury asked if there were further questions for the applicant or staff. Hearing none, he closed the public hearing at 5:20 p.m. and asked for discussion among the Commission members, or for a motion.

Mr. Funk made a motion to recommend approval of continued Application PL2019-119, Special

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Use Permit for automobile sale and major automotive repair, The RestoMod Store, 1510 SE Kingspoint Dr; The RestoMod Store, LLC, applicant; subject to staff's letter of June 7, 2019, specifically Recommendation Condition of Approval 1. Ms. Dial seconded.

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

A motion was made by Board Member Funk, seconded by Board Member Dial, that this application be recommended for approval noting staff's recommendation of ten years, to the City Council - Regular Session. The motion carried unanimously.

[2019-2853](#)

Continued Appl. #PL2019-119 - SPECIAL USE PERMIT for automobile sale and major automotive repair - The RestoMod Store, 1510 SE Kingspoint Dr; The RestoMod Store, LLC, applicant

Chairperson Norbury opened the hearing at 5:22 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Mr. Matt Schlicht of Engineering Solutions gave his business address as 50 SE 30th Street in Lee's Summit. He explained that this involved an existing road that was platted with an earlier phase of Napa Valley. The road was not needed so they wanted to vacate the right-of-way. A minor plat existed that would make it feasible to re-plat the land to a residential lot. An easement for water and sanitary sewer was addressed on the final plat

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

Mr. McGuire entered Exhibit (A), list of exhibits 1-12 into the record. He confirmed that this application was a request to vacate the right-of-way for a segment of SW Blackstone Place between SW Pryor Road and SW Benziger Drive. It would result in an additional single-family lot in the Napa Valley subdivision. Mr. McGuire confirmed that the minor plat would be used.

The vacation would be for about 6,600 square feet and would eliminate a second point of access from Pryor. The former right-of-way would be combined with part of the adjacent Lot 14 in creating the additional lot. Staff had determined that the subdivision would still have adequate access via the SW Pryor Road entrance and an existing connection to the south. The applicant would add two more points of access to the north and east.

The application met the UDO and Design and Construction Manual requirements. Standard Conditions of Approval 1 required that "Easements shall be provided to cover the existing water and sanitary sewer lines located within the subject right-of-way to be vacated. The vacation of right-of-way shall not take effect until such time as the necessary easements are dedicated." Standard Conditions of Approval 2 was the requirement that the ordinance approving the right-of-way vacation "be recorded with the Jackson County Recorder of Deeds office and a copy of the recorded document shall be returned to the Development Services Department prior to the issuance of any building permit on the affected property." Staff recommended approval subject to these two conditions.

Following Mr. McGuire'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 asked if the Commission had questions for the applicant or staff. He noted on the displayed map that at present, all access was via the existing Pryor Road entrance; and wanted to know why the entrance was closed. and the proposed

Mr. McGuire stated that staff had received a protest petition, expressing a concern that the additional lot would create additional traffic.

A member of the audience, who did not give his name, stated that the only access out was through the main entrance; and now the plan was to eliminate a potential second access from

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Pryor. He was not sure why the other entrance had been closed to begin with. Mr. McGuire clarified that two points of access were required for subdivisions with over 50 lots; and the additional access to the south being added would satisfy this requirement. The audience member giving testimony remarked that he lived next to this proposed south access, and assumed there would be more traffic, especially since much of it came from Stoney Brook, including construction equipment and vehicles. He felt that Stoney Brook should be the one adding access to Pryor Road.

Chairperson Norbury asked if there were further questions for the applicant or staff. Hearing none, he closed the public hearing at 5:19 p.m. and asked for discussion among the Commission members, or for a motion.

Mr. Funk made a motion to recommend approval of continued Application PL2019-126. Vacation Of Right-Of-Way: a segment of SW Blackstone Place located between 4028 SW Benziger Dr and 4032 SW Benziger Dr; Engineering Solutions, LLC, applicant; subject to staff's letter of June 7, 2019, specifically Recommendation Condition of Approval Items 1 and 2. Mr. Lovell seconded.

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

A motion was made by Board Member Funk, seconded by Board Member Lovell, that this application be recommended for approval. The motion carried unanimously.

Other Agenda Items

There were no other agenda items presented at the meeting.

Roundtable

There were no Roundtable items at the meeting.

Adjournment

There being no further business, Chairperson Norbury adjourned the meeting at 5:20 P.M.

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