

The City of Lee's Summit

Action Letter - Draft

Planning Commission

Thursday, July 11, 2019

5:00 PM

City Council Chambers

City Hall

220 SE Green Street

Lee's Summit, MO 64063

Call to Order

Roll Call

Present: 7 - Board Member Carla Dial
Board Member Jason Norbury
Board Member Dana Arth
Board Member Don Gustafson
Board Member Donnie Funk
Board Member Jake Loveless
Board Member John Lovell

Absent: 2 - Board Member Jeff Sims
Board Member Mark Kitchens

Approval of Agenda

A motion was made by Board Member Gustafson, seconded by Board Member Arth, that the agenda be approved. The motion carried unanimously.

Public Comments

There were no public comments at the meeting.

Approval of Consent Agenda

[2019-2900](#) Minutes of the June 27, 2019, Planning Commission meeting

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

Public Hearings

[2019-2895](#) Continued Appl. #PL2018-222 - REZONING from CP-2 to PI and PRELIMINARY DEVELOPMENT PLAN and #PL2018-220 - SPECIAL USE PERMIT for an indoor/outdoor mini-warehouse storage facility - Storage Mart 156, 3924 and 3930 SW Raintree Dr; New TGK-KC, LLC, applicant

Chairperson Norbury opened the hearing at 5:07 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Mr. Gregg Meusill of the law firm of Rouse Frets White Goss Gentile and Rhodes, gave his address as 5250 W. 116th Place, Ste. 400, in Leawood, Kansas. Mr. Weyen Burnam of

TKG-StorageMart might also be present at the meeting a little later, and could answer questions about operational issues. The subject property had an existing 'first generation', a type of business familiar to many people; with metal garage-type buildings and no climate control. It was next to a residential subdivision. The lot that would be the site of the new indoor climate-controlled facility was at the front, on the east side along highway 291. It would be all brick, with windows and architectural features that would meet Lee's Summit's detailed standards this kind of business. TKG Storage Mart was among the leading storage companies nationally, with headquarters in Columbia, Missouri.

Mr. Meusill remarked that the applicants had held a neighborhood meeting on February 26th, and it was refreshing to hear residential neighbors talk about a commercial neighbor in positive terms. Only 6 people had attended, including Mr. Mike Gallagher, president of the neighborhood association. The attendees had shown up wanting to learn about the proposal, and none had any objection.

As part of modernizing the business, the existing storage units would remain; but the proposed development would block them from public view. Mr. Meusill speculated that one reason for the neighbors generally supporting the development was that the new building would block noise from the highway and other businesses along it. He added that while storage businesses had been around for a long time, those with climate control were the part that was growing.

The applicants had been working with staff several months, and had tried to ensure the development would meet ordinance standards regarding parking, screening and architectural design. Staff had identified four UDO conditions for an indoor, climate-controlled storage facility and three conditions for a mini-warehouse facility. These included the required 1:3 roof pitch, though the applicants planned a flat roof. Mr. Meusill asserted that this was what would normally be on a retail or office building. The had asked for a 50-year term for the Special Use Permit, but staff recommended 25 years; which would be consistent with other SUPs granted to storage businesses. The applicants did accept the conditions staff had cited.

The applicants had made certain assurances to the neighbors. The first-generation portion of the development would not be subject to the rezoning, SUP or preliminary development plan; and the applicants had agreed to install an opaque fence between them and the neighborhood. One neighbor had been concerned about the security cameras at the southwest corner of the existing facility, as one of them appeared to be focused on the deck of his house. The applicants had already addressed this concern by repositioning the camera. Mr. Meusill then introduced Mr. Weyen Burnam, who had just arrived at the meeting.

Following Mr. Meusill's presentation, Chairperson Norbury asked for staff's report.

Ms. Thompson entered Exhibit (A), list of exhibits 1-18 into the record. She confirmed that this request was for approval of a rezoning from CP-2 to PI, a preliminary development plan and a Special Use Permit for the Storage Mart business. It would be located south of M-150 and west of M-291, just east of the existing storage business. It was surrounded by existing mini-warehouse facilities to the west, which was zoned industrial (PI), and undeveloped ground to the north, south and east. They wanted to rezone 1.27 acres from the existing CP-2 to PI for the proposed expansion. Storage facilities that had outdoor activity were allowed only in PI and CS zoning districts, which was the reason for the rezoning request.

Displaying a map of the Comprehensive Plan for the area, Ms. Thompson noted that it was essentially shown as retail use. Staff supported the rezoning, as this particular property did not lend itself to retail development. It was adjacent to industrial zoning and industrial uses, as well as having some distance from M-150 to the north. Displaying the site plan, she noted that it had one 3-story building that was 46,600 square feet, with 302 units. An elevation of the view from the east showed an office-type building built of red and tan brick.

Ms. Thompson then addressed staff's modifications and conditions. The UDO required a climate-controlled storage facility to have all activities indoors, and did not allow outdoor storage. The applicants requested some limited outdoor storage, about 7 spaces; plus 22 units that would have exterior access. It also required a 1:3 roof pitch, but the proposed building would have a flat roof. Staff supported the modifications, acknowledging the hybrid nature of climate-controlled storage and mini-warehouses and the difficulty of this variant in meeting the ordinance requirements. Ms. Thompson then displayed a color-coded map of the M-150 Corridor Development Overlay district, which had additional requirements and design and sustainability standards. The project met the requirements for four-sided architecture and quality materials. Meeting the requirements included stormwater best management practices, LED lighting, landscaping with native plants, durable and locally sourced materials, pathways for future installation of solar energy and a 'cool roofing' system.

Staff considered that all three parts of this application met the UDO and Design and Construction Manual standards; however, they also cited 5 site specific conditions. Conditions 1 and 2 listed modifications to the SUP requirements to allow for outdoor storage and outdoor activities on the site. Condition 3 allowed for a flat roof instead of the required 1:3 pitch. Condition 4 cited the Special Use Permit term of 25 years; and Condition 5 required that the development "shall be in accordance with the preliminary development plan dated May 21, 2019."

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

Mr. Funk asked Ms. Thompson if the outdoor storage vehicles would be physically outside or just accessed from outside the building. Ms. Thompson answered that they would be inside on the back end of the building, but accessed from the exterior. The application did propose 7 spaces for outdoor storage of items like utility trailers or RVs. She pointed out their location on the site plan.

Chairperson Norbury noted that when the M-150 was initially proposed, concerns had been raised about building heights. He asked if this had been discussed at the neighborhood meeting. Mr. Meusill replied that it had not. The major topics were the fence, and general questions about the business. He added that the people attending were generally positive about the development.

Mr. Loveless asked if outdoor parking had been discussed at the meeting. Mr. Meusill answered that it was, adding that initially the spaces for RV parking had were shown at the front of the building. Since staff had been concerned about adequate screening, these spaces were now in the back between the new building and the original one.

Chairperson Norbury asked if there were further questions for the applicant or staff. Hearing none, he closed the public hearing at 5:18 p.m. and asked for discussion among the Commission members, or for a motion.

Ms. Dial rejoined the meeting.

Ms. Arth made a motion to recommend approval of continued Application PL2018-222, Rezoning from CP-2 to PI and Preliminary Development Plan; and PL2018-220, Special Use Permit for an indoor/outdoor mini-warehouse storage facility: Storage Mart 156, 3924 and 3930 SW Raintree Dr; New TGK-KC, LLC, applicant; subject to staff's letter of July 5, 2019, specifically Conditions of Approval 1 through 5. Mr. Gustafson 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 Arth, seconded by Board Member Gustafson, that this application recommended for approval. to the City Council - Regular Session, due back on 8/6/2019 The motion carried unanimously.

[2019-2911](#)

Continued Appl. #PL2019-020 - Rezoning from RP-2 to RP-3 and Preliminary Development Plan - Burton Townhomes, 408 & 500 NW Olive St; Cherokee Flight, LLC, applicant

Chairperson Norbury opened the hearing at 5:20 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Mr. Mick Slutter, of Renaissance Infrastructure Consulting, gave his address as 1815 McGee Street in Kansas City, Missouri. He was present representing the developer, Mr. Dick Burton. They planned a multi-family residential development at the intersection of Orchard and Olive Streets, just north of Downtown, on a total of about 3-3/4 acres. The development would have 36 units in 9 four-plex buildings. They had hosted a neighborhood meeting on June 8th and had provided traffic and stormwater studies. Mr. Slutter requested a discussion of some of the stipulations in staff's report, after staff's presentation; specifically the traffic impact statement, the recommendation to improve Olive and Orchard as far as the Chipman/Douglas intersection and some of the recommendations pertaining to architecture.

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

Mr. McGuire entered Exhibit (A), list of exhibits 1-16 into the record. He related that the requested rezoning and preliminary development plan were for a 36-unit residential development. The subject property consisted of three parcels and was at the intersection of Olive and Orchard. The 408 NW Olive Street portion was two parcels totaling 1.39 acres, which included a 1,152 square foot house; and 500 NW Olive was a 2.2 acre, partially wooded lot with an existing 1,500 square foot barn. The Union-Pacific railroad line bordered the property on the west side and an existing line of trees provided some screening between the tracks and the rest of the property. The site would be accessed only from Olive Street.

Ms. Dial left the table, at 5:30 p.m.

Surrounding zoning was a mixture: PI and RP-2 to the north, RP-2 to the south and east and PI and R-1 to the west. RP-3 (Planned Residential Mixed Use) was the proposed zoning, with the current RP-2 being for "Planned Two-Family Residential" district. The proposed density would be 9.57 units per acre, with 10 per acre as the maximum in RP-3 and the proposed floor/area ratio would be .43. The nine four-plex buildings would have 44.8percent impervious coverage. It would have a total 100 parking spaces, 72 for residents and 28 additional spaces for visitors. Detention ponds would be located at the northwest and southwest corners.

Mr. McGuire displayed elevations of the proposed buildings. They would be two-story with a total height of 28 feet, 10 inches and would have a 3,524 square foot footprint. Materials would include stucco, vinyl siding board and batten siding and manufactured stone veneer. One of the requested modification was for a 6-foot vinyl fence at the property line, with a high-impact landscaping buffer planted on one side. This would make the landscaping more accessible for maintenance. This was a modification that had often been requested and granted in the past. Another modification was to the required 30-foot rear yard setback, with the applicant requesting a 26-foot setback. This was due to the west property line being adjacent to the 145-foot Union-Pacific railroad right-of-way; and the tracks were about 50 feet from the property line. Heavily wooded vegetation grew on both sides of the property line, and this plus the railroad gave the appearance of a deep setback.

Staff had received several public comments on this application. The 185-foot notification radius included 11 of the 12 neighboring properties, totally 103,879 square feet; about 39 percent of the total footage within the buffer. Of the 12 neighboring property owners, 11 owned property within the 185-foot notification boundary. The criteria for a valid protest petition had been met, since the total area of the land in possession of the property owners was over the required 30 percent. As a result, approval would need a favorable vote of two-thirds of the City Council.

Public comments had include the lack of sidewalks for the increased number of pedestrians, streets being too narrow for the increased traffic and concerns about stormwater and flooding. Other comments had been that four-plexes were not consistent with the surrounding neighborhood, and some neighbors were concerned about annoyances from the parking lot lighting. Mr. McGuire displayed photos that showed the contrast between the proposed buildings' mass and scale and the surrounding residences. Most were single-story ranch style homes that had been built in the 1950s and early 1960s. Two family home duplexes on Olive Street from the same era ranged in size from 1,432 to 1,646 square feet; for an average of about 1,500 square feet. The proposed four-plexes would be two stories with a tall roof peak, and a total height of 28 feet. The footprint would be 3,524 square feet, and individual units would be about 1,600 square feet each.

The Comprehensive Plan showed this neighborhood as being located within the Old Lee's Summit Master Plan area and as part of the older Downtown Lee's Summit area. That master plan had a goal of increasing housing stock including rental and for sale multi-family medium- to high-density townhouses and single-family homes. The proposed use was consistent with the plan's established goal of increasing available multi-family housing stock. Another goal of the master plan was to improve neighborhood streets from the current rural section to an urban section, with urban street design elements such as curbs, sidewalks and shoulders.

This proposed development would be consistent with the Old Lee's Summit development master plan, if the applicant made the improvements to Olive and Orchard Streets as described in the Traffic Impact Analysis. The Unimproved Road policy defined these two streets as being built to an unimproved road standard, with both lacking urban street elements. The transportation evaluation that the applicant's engineer had submitted had incorrectly categorized the development process and as the project had a preliminary development plan, it was subject to the Unimproved Road policy. That policy did not associate development with interim road standards on collector or local roadways. These were

required to be constructed or improved to urban standards for any development; and this meant that urban road improvements would be needed along both Olive and Orchard Streets. Mr. McGuire added that Mr. Michael Park was present and could answer questions.

Mr. McGuire then listed staff's 7 Conditions of Approval. The first two were the requested modifications for the vinyl fence and landscaping on the north property line and for the 26-foot rear yard setback. Condition 3 stated that development would comply "with the recommendation of the Transportation Impact Analysis (TIA) dated July 2, 2019." by Mr. Park. The next 4 conditions addressed the proposed buildings' compatibility with existing homes in the neighborhood. The proposed roofline would be lowered and additional unit offsets would break up the buildings' visual mass. Buildings 1 and 9 would have covered side porches facing Olive as well as a sidewalk connection to the street. The intent was to give the appearance of a front door entrance (Condition 6). Similarly, a front yard look would be created by replacing the 6-foot privacy fence on Olive with a 4-foot picket fence (Condition 7).

Following Mr. McGuire's presentation, Chairperson Norbury asked if there was anyone present wishing to give testimony, either in support for or opposition to the application. He asked that comments be limited to 3 minutes.

Ms. Cathy McClintock gave her address as 407 NW Olive Street, adding that she had lived there for 34 years. Her major concern about the project was infrastructure. Olive was a narrow street: she had measured it and it was only 25 feet. It was also a dead-end street so could not be considered a thoroughfare. At the south end were a number of businesses that operated a fleet of large flatbed trucks and trailers. Other large trucks delivered goods on a regular basis. This often shut down traffic, and she had photos of the truck traffic. Neither Olive nor Orchard had any curbs, shoulders or sidewalks, and had no storm drainage system. Years before, residents along Olive and Central Streets had been allowed to fill in ditches in order to have more parking; and this had contributed to chronic flooding. A large culvert installed under Central Street also channeled water westward into residents' yards. The Olive/Orchard intersection was quite small and had always been a nuisance. There was nowhere that a driver could maneuver if necessary; and all northbound and southbound traffic on Olive had to wait to turn onto eastbound Orchard, while vehicles were stopped at Orchard's stop sign. Due to this lack of room, drivers had sometimes even driven into the ditch. A stop sign for southbound traffic had been installed years ago, but drivers seldom did stop. This intersection was the proposed entrance and proposed exit for the townhomes planned in this application. At an average two vehicles per residence, a total of 72 vehicles would be added, causing an overload on an already overloaded street. Both streets were used by most people to get to Chipman.

Ms. Pat Vanbebber gave her address as 402 NW Olive Street. She also had concerns about increased traffic and more scarce parking. She pointed out that while there might be enough parking for residents, those residents would have friends and relatives who would also need to park their vehicles. Traffic was already heavy and people might start parking on the street. She was also concerned about the detention pond releasing water in the direction of the houses; and about increased flooding in particular.

Ms. Diana Peoples gave her address as 404 NW Olive Street. She believed the project had too many units for that small an area. She also believed that traffic, parking, and the narrow streets would be a problem, and the streets were too small for the traffic even now. Both a police car as well as a snow plow had fallen into a ditch. It was altogether a bad situation to have so many cars go through there. A neighbor across the street had especially bad problems with flooding on her property.

Ms. Tana Neill gave her address as 107 NW Orchard. She noted that when school buses went through the intersection, it could not turn that corner if a car was parked anywhere. The bus would have to wait until someone moved the car. She lived at the 'orphan' end of Orchard,

which was the last stretch of street to get a snow plow. This was not a good corner to add a lot of traffic.

Mr. Harvie Farnam gave his address as 401 NW Olive Street, which was at the dead-end. He pointed out that the street was only 20 feet wide, with ditches on both sides and no storm drains. Cedar Creek was on his side of the street, and a lot of water went through there at times. In the winter it was not plowed very often. The neighborhood and its infrastructure could not support that many more people and vehicles that would move in. He also lived near the end where large trucks and trailers came through, and they took up most of the street's width when moving.

Mr. Slutter returned to the podium and addressed some of these concerns. Most of the stormwater would be directed toward the back of the property where the two detention basins were. He was aware that much of the stormwater drained toward Olive, and he was working with staff to direct more of the water toward the back. The City had guidelines and standards for water detention, as well as stormwater treatment. Concerning parking, each unit would have a driveway with room for two vehicles, as well as garages that could serve the same purpose. Additional parking stalls would be on the site itself for overflow parking. The existing streets were 20 to 22 feet wide, with 10 to 11-foot lanes. In view of the capacity of the existing streets, the traffic impact would be minimal and the request to improve Olive and Orchard up to Chipman and Douglas was excessive. They were well below the threshold for improving streets and the improved street could handle up to 1,100 cars per day. Accordingly, he was requesting a waiver for improving Olive and Orchard. Regarding the fence, he did want to provide some kind of privacy in the back yards for people living on Olive, and the six-foot fence could go at least up to the buildings.

Mr. Dick Burton stated that the project would be "Orchard Park", not "Burton Townhomes". He had done a project like this before, Ironwood Townhomes at Florence and Third. It was 28 units on 3.2 acres, and had been very successful. That development had 11 overload parking spaces, but rarely used all of them. This complex would have 36 units and 28 overload spaces. He understood the residents being concerned about flooding, but two detention ponds were planned, not just one. They were actually directing most of the water to the north, which would relieve some of these concerns. The railroad had a break point where water would either run south nor north, and it was just south of this property. Anything directed onto the railroad would run to the north.

The request that the applicant improve Orchard and Olive Streets all the way to Chipman and Douglas was not economically feasible, as this project was not large enough for that. It had an additional street where a fire truck would make a loop through the project and come back out. There was no need to park on either Olive or Orchard; and if a school bus was to make the turn it would be coming through the project already picking up students. Mr. Burton said he understood the concerns, but he had grown up in Lee's Summit and had owned the Ironwood Townhomes for 15 years.

Mr. Burton added that he had made some commitment to the property. When he had purchased it, it had been the de facto dump for the neighborhood and he had taken out about 8 dumpster loads of trash. There had also been derelict buildings that he'd had removed. Some homeless people had been staying there and he had helped some of them get into shelters. He added that he hoped the nearby residents would give him the benefit of the doubt and was sure that they would be proud of this project in their neighborhood.

Mr. Bruce Best stated that his license as an architect was not currently active. He worked with a man who was an associate in Independence, after a long and serious illness that lasted for 8 years. He had recovered to some degree and was now working under the associate's license and was not currently registered. He had been the architect of record on the Ironwood project; and this one was similar in many ways. However, Ironwood was designed to be an

apartment project from the beginning and tonight's application was for a group of townhouses. It was designed for urban professional people who wanted the tax advantages of home ownership but did not have the time for a house. He had once lived in a similar project in Leawood; and his neighbors were professional people including doctors, empty-nesters who wanted to downsize and people whose jobs required regular traveling and wanted a home base, not an apartment. He would expect 10 to 20 percent of the residents in tonight's proposed development to be in the latter group.

In terms of changing the overall outlook, they could lower the structures somewhat. However, this was essentially a trade-off, as the higher roofs would shed water and snow more quickly. He pointed out that the existing site was heavily wooded on both the north and south sides. These were mature trees and would act as additional screening for the development. A duplex just to the north on Orchard had a similar design and was also two stories; and it had been there for over a decade with no complaints. In terms of the buildings' overall appearance, City staff had provided extensive comments about materials; though the applicant had not had time to do color renderings. They had a number of options for using these materials' colors and textures to break up the mass of the buildings and make them look smaller. The buildings at Ironwood were all the same color, and he had learned that some variety was necessary. Breaking up the visual impact for this project would make the duplexes look more like the single-family houses to the north and east.

Concerning breaking the building up from front to back, and setbacks, Mr. Best suggested that a single break would be sufficient. There was space for an extra window in the front bedrooms, which would be an asset in selling the units. Mr. Best concluded that he and his associates had done good work in the past, and he had worked on projects throughout Lee's Summit over the years.

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

Mr. Loveless asked Mr. Park for some more detail about the road improvements the applicant was to do. Mr. Park replied that they would need to bring Orchard and Olive Streets to meet the City's urban standards. This would require widening both roads and adding curb, gutters and enclosed storm sewers. Typically sidewalks were also required and staff could evaluate whether or not sidewalks would be needed for the entire widened streets or just within the limits of the project. Typically, sidewalks were always required. Additionally, the turning radius at the intersection would need improving. In general, what was on Orchard to the east of Douglas was what staff would expect of that street from Douglas west to Olive Street. Olive would be more similar to a street in a residential neighborhood.

Mr. Loveless commented that this seemed like a lot of improvements considering the size of the site and the project. He asked why it was listed as a condition and Mr. Park replied that staff had a direction from the City Council regarding the adopted road policy. This policy provided the City with guidance on what to require for a development application, including what types of roads were appropriate for what areas, and what was acceptable to the City Council for development near those roadways. The policy was based less on capacity than on safety and a community design standard.

One of the first things staff looked at was whether a road had any one-lane segments. These roads were generally 20 feet wide, and sometimes 22 feet; but neither Orchard nor Olive had any one-lane stretches; so an aesthetic was a factor here rather than any safety issue. In the case of this application, it was in an older, more established part of Lee's Summit whose roads had been built to an older standard. In some situations like this, the roads would often just remain undeveloped until they became part of some capital project. That had been the case with Orchard Street east of Douglas to Independence. That was left to the Council's discretion as applicants went through the public hearing process. Sometimes this involved compromises and waivers.

Mr. Loveless asked if it would be feasible to do some sort of escrow toward future road improvements, and Mr. Park replied that this would be workable in this case, as the improvements needed to be in place in order for development to happen.

Mr. Gustafson asked Mr. Slutter if he had done a cost estimate for these improvements. Mr. Slutter answered that he had not, and had in fact one received the impact statement today. It would be about a half mile in each direction on both streets, and adding curb, gutter and storm sewers would require a complete rebuild, making it about a \$1 million project. Mr. Gustafson asked if he had any alternative mitigation of the impact to recommend, and Mr. Slutter answered that he would prefer a waiver. Mr. Gustafson then asked Mr. Park if the City had an unimproved street standard. Mr. Park replied that this was referred to in the policy as an interim road standard; however, this was generally limited to larger roads including arterials. Lee's Summit Road, for example was built to interim standards. It generally meant a road that was still rural in nature but that could accommodate single-family subdivision development. Development could later reach a point where an interim road did need an upgrade. New residential streets had to conform to an urban standard including curbs.

Mr. Gustafson asked if the City would ever consider a residential interim standard without drainage or sidewalks; and Mr. Park answered that this was the City Council's purview. That would need to be something between urban standards and the status quo.

Mr. Funk asked Mr. Park if any traffic impact was likely to result if the street improvements were not done; and if the streets in their current condition could handle this development. Mr. Park acknowledged that the streets had a very low volume of traffic. Orchard Street east of Olive had a load of about 200 or 300 cars per day; and Olive south of Chipman had about 800 to 900 per day. This volume was sometimes seen even on cul-de-sac streets. Lee's Summit's typical lane width was 12 feet for two-lane roads, and 11 feet for multiple-lane roads. In some communities, 10-foot lanes were acceptable. Narrower lanes were a problem for larger vehicles including school buses, especially at intersections.

Ms. Arth noted that some of the townhomes would be about 50 feet from the railroad tracks. Mr. Slutter answered that at the closest point, there would be 26 feet from the townhome to the property line, and the property line was approximately 50 feet to the railroad. Ms. Arth asked if there was any plan for noise abatement. Mr. Slutter answered that they planned to keep as many of the existing trees at the property line as possible. These did provide some buffering, although the trains could still be heard. Mr. Arth then asked if the homes could include windows that would muffle sound, and Mr. Best answered that these would be insulated double-pane windows, so they would help reduce the noise. Additionally, these would be 2x4 exterior walls with stucco and heavy masonry material, which would reduce sound. Nearby trains could be an obnoxious source of noise then they blew their whistles, but this development was not in a location where that was likely to happen.

Mr. Loveless left the table, at 6:10 p.m.

Ms. Arth asked if any staff member had an estimate of what improving the two roads would cost. Mr. Park responded that the applicant's estimate was probably correct. It was a total of about 3,000 feet of roadway.

Mr. Lovell asked about stormwater. Mr. Monter answered that staff had reviewed the applicant's stormwater report, which had been clear, and they had met all the requirements. He confirmed for Mr. Lovell that these were for sale and not rentals.

Chairperson Norbury noted to Mr. Best that part of this application was a rezoning from RP-2 (duplex) to RP-3 (four-plex level zoning). The applicant had addressed some concerns about the visual mass and how to mitigate it. He asked if there was a way the applicant could do that

would make the building more suggestive of a duplex in appearance. That would be closer to conformance with current zoning. Mr. Best answered that it would be, to some extent. City staff had suggested three breaks in the structures; but this would be extremely difficult to do successfully in terms of the building's appearance. It would involve high enough construction costs to make them much more expensive. They could, however, visually suggest two attached duplexes with one break in the middle. That would also increase the cost, but not as much. The perceived difference could be suggested by the two sides of the unit being different colors or different material textures. However, this site had more room for landscaping than the existing Ironwood development and the plan offered more privacy for neighbors.

Chairperson Norbury noted that the heights were close to 29 feet, and asked about the height of the duplex he had designed on Olive. Mr. Best answered that it was at least 24 feet. Chairperson Norbury then noted that a look up and down Olive showed almost all the homes as being one story; and the four-plexes would be much taller than that, an obvious visual contrast. He asked if there was any other possible mitigation, at least for the buildings on the ends, in order to make the street frontage more consistent. Mr. Best suggested that property placed landscaping, and specifically trees or shrubs, would help break up that visual impact; and in fact this was a very common approach to that sort of problem. Modifications could be made to the buildings themselves, especially with window placement and rooflines on some units. Staff had already suggested doorways facing Olive Street. These were all realistic approaches; and he suggested a direction to the applicant to submit preliminary designs to staff. They had not originally done this as they had thought the landscaping and fence screening would be sufficient.

Ms. Arth asked for some details about proposed amenities for the project. Mr. Slutter answered that this would not be an emphasis. He noted that he had put in a swimming pool at Ironwood but it was rarely used. He added that the applicant had bought an extra house and lot on the north side of the property, with the result that the first four buildings near Olive had extra-large and deep lots. This was not a situation where a two-story building was placed right next to a single-story house. They would have much bigger back yards than the units near the lumber yard or railroad track.

Chairperson Norbury answered that he was more concerned with the Olive Street frontage. Mr. Slutter commented that not all the units had sliding patio doors in back. Some of them had been moved to the side. There were several 12-inch bump outs as well as 'eyebrows' below them. Mr. Best added that the drawings also did not show shadow patterns that these bump outs would have. That would also break up the massing view, at least in the daytime.

Ms. Arth asked the applicant about the prices of the townhome units, and Mr. Slutter answered that they would be from \$220,000 to \$230,000. That was much higher than current market prices for townhomes but these would have more features. They included concrete vaults that could serve as storm shelters and exterior materials such as stone wainscoting. The buildings would not all be alike; for example, one might have batt and board on the bump outs, and another would have lap siding. They were likely to be the most expensive four-plexes in the Downtown area.

Ms. Vanbebber remarked that the neighbors were less concerned with how the buildings looked than they were with the number of people who would be living on that property, with an increase in traffic. They were pleased with the plan to widen the streets.

Ms. Janice Newman gave her address as 109 W. Orchard, adding that this was at the corner. She stated that her back yard flooded very frequently and noted that the volume of traffic did include large vehicles like trash trucks. Her car had been hit a few years ago and she expected traffic to be a bad problem.

Ms. McClintock asked if there was a photo of the intersection, adding that the access to the development would be both an entrance and exit, and it was close to what was already a problem intersection. She did not think this was a good location for such a large development.

Ms. Peoples said the problem was the number of units. She would have preferred duplexes rather than four-plexes, adding that she had lived in a four-plex and did not like it. It amounted to too many units with too many people. It would cut down on the traffic and the applicant would still get to build something on the property. She added that the streets really had needed widening but it would be nice if someone cared about the flooding.

Mr. Tracey Neill gave his address as 107 NW Orchard. Referring to the testimony that the break point of drainage was on the southwest side of the property, he'd had as much as 3 inches of water come across the road and become about 18 inches deep going down the west side of his property on its way to flooding other neighbors' back yards. He asserted that the water would not drain to the north; and in fact it came from that direction.

Mr. Funk asked Mr. Monter if the City had a plan to address the flooding problem. Mr. Monter consulted the schedule of capital projects that were approved, under construction or proposed for construction and did not see a project for this location in what had been approved and budgeted. The City did have a program, based on priority, for drainage and flooding problems. He was not sure about any specific projects in this area.

Chairperson Norbury asked Mr. Park about the alignment of the access point from Orchard. Mr. Park replied that City staff preferred that it would line up with other streets and intersection, as this reduced the number of conflict points and increased safety. The issue was actually the condition of Orchard and Olive Streets and their intersection. He would prefer an alignment with Orchard than an offset a number of feet away.

Mr. Richard Raine gave his address as 109 W. Orchard Street. He asserted that so much water came into his backyard, he might as well stock it with fish. The repeated flooding had damaged the foundation of his house. Moreover, widening the street would effectively eliminate his driveway, and he had seen many drivers go into the ditch at the corner. A lot of traffic went through for such a small street, including large heavy trucks. He did not see any benefit to the neighborhood from this project.

Ms. Tana Neill stated that the Transportation Department would not allow school buses to turn around in the development. They picked up all the children along Olive or Orchard and did not turn around anywhere.

Ms. Sharon Farnam gave her address as 401 NW Olive, which was at the bottom of the hill. Since the last heavy rain, the street was actually crumbling into the ditch. Flooding was bad in that neighborhood and the breaking point was north of the intersection. The water would stand for days before it dried out. She also had a problem with that many people coming into a single-family neighborhood. They already had problems with break-ins.

Chairperson Norbury asked if there were further questions for the applicant or staff. Hearing none, he closed the public hearing at 6:37 p.m. and asked for discussion among the Commission members.

Ms. Arth acknowledged that flooding was obviously a major concern for the neighbors and should be for the City as well. She hoped that when this application went before the City Council they would give this serious consideration as a priority. She wanted it on the record that the Commission had heard considerable testimony from the residents about this problem. It was understandable that the City wanted improved roads, but in this case they were asking a developer to bear that entire cost. She hoped the Council would look into ways to reduce that cost, as it was extremely high and could discourage new development.

Mr. Funk observed that the City was trying to encourage this type of development. He agreed that the developer was being asked to bear a very large expense. He'd had a business on Donovan several years ago and knew that there were issues with flooding. Water came from the north south and west down Donovan. He did believe that the proposed stormwater improvements would alleviate much of it. He also agreed that the developer was being asked to bear a major expense, and at that in an infill area that the City had wanted developed.

Mr. Gustafson noted a remark that street improvements were the purview of the City Council. He suggested that the applicant prepare some plans for mitigation to show to the Council when the application came to them. Mr. Lovell agreed that any alternatives or options the applicant could suggest would be helpful.

Mr. Funk noted that the applicant was not in agreement with all of the conditions.

Chairperson Norbury said some more work still needed to be done on the elevations, and he would like to the Commission to see them before the application went to the Council. He tended to be cautious any time there was a proposal to change a zoning to a more intense use, especially in a residential setting. He was not as concerned about roof heights as he was about the frontage on Olive. Regarding stormwater, applicants were not generally expected to fix all the stormwater problems, though this had been done with some large projects. Staff generally concentrated on an applicant handling the stormwater that the subject property generated. If staff's recommendation was that the project met those conditions, then an applicant was doing what they could with the stormwater they were responsible for.

The road improvements presented more difficulty. He had used that road and intersection several times and it was entirely too tight. Virtually all the neighborhoods north of Downtown were significantly behind when it came to infrastructure. He had certainly supported the improvements to Orchard east of Douglas, as it provided a lot of flood control and made the road much safer. He wanted to see the same thing on Orchard west of Douglas, as well as Olive; however, he did not think that imposing a 7-figure financial burden on the developer was consistent with the size of scope of this project. He was not sure the project was a good fit at this point, emphasizing that this was not the fault of the applicant or of the neighborhood. The reality was that the City had not yet made the necessary improvements one of the priorities. Hopefully some kind of development agreement could manage the cost in a realistic way. If that was not likely to happen he would not vote for approval.

Chairperson Norbury presented a number of options. The Commission could recommend for approval and perhaps adjust some standards. It could also choose to recommend denial, or continue the application to address these issues. Chairperson Norbury then re-opened the hearing, at 6:53 p.m.

Mr. Burton stated that this was a \$7 million project, and he did not think the City should impose on him the cost of improvements that the City should have done a long time ago. It would simply not be feasible to spend an additional \$1 million on road or stormwater improvements. Chairperson Norbury again closed the hearing.

Ms. Arth said that the Commission could send this on to the Council, and Chairperson Norbury answered that while this was an option he would prefer the architectural issues resolved before that.

Mr. Funk asked if a continuance could include asking the applicant to provide some architectural break-ups. Chairperson Norbury said they could make a recommendation on the application as presented. Mr. Soto pointed out that the Commission did have the option to continue the application in the interest of getting more information.

Planning Commission

Action Letter - Draft

July 11, 2019

Ms. Arth made a motion to continue Application PL2019-020: Rezoning from RP-2 to RP-3 and Preliminary Development Plan: Burton Townhomes, 408 & 500 NW Olive St; Cherokee Flight, LLC, applicant; to a date certain of July 25, 2019. Mr. Gustafson 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 Arth, seconded by Board Member Lovell, that this application be continued to the Planning Commission, due back on 7/25/2019. The motion carried unanimously.

Other Agenda Items

There were no other agenda items at this meeting.

Roundtable

Kent Montor, Development Engineering Manager, noted that he appreciated when an applicant made the comment that they appreciated Staff being tough but reasonable.

Adjournment

There being no further business, Chairperson Norbury adjourned the meeting at 6:53 P.M.

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