

## The City of Lee's Summit

### Action Letter

### Planning Commission

Thursday, July 25, 2019

5:00 PM

City Council Chambers

City Hall

220 SE Green Street

Lee's Summit, MO 64063

---

#### Roll Call

**Present:** 7 - Board Member Carla Dial  
Board Member Dana Arth  
Board Member Don Gustafson  
Board Member Donnie Funk  
Board Member Jeff Sims  
Board Member Jake Loveless  
Board Member John Lovell

**Absent:** 2 - Board Member Jason Norbury  
Board Member Mark Kitchens

#### Roll Call

#### Approval of Agenda

**A motion was made by Board Member Arth, 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

[2019-2929](#) Minutes of the July 11, 2019, Planning Commission meeting

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

#### Public Hearings

[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

**Vice Chair Funk asked Mr. Bushek whether the Commission needed to re-open this hearing or if it could hold a discussion based on staff's recommendations in their July 19, 2019 memo and what the applicant had submitted. Mr. Bushek replied that the Commission had the option to discuss the application. He believed that at least one person wanted to enter additional material into the record; and the Commission could re-open the hearing if they were going to take additional evidence and testimony.**

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

Mr. Soto stated that just before the meeting, one of the neighbors had provided photographs illustrating some of the road conditions along Olive Street, as long as some of the characteristics along Orchard including drainage ditches. He entered the photographs as #19 on Exhibit (A), list of exhibits 1-19. Mr. Soto then gave the photographs to the Commissioners to view. At the last meeting the Commission had given a direction that they wanted to see some architectural changes, including offsets between the units. That might include reducing the structure's overall height, to reduce some of the bulk and make the building fit better with the existing neighborhood. Changes were requested to the previous elevations, on at least corners or street-facing sides.

Mr. Soto then displayed the revised elevations that staff had received. The drawings did not show offsets between units. The structure height was lowered a little under two feet, from 28 feet 9 inches to just under 27 feet. A side view showed that an added covered side entry. The Commissioners' packets included a memo from Mr. McGuire about these items. Staff believed that the revised changes had not gone into as much detail as the Commission had hoped to see; based on comments made at the previous meeting.

Mr. Bruce Best, associate with Architecture Graphics Management and Planning (AGMP), stated that the applicants had complied with the request to lower the roof. However, they did want to maintain a roof slope sufficient to shed the seasonal leaves as well as rain and snow. A lower pitch could result in vegetation and debris accumulating on the roof; a seasonal pattern that he had seen occur in this region for a number of years. Concerning the side elevations, they were considering a number of changes, separating the buildings into a pair of duplexes and shifting them a few feet. There was already a significant change in the depth of the garages, which would reduce the size of back yards and raise the cost of the buildings. Elevation changes, including projections out on both sides and back and the addition of gable ends on the sides and front, would also break up the visual effect. They could also vary the colors and the amount of stone veneer, with the goal of giving each unit its own identifiable look.

Vice Chair Funk asked if there was any member of the public present who could add to the testimony at the last meeting.

Ms. Cathy McClintock gave her address as 407 NW Olive Street. She commented that the photographs she had provided had shown an everyday occurrence at the intersection. The big trucks shown came through the neighborhood every weekday, and sometimes on Sunday at the property's southern end. She did not have any objection to development, but did not think this was the right place for 36 duplex units, especially without making changes to the streets.

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

Mr. Loveless asked Mr. Soto for a summary of how the applicant had addressed the comments on the updated plans they had submitted. Mr. Soto noted that most of the structures in the neighborhood were single-story and so staff had a compatibility concern about roof heights. a compatibility concern in terms of the buildings' relatively massive appearance in particular. At this point, a 2-foot reduction in roof height was not enough to compensate for the overall visual contrast with the rest of the neighborhood. Mr. Soto acknowledged that they did provide a covered side entry, on the sides facing Olive Street. A few additional features could make the side look more like a front entry, consistent with existing homes along Olive; although the intent was not to make the side look identical to the front.

Mr. Loveless asked if staff believed that the exterior materials the applicants suggested fit in with the rest of the neighborhood. Mr. Soto acknowledged that there was a mixture of materials; and he did not consider the materials themselves to be an issue. However, the covered side entry could be 'dressed up' a little more even with the added element of the pitched roof. He confirmed for Mr. Loveless that the concerns about the front architecture were about the lack of apparent offsets. It would be a wide building, so offsets could break up the large wall planes. Ideally they would be between each unit; but the applicant wanted to have them between two 'twin' sides.

Mr. Loveless asked if it was accurate that both staff and the City Council were directing that all of Orchard should be improved by the developer as part of the project. Mr. Soto replied that the City's unimproved road policy did call for that.

Vice Chair Funk ask the applicant if they were on the record that they were not willing to provide the road improvements. Mr. Mick Slutter, of Renaissance Infrastructure Consulting and present representing the developer Mr. Dick Burton, stated that he had spoken with one of the Councilmembers who had agreed that the developer should not be responsible for the road improvements. The expenses would effectively kill a project of this size: it was just not do-able to pay for \$1 million in road improvements in a \$7 million project. Moreover, these were public streets that should have been improved years ago. The reason for not having offsets between each unit was that everyone he had shown these plans had already thought they were duplexes. They had already added 6 or 7 gables to the building; and the side entry was an issue they'd had to deal with on short notice after the last meeting. All of the other buildings were within the project, and a visitor or neighbor would have to drive through to see them.

Mr. Best added that the drawings of this building showed mostly predominantly hip roofs, which were slanted on the ends as well as the sides. That reduced the effective roof height, as the highest portion of it, would be further back. The highest point could be, as much as 15 or 20 feet back from the corners. That was designed specifically to make the roof less conspicuous and the general look to be more consistent with the neighborhood. He emphasized that the drawings he had meant to generally illustrate the whole project, with some specifics on that one end. In terms of wanting additional design elements and materials on the ends, the applicant could provide a supplemental detail of just that area. Options would include more decorative columns or a gate.

Mr. Loveless asked Mr. Monter if any offsite improvements other than the roads that would be needed for this site. Mr. Monter answered that there were not.

Mr. Slutter added that he had read the traffic report, and they were well below the point of any kind of traffic overload, and well within design criteria for the roads. One street had 400 cars a day and the other had 800 per day; and at that level 60 additional cars would make little difference.

Mr. Loveless noted to Mr. Monter that there were improvements to infrastructure that typically happened with development. He asked if another improvement could be done that might be more appropriate for this development specifically; adding that he was looking for what needed to be included in a recommendation to the Counsel. Mr. Johnson explained that staff did not have a recommendation from the City traffic engineer about any middle ground. It would be the Commission's responsibility to inform the Council if its consensus was that full enforcement of the improvements policy was unreasonable in this case. Unfortunately, the recommendation would need to be an all-or-nothing decision; although there would likely be more debate at the City Council level.

Vice Chair 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.

Ms. Dial believed that improving all of Olive Street out to Chipman, and Orchard all the way to Douglas, would be an unreasonable burden on the developer; although the developer should contribute something toward improving the intersection. She agreed with the principle that someone bringing new development into a neighborhood was also bringing in more traffic and did need to take some responsibility. This particular neighborhood already had some problems that the Council might want to discuss in terms of priorities.

Mr. Loveless agreed with Ms. Dial's comments, adding that he wanted to see City staff recommend something other than the improvement of these two roads, including the intersection. The Commission might be able to include a second option in moving the application to the Council for a hearing, in addition to a general approval of the use for this area.

Mr. Gustafson noted that he had brought this up at the last meeting, and believed that there were several options; such as widening Orchard Street or do some intersection improvements. Or they could request an improvement district, in which the nearby lumber business could also participate.

Vice Chair Funk agreed that the Commission should not make a recommendation to the Council without some sort of final direction or recommendation from staff concerning the design of the project itself. This would be the point in the process where staff could make their preferences about designs in particular clear. He had the impression that staff was not altogether comfortable with the design, although the roofline had been reduced and side porches had been added. He did not like idea of 6x6 posts and gable over a doorway. Mr. Soto clarified that at the previous meeting, the Commission had given some direction of what they wanted to see; but he was not sure at present if what they had cited at tonight's meeting was the extent of revisions the applicant was willing to make. Staff could make some suggestions, but the applicant might or might not be willing to take them.

Hearing no further discussion, Vice Chair Funk called for a motion.

Mr. Gustafson made a motion to recommend approval of continued Application PL2019-020, Rezoning from RP-2 to RP-3 and Preliminary Development Plan: Burton Townhomes, 408 & 500 NW Oliver St.; Cherokee Flight, LLC, applicant; subject to staff's letter of July 11, 2019, specifically Conditions of Approval 1 through 14. Mr. Sims seconded.

Vice Chair Funk asked if there was any discussion of the motion.

Mr. Lovell asked if this recommendation was to approve the application to move forward to the Council as is, with no recommendation as to road improvements, or if it would include an amendment stating that while the Commission approved the use, it did not specifically recommend that the developer be made solely responsible for the road improvements. Mr. Gustafson was not sure if it was appropriate for the Planning Commission to make suggestions to the Council. Mr. Loveless stated that the recommendation would include staff's conditions as presented, and that would include improvements for both roads. Mr. Lovell observed that in that case, if the Commission did not agree that the developer should pay for the improvements it would not approve the motion. Vice Chair Funk clarified that the application would go forward to the City Council whether the vote was a recommendation for approval or denial.

Ms. Arth noted that the Commission was not making any recommendations about the road issues. They had not heard from the applicant as to what other changes they were willing to make in response to the Commission's suggestions at the last meeting. She felt that the Commission still had some work to do. Mr. Loveless stated that staff did not seem to have a

Planning Commission

Action Letter

July 25, 2019

---

second recommendation in terms of the off-site improvements. The City's policy called for improvements on both those roads; and he wanted to know if the Commission had an alternative to suggest. If the Commission did not vote for denial, it could continue the application in order for staff to produce some examples of these alternatives. Or the Commission would approve the application as-is, with staff's conditions of approval, with the Council deciding the extent of the responsibility the applicant would have.

Vice Chair Funk noted that if staff did not have a recommendation on the road improvements, they would be based on the Council's decision. He assumed that Ms. Arth's question regarding the motion was whether the Commission would be approving the design as presented. Ms. Arth remarked that the motion or vote could be to continue the application. Mr. Gustafson was willing to withdraw his motion if the Commission wanted to vote on a continuance; and Mr. Bushek confirmed that this was an option. Mr. Gustafson then withdrew his motion, and Mr. Sims withdrew his second.

Mr. Lovell commented that the Commission had asked for changes to the design; and at this point it was important to separate out the road issue. The Commission could continue the application tonight, or it could vote for approval and the Council could work out what was the appropriate responsibility for the developer. He did not have a problem with the design; as was in favor of moving forward with the motion as originally stated.

On the motion of Mr. Gustafson, seconded by Ms. Arth, the Planning Commission members voted unanimously by voice vote to recommend APPROVAL of continued Application PL2019-020, Rezoning from RP-2 to RP-3 and Preliminary Development Plan: Burton Townhomes, 408 & 500 NW Oliver St.; Cherokee Flight, LLC, applicant; subject to staff's letter of July 11, 2019, specifically Conditions of Approval 1 through 14 to the City Council - Regular session, due back on 8/20/19.

Other Agenda Items

Roundtable

Adjournment

There being no further business, Vice Chairperson Funk adjourned the meeting at 5:37 P.M.

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