

The City of Lee's Summit
Action Letter - Draft
Planning Commission

Thursday, February 13, 2020

5:00 PM

City Council Chambers

City Hall

220 SE Green Street

Lee's Summit, MO 64063

Call to Order

Roll Call

Present: 6 - Board Member Mark Kitchens
Board Member John Lovell
Board Member Jake Loveless
Chairperson Jason Norbury
Vice Chair Donnie Funk
Board Member Dana Arth

Absent: 3 - Board Member Carla Dial
Board Member Terry Trafton
Board Member Jeff Sims

Approval of Agenda

A motion was made by Vice Chair Funk, seconded by Board Member Loveless, that this Agenda be approved. The motion carried unanimously.

Public Comments

There were no Public Comments at the meeting.

Approval of Consent Agenda

TMP-0697 An Ordinance approving Application #PL2018-151 - Final Plat - The Reserve at Stoney Creek, 4th Plat, Lots 111 thru 127 & Tract O; Engineering Solutions, LLC, applicant.

A motion was made by Vice Chair Funk, seconded by Board Member Loveless, that this application be recommended for approval to the City Council - Regular Session, due back on 3/3/2020. The motion carried unanimously.

TMP-0696 An Ordinance approving Application #PL2018-152 - Final Plat - The Manor at Stoney Creek, 4th Plat, Lots 109 thru 136; Engineering Solutions, LLC, applicant.

A motion was made by Vice Chair Funk, seconded by Board Member Loveless, that this application be recommended for approval to the City Council - Regular Session, due back on 3/3/2020. The motion carried unanimously.

2020-3316 Public Hearing - Application #PL2019-415 - Final Plat - Main Orchard, Lots 1-6, 6 NW Orchard St & 510 NW Main St; Engineering Solutions, LLC, applicant.

A motion was made by Vice Chair Funk, seconded by Board Member Loveless, that this application be recommended for approval to the City Council - Regular Session, due back on 3/3/2020. The motion carried unanimously.

[2020-3275](#) Approval of the January 23, 2020, Planning Commission Minutes

A motion was made by Vice Chair Funk, seconded by Board Member Loveless, that the Minutes be approved. The motion carried unanimously.

Public Hearings

2020-3317 Public Hearing: Application #PL2019-413 - Preliminary Development Plan - Culver's, 1275 SE Oldham Pkwy; Engineering Solutions, LLC, applicant.

Chairperson Norbury opened the hearing at 5:10 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 described the subject property's location as the west side of Ranson Road and south of US 50 highway. Neighboring businesses were the Nissan and Dodge car dealerships, Tractor Supply, a Price Chopper strip shopping center and a bank. It was vacant land, about 3.5 acres. A channel running through the middle had been draining the stormwater coming from the subdivision to the south. This lot would be divided into two developable lots via a minor plat process. A common tract "A" would be for the detention facility, but this application would focus on lot 3 on the west side, slightly over 1.5 acres, where the future Culver's restaurant would be. The owner would be the owner of the existing Culver's on Lee's Summit's north side as well as the one in Raymore, and a future Culver's in Warrensburg that was under construction. Mr. Schlicht emphasized that these restaurants would be under local ownership and management.

The property was already zoned CP-2, under which fast food restaurants were an allowed use. The proposed restaurant would meet four required items in the Lee's Summit ordinances: (1) five-car stacking from the order box to the drive-through window; (2) order box screening. It was at the southeast corner of this site, not far from the detention basin. Landscaping would be added between the order box and the basin. (3) The location would direct sound away from the nearby residential area. The entire site would be somewhat northeast so that the drive-through would be screened from almost every direction. (4) The speaker box would be at least 100 feet from the property line. That would be the south property line.

They had held two neighborhood meetings. Mr. Schlicht acknowledged that he had overlooked the requirement for notifications to be sent via certified mail. Many of the concerns raised were common concerning fast food restaurants, such as noise, traffic and litter. Mr. Matt Mitchell, the owner of Culver's, had attended and urged attendees to call him if they experienced any problems. Mr. Schlicht emphasized that Culver's had a track record of being a good tenant and a good neighbor. The restaurant's hours would be from 10:30 a.m. to 10:00 p.m., within the daily hours when most people were awake. Security lighting would be reduced in the evening hours, though the restaurant itself would have extra lighting.

Some questions had come up about the outer road and Oldham Parkway. Within five years, MoDOT would add a traffic signal at the intersection at Ranson Road and the outer road; and in the meantime, they would provide a temporary signal. Turn lanes would be added to the outer road. Concerning landscaping and screening, Mr. Schlicht acknowledged that this use would require high-impact screening. They planned to install a fence in addition to the landscaping. The ordinance required that the fence be located ten feet from the property line; and the neighbors wanted to have the fence on the south property line with the screening on its north side. Accordingly the applicants were requesting a modification for the location of the six-foot vinyl fence, putting it on the south property line. This location would

make the landscaping easier to reach when maintaining it.

The Culver's building was essentially a 4,400 square foot building, with 76 parking spaces and the impervious coverage was fairly low, about 38 percent. The Comprehensive Plan allowed for this use in CP-2 zoning.

Mr. Schlicht then displayed a drawing of the streets around the proposed restaurant. He pointed out the proposed Culver's location and the present location of the First Federal Bank nearby as well as the Tractor Supply business. Lot 4 would be reserved for a future commercial CP-2 zoning use. The water detention basin would serve both the restaurant and Lot 4 as well as reduce some of the runoff from the residential development to the south. The applicants would widen Oldham Parkway close to the intersection with Ranson Road, in order to allow for turns. A left-turn lane would be installed in front of the restaurant, and some curbing that extended a little too far into the road would be moved back.

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

Mr. Soto entered Exhibit (A), list of exhibits 1-16 into the record. Chairperson Norbury noted and entered them into the record. Mr. Soto gave a brief overview of the application, touching on some items following Mr. Schlicht's presentation. The property is zoned CP2 and that is the existing zoning along the surrounding area off Oldham Parkway. The parent tract butts to residential zoning. The building height will be 23 feet which is typical for a fast food restaurant. The number of parking spaces proposed are 76 and 61 are the minimum required by city ordinance.

The abutting common space tract will provide storm water detention for Culvers and the future tenant to the East. Mr. Soto also added there would be improvements made to this area.

The building will have color, and material changes. Two toned facade, stone, awnings, and metal canopies.

Mr. Soto reiterated there were two neighborhood meetings held by the applicant. Also, there was one protest letter that was submitted at the end of January. The protest property sits outside the 185 foot buffer area. Mr. Soto noted that at least 30% of the public within the 185 foot buffer to require a 6 in favor vote from City Council. As it stands, it would not have a bearing on the City Council's vote. Mr. Soto added this does not make less weight of this concern. Some of the concerns that are different from ones brought up at the neighborhood meetings are about noise. Mr. Soto echoed Mr. Schlicht that the order box is located 103 feet from the nearest residential property line. The building itself is 130 feet from the property line. There will be additional landscaping as well as a 6 ft fence and required landscape buffer. The parking lot also satisfies minimum requirements.

There was also concern about this project spurring further commercial development. The hope is that it does. The area has been zoned commercial for the past 20 years. Mr. Soto noted the retirement community currently under development to the east. Mr. Soto wanted to add that Lot 4 is only shown for illustration purposes on this application, and is not part of this application.

Condition 2 addresses transportation to include the temporary signal at Oldham Pkwy and Ranson Rd. Turn lanes would be added to the outer road. Condition 4 to allow 6' vinyl fence at the property line.

Following Mr. Soto's presentation, Chairperson Norbury asked if there was anyone present wishing to give testimony, either in support for or opposition to the application.

Mr. Mike Llywelyn, 1136 SE 11th Ct, Property owner located to the south of the proposed Culvers. Mr. Llywelyn stated the main concerns of the residents is the fence. He requested Culvers put the same type of fence that the other businesses along the property lines have. Wood fence 8 – 10 feet tall.

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

Mr. Funk asked Mr. Schlicht about Mr. Llywelyn's fence request. Mr. Schlicht agreed to a 6 foot tall wood fence.

Chairperson Norbury inquired about berm requirements. Mr. Schlicht stated that would be an option but not recommended, as it would change the grade for the residents to the south of the proposed Culvers.

Mr. Funk asked if anyone knew what the decibels are from a fast food order box. It was unknown but something that could be looked into.

Mr. Loveless asked what the height of the neighboring businesses fence were. They appear to have a shadow box type fence. The height was unknown but Mr. Schlicht stated that a flat wood fence would be recommended. He also added that Culvers would be responsible for maintaining the fence.

Chairperson Norbury asked if there were further questions and/or public comments.

Mr. Soto asked to add Exhibit 17, the google map Mr. Kent Montor showed the commissioners of the neighboring businesses fences.

Chairperson Norbury added and entered Exhibit 17. He also asked about the new procedures with the ordinance added to the agenda.

Mr. David Bushek, Chief Counsel, stated that it is an item on the agenda to tie the representations to the application. Second, to show the commission what the final product looks like. There would not need to be a separate motion made on the Ordinance, the motion on the application will suffice in most cases.

Chairperson Norbury asked if there would need to be a separate motion to the ordinance due to the amended application.

Mr. Bushek stated the one motion would suffice and the ordinance will be changed as part of the recommendation to City Council.

Chairperson Norbury thanked Mr. Bushek.

Chairperson Norbury asked if there were further questions for the applicant or staff. Hearing none, he closed the public hearing at 5:40 p.m. and asked for discussion among the Commission members.

Chairperson Norbury confirmed the 4th condition that the 6 foot fence would be placed on the property line. He asked that all commissioners confirm they were all on the same page. They all agreed.

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

Mr. Funk made a motion to recommend approval as amended of Application PL2020-3317, Preliminary Development Plan: Culver's, 1275 SE Oldham Pkwy.; Engineering Solutions, LLC, applicant. Mr. Loveless seconded.

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

A motion was made by Vice Chair Funk, seconded by Board Member Loveless, that this application be recommended for approval as amended to the City Council - Regular Session, due back on 3/3/2020. The motion carried unanimously.

Other Agenda Items

TMP-1504 An Ordinance approving a Preliminary Development Plan located at 1275 SE Oldham Parkway in District CP-2, proposed Culver's, in accordance with the provisions of Chapter 33, the Unified Development Ordinance of Lee's Summit Code of Ordinances, for the City of Lee's Summit, Missouri.

Roundtable

There was no Roundtable at the meeting.

Adjournment

There being no further business, Chairperson Norbury adjourned the meeting at 5:44 P.M.

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