



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

Thursday, May 14, 2020

5:00 PM

Via Videoconferencing

Notice is hereby given that the Planning Commission of the City of Lee's Summit will meet in regular session on Thursday, May 14, 2020, at 5:00 pm via videoconference as provided by Section 610.015 of the Revised Statutes of the State of Missouri. Due to the ongoing Covid-19 pandemic, City Hall will be physically closed and therefore, the public is invited to attend by viewing the meeting on the City website at www.WatchLS.net, and various cable providers (Spectrum channel 2, Google TV channel 143, AT&T U-Verse channel 99 and Comcast channel 7) for those whose cable providers carry the City of Lee's Summit meetings. In the event that the meeting cannot be broadcast via www.WatchLS.net and the cable channels noted above, this agenda will be amended to include directions for the public to attend via the Zoom software platform at www.Zoom.com; such amendment will include a specific link to attend the Planning Commission meeting. Additionally, persons wishing to comment on any item of business on the agenda may do so in writing prior to 5:00 pm on May 13, 2020, either by e-mail to: clerk@cityofls.net, by leaving a voicemail at 816-969-1005 or by leaving written printed comments in the utility payments drop boxes located in the alley behind City Hall or inside the foyer at the north end of City Hall, both located at 220 SE Green Street, Lee's Summit, MO 64063. Written comments submitted by these methods will be presented at the Planning Commission meeting. Persons wishing to speak at a public hearing on this agenda may do so by contacting the City Clerk prior to 5:00 p.m. on May 13, 2020 by e-mail at clerk@cityofls.net, and they will be provided with instructions regarding how to provide their live testimony via videoconference during the public hearing.

Call to Order

Roll Call

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

Absent: 3 - Board Member Carla Dial
Board Member Jake Loveless
Board Member Jeff Sims

Approval of Agenda

Planning Commission

Action Letter - Draft

May 14, 2020

A motion was made by Vice Chair Funk, seconded by Board Member Trafton, that this agenda be approved. The motion carried by the following vote:

Aye: 6 - Chairperson Norbury
Vice Chair Funk
Board Member Arth
Board Member Kitchens
Board Member Lovell
Board Member Trafton

Absent: 3 - Board Member Dial
Board Member Loveless
Board Member Sims

Public Comments

There were no public comments at the meeting

1 Approval of Consent Agenda

- A** [TMP-1581](#) Appl. #PL2020-062 - FINAL PLAT - Journey Church, Lot 1 & Tract A, 1601 SW M-150 Hwy; BHC Rhodes, applicant

A motion was made by Vice Chair Funk, seconded by Board Member Trafton, that this application be recommended for approval to the City Council - Regular Session, due back on 6/9/2020. The motion carried by the following vote:

Aye: 6 - Chairperson Norbury
Vice Chair Funk
Board Member Arth
Board Member Kitchens
Board Member Lovell
Board Member Trafton

Absent: 3 - Board Member Dial
Board Member Loveless
Board Member Sims

- B** [TMP-1586](#) Appl. #PL2020-071 - VACATION OF EASEMENT - 504, 512 and 520 NE Promised View Dr; Phelps Engineering, Inc., applicant

A motion was made by Vice Chair Funk, seconded by Board Member Trafton, that this application be recommended for approval to the City Council - Regular Session, due back on 6/9/2020. The motion carried by the following vote:

Aye: 6 - Chairperson Norbury
Vice Chair Funk
Board Member Arth
Board Member Kitchens
Board Member Lovell
Board Member Trafton

Absent: 3 - Board Member Dial
Board Member Loveless
Board Member Sims

- C** [TMP-1587](#) Appl. #PL2020-081 - FINAL PLAT - Culver's, Lots 1-2 & Tract A, 1275 SE Oldham Pkwy; Engineering Solutions, LLC, applicant

A motion was made by Vice Chair Funk, seconded by Board Member Trafton, that this

Planning Commission

Action Letter - Draft

May 14, 2020

application be recommended for approval to the City Council - Regular Session, due back on 6/9/2020. The motion carried by the following vote:

Aye: 6 - Chairperson Norbury
Vice Chair Funk
Board Member Arth
Board Member Kitchens
Board Member Lovell
Board Member Trafton

Absent: 3 - Board Member Dial
Board Member Loveless
Board Member Sims

D [2020-3451](#) Approval of the April 23, 2020 Planning Commission Minutes

A motion was made by Vice Chair Funk, seconded by Board Member Trafton, that the minutes be approved. The motion carried by the following vote:

Aye: 6 - Chairperson Norbury
Vice Chair Funk
Board Member Arth
Board Member Kitchens
Board Member Lovell
Board Member Trafton

Absent: 3 - Board Member Dial
Board Member Loveless
Board Member Sims

Public Hearings

2 [2020-3460](#) Appl. #PL2020-039 - SPECIAL USE PERMIT renewal for mini-warehouse and outdoor storage facility - 500 NE Jones Industrial Dr; TKG III Various, LLC, applicant

Chairperson Norbury reminded everyone present that the meeting was being recorded and run on LS TV and cable channels; so the information in the hearing would be permanently available to the public. All rules and procedures would be as applicable as for a meeting where all participants were physically present. He opened the hearing at 5:09 p.m. and asked each speaker to begin with disclosing whether they were sworn in at the start of the hearing. He asked all who were not speaking to mute their microphone and turn the video off.

Mr. Stephen Lucas said that he was an attorney representing TKG/Storage Mart, and gave his address as 4510 Belleview Avenue in Kansas City, Missouri. Mr. Weyen Burnam, a principal with TKG/Storage Mart, was also attending the meeting. Mr. Lucas stated that he did not have any concerns about providing testimony via video conference. He had submitted visual aid material to staff ahead of time. This project was an existing storage facility with two Special Use Permits, one for mini-warehouses and the other for outdoor storage. It was built in 1995 and acquired in early 2019. The zoning was Planned Industrial (PI); and TKG had cleaned up the property, establishing a good relationship with other property owners. The subject property was close to the airport area, which had its own zoning designation, and at the edge of the PI district.

Market demand for self-storage facilities was growing. Mr. Lucas displayed a slide with an aerial view of the property and surrounding uses. The next slide showed the site plan. A neighborhood meeting had been held on March 19th. A colored rendering showed the facility facing north, and the following slides showed the surrounding area, and the next showed a front view. Mr. Lucas added that the requested SUP renewal would be for 25 years. He

emphasized that a shorter term would create significant issues, especially for financing.

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

Ms. Nelson entered Exhibit (A), list of exhibits 1-16 into the record. She confirmed that the application was for a Special Use Permit renewal for Storage Mart, and showed an aerial map of the subject property and noted its surroundings: the airport to the west, an electrical substation to the north and some industrial businesses to the east, and some vacant property. A zoning map showed Planned Industrial designation in gray and commercial use in red. A slide showed four storage facilities as well as some outside storage.

When the applicant had requested outside storage uses in 2004, the City Council had given approval but had required installation of landscaping along the east side for a buffer. Some Evergy transmission lines along the east side precluded planting trees; however, Evergy agreed to decorative grass. The trees on the south side had been removed, but others would be installed along NE Jones Industrial Drive. Ms. Nelson stated that the application met UDO and Design and Construction Manual requirements, and staff supported the request for a 25-year term.

Following Ms. Nelson's comments, Chairperson Norbury asked there was any testimony in either support for or opposition to the application. Seeing none, he then asked if the Commissioners had questions for the applicant or staff.

Mr. Funk asked what was the timeline for replanting the trees that Ms. Nelson had mentioned. Mr. Burnam responded that they had submitted a new landscape plan as part of the application. He estimated that this should be done within the next 60 to 90 days. Mr. Trafton asked if this would be added to the ordinance, and Mr. Bushek offered to check it and see if that was included. Mr. Soto stated that the site plan that went with the application did include the proposed landscaping, both shrubs and trees. The information in that site plan would be included in the ordinance.

Chairperson Norbury 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, or for a motion.

Mr. Funk made a motion to recommend approval of Application PL2020-039, Special Use Permit renewal for mini-warehouse and outdoor storage facility: 500 NE Jones Industrial Dr; TKG III Various, LLC, applicant. Ms. Arth seconded.

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

A motion was made by Vice Chair Funk, seconded by Board Member Arth, that this application be recommended for approval to the City Council - Regular Session, due back on 6/9/2020. The motion carried by the following vote:

Aye: 6 - Chairperson Norbury
Vice Chair Funk
Board Member Arth
Board Member Kitchens
Board Member Lovell
Board Member Trafton

Absent: 3 - Board Member Dial
Board Member Loveless
Board Member Sims

a [TMP-1583](#) An Ordinance approving a special use permit renewal for a mini-warehouse and

outdoor storage facility in District PI on land located at 500 NE Jones Industrial Drive, existing Storage Mart, all 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.

- 3 [2020-3457](#) Appl. #PL2020-044 - PRELIMINARY DEVELOPMENT PLAN and Appl. #PL2020-045 - SPECIAL USE PERMIT for automotive sales - Automotive Sales and Detail Center, 2150 NE Independence Ave; Lee's Summit Town Centre, LLC, applicant

Chairperson Norbury opened the hearing at 5:28 p.m. and asked those wishing to speak, or provide testimony, to turn on their camera and microphone for being sworn in.

Mr. Powell Mines, senior architect at Davidson Architecture and Engineering, gave his business address as 4301 Indian Creek Parkway in Overland Park, Kansas. It was owned by the applicant, Mr. Bob Balderston. The subject property was located at the northeast corner of Independence Avenue and Town Centre Drive. Some car dealerships were adjacent including Subaru to the east and Volkswagen on the east side of Independence Avenue, plus a MoDOT training facility to the south.

The primary use would be an automotive detailing center, which would include washing, waxing, general exterior and interior detailing, and used vehicle sales. This was one of the reasons for the Special Use Permit application. Mr. Mines pointed out that the number of car dealerships in the general area made the property an appropriate location for this kind of business. The currently undeveloped property was about four acres, with surrounding properties zoned CP-2. The building area was 16,000 square feet, with parking and driveways on both Independence Avenue and Town Centre Drive. The number of parking spaces met and exceeded the UDO requirement, plus additional parking for used car sales.

The building would be a single story plus a mezzanine, with the office and showroom on the east side, plus offices and storage. It would also have drive through bays for detailing or washing cars. The building would be steel frame construction with the exterior materials a combination of split face CMU block and two kinds of metal panels. One would be a bold profile horizontal grid, similar to the design on the Volkswagen dealership; and the second was a flat stucco-textured panel that had a stucco finish look. He had discussed this with Mr. Soto. Once City Hall was open, he would be able to provide staff with samples. Some displayed elevations showed neutral colors with a blue band as a small accent. The top elevation, which included the showroom, was the only two-story element.

Mr. Mines displayed the site plan, which showed the building sitting in the center of the site, surrounded by parking. The storm water detention would collect runoff from the property and direct it north to the detention area. It was sized for both this development and for the undeveloped tracts north of the property. The detention area could be expanded if more development did happen.

Regarding landscaping, what the applicant proposed met the UDO's requirements. They would use street trees plus additional trees on the site in parking islands. Some screening from both streets would also be provided by shrubs.

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

Mr. Soto entered Exhibit (A), list of exhibits 1-19 into the record. He displayed an aerial photo and a zoning map, noting that it was near the northwest intersection of I-470 and Colbern Road. He pointed out on the aerial map the locations of the Volkswagen dealership on the northeast and Subaru to the east and the Toyota and Honda dealerships further south on Colbern. The KIA dealership (off map) at the northwest corner of Town Centre Boulevard and Colbern Road. The zoning map showed this corner as being mostly CP-2 zoning, with some

RP-4 a little to the west, as well as the Airport zoned property and the transitional area from commercial zoning to industrial. Regarding parking, Mr. Soto noted that the UDO required 80 parking spaces and the plan included a total of 232 including display spaces. Regarding materials, staff was waiting until they could look at the prefinished wall panels before making any kind of recommendation. This had been delayed due to City Hall currently being closed. The elevations showed tonight were compatible with what was commonly seen in both the Lee's Summit area and in automotive sales.

One modification was requested regarding the setback for vehicle display. It involved some language in the ordinance that did need to be clarified. The proposed parking lot met all the setback requirements from the right-of-way and from adjacent property. The minimum setback from a right-of-way was 20 feet, and the development met that requirement from both Independence Avenue and Town Centre Drive. The parking lot was almost 18 feet away from the north property line and 16 feet from the west property line. The ordinance stated that display areas for vehicle sales must be set back the greater of two distances: either 10 feet and whatever the building setback was. For a parking lot, the minimum setback from an internal property line was 6 feet. This did not meet the required 20-foot setback for display areas. This would be a parking lot that also served as a display area, and the parking lot met all UDO requirements for setback, so staff supported the 17-foot 11-inch setback from the north property line.

Staff had compared zoning, compatibility with existing uses and the Comprehensive Plan; and both automobile sales and detailing were allowed in CP-2 zoning, with a Special Use Permit required for the sales and allowed by right for the detailing. A number of auto-oriented businesses including six dealerships were in this area, and the Comprehensive Plan called for commercial land use for this area. Regarding the requested 30-year term, new construction was usually between 20 and 30 years. This was consistent with previously granted SUPs, so staff supported the request.

The application had four Conditions of Approval. Condition 1 was the modification to the display area setback from 20 feet to 17 feet 11 inches. Condition 2 referenced an existing pond in the middle of the site that would be reclaimed, requiring a geotechnical report before issuing any building permit. Condition 3 required the development to "comply with the recommendations included in the TIA [Traffic Impact Analysis] dated May 4, 2020, prepared by Brad Cooley, City Staff Engineer." Condition 4 granted the SUP a term of 30 years.

Following Mr. Soto's comments, Chairperson Norbury asked if there was any testimony either in support for or opposition to the application. Hearing none, he then asked if the Commissioners had questions for the applicant or staff.

Mr. Trafton noticed what looked like some landscaping in the setback on the site plan. However, the corner of the setback on Independence and Town Centre Drive was left open. He asked if they were planning a monument sign on that location or to use it for display of vehicles. Mr. Mines answered that they planned some signage for that space.

Mr. Funk noted that no one was sure yet when City Hall would be re-opened, at which time staff would get approval of the metal panels. He had not seen that cited as a Condition of Approval and asked if it should be included in the ordinance. Mr. Soto replied that phasing in the staffing in City Hall would begin this Monday, May 18. Staff would be available to inspect a material sample any time after that. He remarked that this material was used more in industrial than commercial zoning districts. Staff could add a Condition of Approval or include it in the ordinance.

Regarding the stormwater report, Chairperson Norbury asked if it was correct that the adjacent land with the detention had the same property owner. It did not look like that parcel would be subject to this particular SUP, and off-site detention was a little unusual. Mr.

Monter remarked that this was something staff had been dealing with on the recent Culvers development. It was on a separate tract of land. Mr. Monter recalled some language that would be added to the CCRs.

Mr. Elam noted to the Commission that Mr. Bushek was having some connection difficult but would be back online shortly. Mr. Soto reported that Mr. Bushek had been working on finalizing the language that would be included in both the ordinance and the plat.

Chairperson Norbury explained to Mr. Bushek that he had just raised a concern about the detention being off-site and so was technically not subject to the SUP or the preliminary development plan. That raised potential enforcement concerns. Mr. Bushek related that in the Culver's situation there was a main lot with a user and off-site detention on a tract. With a common area tract, the UDO required the subdivider to record covenants containing specific provisions for how the property was operated. It essentially gave the City the ability to go on the property when maintenance was needed. Special assessments could then be imposed pursuant to those covenants which would be a source of repayment to the City. In this case, it was one lot with detention off the property, and the City would craft a hybrid solution that would pertain to the owner of the main parcel rather than requiring a Property Owners Association to own and maintain the common area.

Chairperson Norbury asked if there were further questions for the applicant or staff. Hearing none, he closed the public hearing at 5:55 p.m. and asked for discussion among the Commission members.

Chairperson Norbury noted that Mr. Funk had asked about putting a Condition of Approval regarding getting final approval from staff on the panel material. Mr. Funk asked if other Commissioners or staff considered this necessary before the application went to the City Council. Chairperson Norbury responded that due to the unusual nature of the City's processes over the past few months, City Hall had been closed but would most likely re-open before this application got to the Council, so it might resolve itself in the process. However, he did not have any opposition to Mr. Funk's suggestion.

Mr. Funk made a motion to recommend approval of Application PL2020-044, Preliminary Development Plan and Application PL2020-045, Special Use Permit for automotive sales - Automotive Sales and Detail Center, 2150 NE Independence Ave; Lee's Summit Town Centre, LLC, applicant. 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 Vice Chair Funk, seconded by Board Member Lovell, that this application be recommended for approval to the City Council - Regular Session, due back on 6/9/2020. The motion carried by the following vote:

Aye: 6 - Chairperson Norbury
Vice Chair Funk
Board Member Arth
Board Member Kitchens
Board Member Lovell
Board Member Trafton

Absent: 3 - Board Member Dial
Board Member Loveless
Board Member Sims

- a [TMP-1584](#) An Ordinance approving a preliminary development plan located at 2150 NE Independence Ave in District CP-2, proposed automotive sales and detail

center, all in accordance with the provisions of Chapter 33, the Unified Development Ordinance, of the Code of Ordinances for the City of Lee's Summit, Missouri.

- b [TMP-1585](#) An Ordinance approving a special use permit for automotive sales in District CP-2 (Planned Community Commercial) on land located at 2150 NE Independence Ave for a period of thirty (30) years, all in accordance with Chapter 33, the Unified Development Ordinance, of the Code of Ordinances for the City of Lee's Summit, Missouri.

- 4 [2020-3463](#) Appl. #PL2020-079 - VACATION OF RIGHT-OF-WAY - an approximately 240' long portion of SE Main St located north of SE 2nd St (adjacent to 114 SE Douglas St); Cityscape Residential, applicant

Chairperson Norbury opened the hearing at 6:05 p.m. and asked those wishing to speak, or provide testimony, to turn on their camera and microphone for being sworn in.

Mr. Doug Ubben Jr. gave recorded testimony, stating that he had been sworn in. He stated that he had no concerns about giving his testimony via video conference. He would be able to use visual aids via screen sharing. He was present representing Phelps Engineering and gave his address as 1270 N. Winchester in Olathe, Kansas. They were the civil engineers for the Downtown Lee's Summit apartments, northwest of City Hall. He displayed a map with an outline of the portion of Main Street. It was between SE Main Street and Douglas, and between SE First and Second Streets. He pointed out the location of the right-of-way on the displayed site plan. During the design portion of the plans some retaining walls were planned to be built and the two options were to vacate the right-of-way or enter into a maintenance agreement with the City for a private retaining wall on a public right-of-way. The best solution was to just vacate the right-of-way.

Following Mr. Ubben's testimony, Chairperson Norbury asked for staff comments.

Mr. McGuire entered Exhibit (A), list of exhibits 1-12 into the record. He noted that the requirement for an applicant to hold in-person neighborhood meetings was suspended pursuant to the Mayor's emergency order. Staff had used alternative means to solicit neighbors' input and feedback. The applicant had requested to vacate about 1,134 square feet of right-of-way at the northeast corner of SE Main and SE Second Streets in preparation for future development of the property at 114 SE Douglas Street. It was the former home of the Lee's Summit United Methodist Church.

Staff had received objections from Evergy and AT&T, both of which had or would have facilities in the area of the proposed vacation. They had agreed on a Condition of Approval attached to the application to retain a general utility easement. The application met the UDO requirements, subject to the two Conditions of Approval. Condition 1 was for the easement and Condition 2 required the ordinance approving the vacation to be recorded with Jackson County.

Chairperson Norbury asked if any public comments submitted on this application, and Mr. McGuire answered that there were not. Chairperson Norbury then asked if the Commission had questions for the applicant or staff.

Chairperson Norbury asked Mr. Ubben what procedures were made for soliciting neighborhood feedback. Mr. Ubben answered that they had notified all the neighbors within 185 feet via mail. The notices informed neighbors of tonight's meeting.

Chairperson Norbury asked if there were further questions for the applicant or staff. Hearing

Planning Commission

Action Letter - Draft

May 14, 2020

none, he closed the public hearing at 6:10 p.m. and asked for discussion among the Commission members, or for a motion.

Mr. Funk made a motion to recommend approval of Application PL2020-079, Vacation Of Right-Of-Way: an approximately 240' long portion of SE Main St located north of SE 2nd St (adjacent to 114 SE Douglas St); Cityscape Residential, applicant. Mr. Trafton seconded.

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

A motion was made by Vice Chair Funk, seconded by Board Member Trafton, that this application be recommended for approval to the City Council - Regular Session, due back on 6/9/2020. The motion carried by the following vote:

Aye: 6 - Chairperson Norbury
Vice Chair Funk
Board Member Arth
Board Member Kitchens
Board Member Lovell
Board Member Trafton

Absent: 3 - Board Member Dial
Board Member Loveless
Board Member Sims

- a [TMP-1580](#) An Ordinance vacating a portion of SE Main St right-of-way for the purpose of facilitating the development of the abutting property addressed 114 SE Douglas St, in the City of Lee's Summit, Missouri.

Roundtable

There were no Roundtable items at the meeting.

Adjournment

There being no further business, Chairperson Norbury adjourned the meeting at 6:08 P.M.

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