

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

Thursday, July 22, 2021

5:00 PM

City Council Chambers and Videoconference

Notice is hereby given that the Planning Commission for the City of Lee's Summit will meet on Thursday, July 22, 2021 at 5:00 pm in the City Council Chambers at City Hall, 220 SE Green Street, Lee's Summit, Missouri, and via video conference as provided by Section 2-50 of the City of Lee's Summit Code of Ordinances, adopted by the City Council on June 15, 2021, Ordinance No. 9172.

Persons wishing to comment on any item of business on the agenda, including public testimony during a Public Hearing, via video conference may do so by sending a request prior to 5:00 p.m. on Wednesday, July 21, 2021, to the City Clerk at clerk@cityofls.net to attend the meeting on the video conferencing platform. The City Clerk will provide instructions regarding how to attend by this method.

Call to Order

Roll Call

Present: 7 - Chairperson Donnie Funk
Vice Chair Dana Arth
Board Member Tanya Jana-Ford
Board Member Jake Loveless
Board Member Cynda Rader
Board Member Matt Sanning
Board Member Terry Trafton

Absent: 2 - Board Member Randy Benbrook
Board Member Mark Kitchens

Approval of Agenda

A motion was made by Board Member Trafton, seconded by Vice Chair Arth, that this agenda was approved as amended. The motion carried unanimously.

Public Comments

There were no public comments presented at the meeting.

1. Approval of Consent Agenda

A. [2021-4263](#) Appl. #PL2021-192 - SIGN APPLICATION - RE/MAX Elite, 1201 NE Windsor Dr; Whittington Graphix, LLC, applicant

Chairperson Funk opened the hearing at 5:12 p.m.

Commissioner Trafton had some concerns about the sign's size. The variance the Commission

would be approving tonight might involve the size and proportion not being consistent with that the City preferred seeing on buildings. Compared to what was currently there, it appeared rather out of proportion. He asked for some details about staff discussions with ReMax.

Ms. Thompson related that the applicant wanted to use the existing sign in the previous location at Lakewood Way. Although the building had highway frontage on MO-911, which was a major corridor, it was zoned CP-1. It was only half the size required in that zoning district; however, it did meet the sign requirements for CP-2. Commissioner Trafton remarked that the proportion of the existing sign to the building made it appear to cover the entire structure and look out of place. Ms. Thompson noted that the sign was one foot taller than the maximum letter height for signage in that zoning district. She added that in view of its highway frontage on M-291, this was not all that unreasonable.

Commissioner Trafton asked if there was another a sign on the other side of the building at the entrance. Ms. Thompson answered that there was, as it was a multi-tenant building. Commissioner Trafton then asked if it was the same size; and Ms. Thompson replied that it was much smaller, and met CP-1 requirements. Commissioner Trafton noted that there was a full foot difference between the CP-1 letter height and the proposed letter height; and it would take more than 9.4 percent of the building's facade. The sign's east building facade would be 114' by 14', but the highway side would have a 25 foot by 3-foot sign.

Commissioner Trafton asked if the Commission had photos of the whole building. The packets included a smaller photo but it did not appear to be the whole building. Mr. Soto clarified that the ReMax sign was the entire east facade. Commissioner Trafton remarked that the images he was looking at windows and rooflines that had been cut off; and Ms. Thompson answered that this picture was of the Lakewood location. The applicant was proposing to re-use the sign on M-291. Commissioner Trafton then asked if any images were available of what the sign would look like in perspective to the building, and to nearby buildings. Ms. Thompson replied that she did not have a map immediately available, but would get an online map.

Commissioner Trafton said he understood the applicants wanting to re-use their sign; but it seemed incongruous with the size of the building. He did have some serious concerns about moving forward with a sign of that size and about the variance. He acknowledged that the Commission often gave variances and had discussed having a special session to discuss the UDO's sign standards.

Ms. Thompson showed a photo of the CP-2 shopping strip center on M-291, noting that six feet was the maximum allowed letter height, in contrast to two feet in CP-1. Any of the tenants could have 10 percent area maximum square footage for signs, in comparison to their tenant space. The CP-2 zoning district did have Commissioner Trafton remarked that a six-foot sign was not likely on this frontage, and Ms. Thompson replied that it would be if the sign met the requirements for that zoning district.

Mr. Soto added that the maximum letter height in CP-2 was six feet, by right, though a sign that size would typically be seen on a large church or box store. If the math worked in terms of allowable size, there was nothing staff could do to prevent a sign with six-foot letters, especially on a large or long building. Commissioner Trafton asked if he had an example of the Commission approving a six-foot sign on a building, and Mr. Soto repeated that this size sign would most likely appear on a physically large store. The new library on US 50 was an example. Commissioner Trafton remarked that he had heard complaints about the size of that particular sign.

Chairperson Funk stated that the Commission had the option to continue this to another date for further discussion, and a more completion presentation. He was in favor of continuing this to the next meeting. Mr. Soto asked for a little more direction at that time of what the

Commission wanted to see brought back. Chairperson Funk asked Commissioner Trafton if he wanted to see more from the applicant; something like a drawing of what the facade would look like. Commissioner Trafton said that he would, adding that what he was seeing at present looked out of proportion with the building. It took up most of the frontage of their suite, which seemed very excessive. He did want to see how it compared with other buildings in the area.

Commissioner Sanning was not entirely comfortable with the number of exceptions granted, in terms of what was fair to applicants. He acknowledged that staff did a good job with vetting; however, he wanted these decisions to be consistent. The matter of consistency, and some of the exceptions that had been made could impact the proposed discussions about modifications to UDO requirements.

Chairperson Funk asked if the Commission could request to continue this consent item to a date certain of August 12th. Mr. Soto answered that this was correct. That would be the date of the next Planning Commission meeting.

Chairperson Funk asked for a motion to continue consent Application #PL2021-192, Sign Application, RE/MAX Elite, 1201 NE Windsor Dr; Whittington Graphix, LLC, applicant to a date certain of August 12, 2021. Commissioner Trafton made the motion, and Commissioner Arth seconded.

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

A motion was made by Board Member Trafton, seconded by Vice Chair Arth, that this application be continued to the Planning Commission, due back on 8/12/2021. The motion carried unanimously.

- B. [2021-4272](#) Appl. #PL2021-222 - SIGN APPLICATION - Hook Farms, The Retreat at Hook Farms and The Homestead at Hook Farms, 2020 SW Hook Rd; Hunt Midwest Real Estate Development, Inc., applicant

A motion was made by Board Member Sanning, seconded by Vice Chair Arth, that this application be approved. The motion carried unanimously.

- C. [2021-4250](#)

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

Public Hearings

2. [2021-4260](#) Public Hearing: Application #PL2021-175 - Rezoning from AG to RDR - 2340 SE Ranson Road; Steve Hardin, applicant.

Chairperson Funk opened the hearing at 5:27 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Mr. Steve Hardin stated that he was representing his parents, who owned the property. They wanted to separate four acres from an 18-acre property, which would require a zoning change. The property had been in the family for about 60 years, and had originally been 50 acres including the 11 acres to the north and 20 acres to the south. His great-grandparents had sold the 20 acres and had lived on the remaining 30 acres for the rest of their lives. Afterward the property was split three ways among family members. Mr. Hardin emphasized that it had originally been two separate properties and a house and barn had been on the four acres they wanted to make a separate plot.

An aerial view would show that this property was significantly wider than the other properties on that part of Ranson Road. The driveway that would access the property had a shared access easement, so it would not be necessary to put in a new driveway. Out of respect for the current and future land owners, this application had been submitted with a maximum of one single-family home on the four acres.

Following Mr. Hardin's presentation, Chairperson Funk asked for staff comments.

Mr. Soto entered Exhibit (A), list of exhibits 1-12 into the record. He displayed two aerial views of the property and surrounding area. Ranson Road south of Bailey was essentially rural in nature, with several large acreage residential tracts and a nearby elementary. The displayed zoning overlay showed James A. Reed road, outside the city limits, on the eastern half, with no zoning designation. The green area on the map showed agricultural land, including the subject property. One existing piece was zoned RDR, and the tract in front of the elementary school was about six acres. A small cluster of properties with residential zoning was at the northwest corner of Ranson and Hook roads.

Another aerial view showed the 18-acre parent tract within a yellow border. The original intent had been to locate a single-family home behind the tree line bordered in red. The remaining 14 acres would keep the AG zoning. The proposed RDR (Rural Density Residential) required a minimum of one acre for lot size. The proposed zoning was consistent with the 2005 Comprehensive Plan's recommended low-density residential land use. It was also consistent with the current Ignite plan. The proposed four-acre size was consistent with lot sizes in the area. A color-coded map showed zoning designations on the large size lots on Ranson Road, with the James A. Reed wildlife area directly to the east. Existing properties of 5 to 10 acres were shown in blue.

The standard Conditions of Approval included a requirement for a minor plat to be approved and recorded. Some standard building and maintenance language included right-of-way maintenance and mowing, a floodplain permit "prior to any work within the floodplain" and an "appropriate on-site sanitary sewer system" before approval of a building permit. Septic systems were approved and permitted through Jackson County, not the City; so the applicant would have to make an application and go through the approval process at the county level. The applicant could use a plat note or deed restriction that would exclude open lagoons from the septic system in favor of something like a holding tank or lateral field.

The City took care of mowing in front of the property in a right-of-way with AG zoning; however, once this property had RDR zoning, the owner would be responsible for mowing. Mr. Soto summarized that staff supported the proposed rezoning.

Chairperson Funk asked if there were any questions or comments from the public.

Ms. Avery (no first name) stated that she lived next door to the area and to the north. She lived on a downward slope, and had some serious concerns about how the displacement of soil and removal of trees would impact her property. She lived near a creek that stormwater from Ranson Road emptied into after crossing the Hardin property. It went straight through her property and potentially could take out her driveway. Another crossing was behind her home; and the runoff from that property was enough to affect her own crossing. She wanted to know what the applicant or City planned to manage the watershed, as well as the placement of the proposed house and if the trees would be removed and where the septic tank would be located.

Ms. Avery added that she had lived at this location for 20 years and she and her husband had bought this property for the rural character implied in the zoning. They wanted to keep it that way and did not want to feel like someone was living on top of them. There was also the

question of the impact on property value, should another house be built right next door. It would drastically impact the property's character. Most of the benefit would go to the person who built the home, not to anyone living nearby.

Mr. Neal Voltz gave his address as 2210 SE Ranson Road, close to the subject property. He first thanked the Commissioners for their time and efforts. He had been on the Commission during Mayor Messerli's first term as Mayor and understood the effort necessary to balance this work with jobs and family obligations.

Recently Mr. Voltz had to re-install a lateral system to his own septic tank. If he had moved it north, it would empty into the horse stable; so he had taken it south and had to add on about 50 feet of pipe as well as gravel and dirt; all at his own expense. He had kept the drainage on his own property. It was important to avoid allowing people to abuse the regulations that the City had established for the benefit of the general public. Mr. Voltz was familiar with the Hardins' plans for the house and looked forward to their being neighbors. However, they would need to comply with the requirements for sewage and drainage.

Mr. David Wheeler gave his address as 2220 SE Ranson Road. He had previously lived in Lone Jack and had purchased his property two years ago with the idea of being in a rural area. He understood the concerns about the watershed and septic system and shared the concerns about the future of this area.

The properties in this area were basically located between the James A Reed wildlife area and the former landfill. At present a subdivision was being built on Bailey, so development was creeping down the road. The statement of intent for AG zoning called for very low-density residential uses and serve as a kind of holding zone to prevent premature development of large acreage. It should also reduce the impact of urban development on rural areas located outside access to infrastructure such as sewers. It was also intended to "conserve rural character, reduce demand for urban services and reduce service delivery costs for the local government." He wanted to avoid over-development that would reduce current property values and destroy the area's character. She asked City staff how they would ensure that this was in compliance with the zoning for large acreage tracts and how to avoid creating water runoff problems for neighbors.

Mr. Monter stated that the creek bisected the western one-third of the property, traveling from northeast to southwest. The primary direction was east to west; but in the northeast part a portion did flow from south to north due to topography. Someone applying for a building permit on the four-acre tract would have to show contours and how the land was graded on the plan. They would not be allowed to divert additional runoff but could keep and maintain the existing drainage patterns. Adjacent property owners would not be allowed to disrupt that with dams or other obstacles. However, a plot plan for a single home would have to show the drainage patterns and grading. Some City and county codes set out requirements for good draining practices; and it would be at this point that the City would ensure it was designed properly. Building inspectors would ensure that the plan was followed during construction. This could include erosion control fencing around the property before construction started.

Chairperson Funk asked Mr. Monter to address the process with the City and Jackson County regarding the septic system.

Mr. Monter stated that it was required that in a case where a property was platted, City staff would look at the location of the existing public sanitary sewers. If the property, either residential or commercial, was within a certain distance, the owners would be required to connect to that public sewer. This four-acre tract would require a minor plat; but there was no requirement to extend a public sewer to the property, as the whole tract was not platted. The owners could go to Jackson County for an on-site septic system, which would have to be

approved by the County. Mr. Monter was not sure that open sewer lagoons were even allowed. The more common variation was an open septic field that would have to be properly engineered and maintained.

Commissioner Sanning asked what was the difference between an outbuilding on an AG zoned property as opposed to a house; and if different rights and requirements were in play. Mr. Soto replied that an outbuilding, or accessory structure, would essentially be any structure that had a secondary use to the primary residential use of the property. That could include a detached garage, storage shed or playground equipment.

Commissioner Sanning asked about a use such as putting a bedroom in a barn structure; and Mr. Soto answered that this would be allowed under some circumstances. AG zoning was less restrictive in some respects, although in that zoning district a residence had to be set back at least 50 feet from any property line. With standard residential zoning designations, that could be as little as 7.5 feet. That requirement would apply to any new residence on the 18-acre tract, and would not change with RDR zoning. This would address the concern over the house being too close to its neighbors.

When the applicant had first contacted the City, staff had been asked if a second residence could be placed on an AG property. This zoning did allow for two single-family residences, as long as the property was a minimum of 10 acres. If the request for rezoning was denied, the property owner could still submit a plot plan for a second single-family home on this property. It could be done as long as setback and building code requirements were met. With tonight's application, the applicants wanted to have the proposed home on its own lot under separate ownership. If they wanted to maintain the property under single ownership and build a second home, they could do that with the existing zoning; but they wanted to share ownership.

Commissioner Sanning asked the applicant if the access to the drive be directly to Ranson or if it would be to the current drive south of the property. Mr. Hardin answered that it would access the existing driveway. He confirmed that the drive would be under the existing 14 acres. Commissioner Sanning asked if driveway access was built into the agreement, and Mr. Hardin answered that it had to be a separate entry as part of the rezoning; and would be tied to any contract for purchase.

Chairperson Funk stated that Mr. Monter had done a good job, understanding that this was an application for rezoning. The applicant would be required to submit plans to the City indicating that they did no intend to change the grade. The County would have to approve the plans for the on-site septic system.

Commissioner Jana-Ford reviewed that the tract was 18 acres and was zoned AG; and the application was to rezone a portion of it to RDR. A citizen had expressed a concern about increased density in the area, and she asked if, several years down the road, the RDR zoning would be separated into higher density. She asked how that could be dealt with. Mr. Soto answered that theoretically the four acres could be separated into four one-acre tracts. With RDR zoning there would be a one-acre minimum size. Separating the four acres into four separate lots might not be possible, since each individual lot was required to have a certain amount of frontage onto a public right-of-way. It could be done with just administrative approval and without going through the public hearing process, unless the property owner was asking for some kind of modification.

Commissioner Jana-Ford asked about a secondary dwelling unit on the four-acre lot, and Mr. Soto answered that an additional single-family home on any one lot would not be allowed, though a secondary structure like a garage was possible. Commissioner Jana-Ford remarked that a public hearing and approval would be necessary in order to make any modification, such as adding a secondary building on the same tract. Since the four acre tract was 350 feet wide

and the minimum width in RDR zoning was 150 feet, the owner would not be able to build more than two houses on it. The zoning had no depth requirement for a residential lot.

Chairperson Funk asked if the Commissioners had questions for the applicant or staff, or any comments or discussion.

Commissioner Rader said she could understand the neighbors' concerns, especially about the watershed and runoff. She was aware that development often created or exacerbated these problems.

Commissioner Loveless acknowledged some of the concerns expressed by neighbors tonight. He then pointed out that when someone brought in a new project, the City took steps and went to great lengths to ensure that they manage the ground better than it was currently managed as vacant ground. At the point when water management would amount to deciding how the contours were used and how the water should move, that was when a project could actually improve the way water flowed.

Commissioner Rader stated that she had recently gone through this with her own property, a house Downtown that she had converted into an office. She'd had to ensure that no watershed that could run off onto a neighbor's property or create any water events. The applicants had done a very good job and were diligent about making sure to be aware of any potential water issues.

Chairperson Funk asked if there were further questions for the applicant or staff. Hearing none, he closed the public hearing at 6:05 p.m. and for discussion among the Commission members, or for a motion.

Commissioner Arth made a motion to recommend approval of Application #PL2021-175, Rezoning from AG to RDR: 2340 SE Ranson Rd; Steve Hardin, applicant. Commissioner Jana-Ford seconded.

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

A motion was made by Vice Chair Arth, seconded by Board Member Jana-Ford, that this application be recommended for approval to the City Council - Regular Session. The motion carried unanimously.

- a. [TMP-1974](#) An Ordinance approving a rezoning from district AG to district RDR for approximately 4 acres located at 2340 SE Ranson Rd 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. [2021-4271](#) Public Hearing: Application #PL2021-181 - Preliminary Development Plan - Chipotle, 1103 SW Oldham Parkway; RED Architecture + Planning, applicant.

Chairperson Funk opened the hearing at 6:10 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Mr. Jeff Skidmore, of Schlager & Associates Civil Engineering, gave his business address as 14920 W. 107th Street in Lenexa, Kansas. He was present on behalf of RED Architecture, and Ms. Abby Arnold was also participating online from Columbus, Ohio. Mr. Skidmore thanked City staff for their assistance. The future Chipotle building had formerly been a Pizza Hut near the intersection of Oldham Parkway and 3rd Street. Chipotle was one of the restaurant businesses that had a small building with small dining areas. It emphasized delivery, pick-up and drive-up service. Unlike other fast food businesses, it would not have an order box or

order window. Orders were online or placed through an app.

The project would include demolishing the 3,000 square foot building and replacing it with a smaller 2,000 square foot building that would include a small outside dining area. Access to the property would be the same as it was at present; with one access to the west toward McClendon and another via Oldham Parkway. The parking lot to the north would also remain, other than upgrades to deteriorating areas and restriping.

Mr. Skidmore had met with the nearby property owners. Three residential lots were adjacent to the subject property with one individual owning two of them. That owner had requested a buffer between this commercial lot and the residential lots. A six-foot wood privacy fence was already on the property; and Mr. Skidmore planned to rehabilitate it, replacing some deteriorated sections. The owner had requested that he extend the fence along his south property line, adjacent to the driveway that was shared between the Pizza Hut property and the existing Hardee's. In conclusion Mr. Skidmore agreed with staff's recommendations.

Mr. Soto entered Exhibit (A), list of exhibits 1-17 into the record. He displayed aerial and zoning maps of the intersection and surrounding area. He pointed out the locations of the existing Hardee's and the former Pizza Hut. One of the images showed that all the property fronting on Oldham Parkway, both north of 3rd Street and south of Ward, was CP-2 commercial zoning and was commercial in nature.

The "Project Information" exhibit showed a site about three-fourths of an acre in size, with CP-2 zoning. The parking lot had 25 existing spaces and did need some repair and rehabilitation. The existing wood fence was shown along the common property line between the commercial site and the adjacent residential property. Mr. Soto pointed out the area where the wood fence would be extended, wrapping around the corner of the property and extending southeast. He was not sure if the adjacent property owner had requested the extension; but staff could craft a Condition of Approval that would at least address the material used.

Mr. Soto then gave a summary of landscape buffers. The UDO specified that when a high-impact buffer was used, the fence portion had to be either vinyl or masonry. In this case, the current property owner wanted to retain the aesthetic value of a wood fence. However, in the past the Planning Commission and City Council had recommended and approved modifications to allow wood fences. In view of this precedent, staff supported retaining the wood fence.

Three displayed building elevations showed the proposed materials. This was a new approach for Chipotle, which had adopted a contemporary architectural look using metal panels and EIFS. The metal panel use would be 48 percent to 54 percent on any one facade. The elevations showed it in dark gray, with EIFS represented by lighter gray.

One of the standard conditions for any outdoor patio seating areas at a restaurant was an 8 foot by ten foot masonry wall to be constructed along the perimeter of a patio or deck closest to a residential district. The applicant proposed additional ornamental landscaping along the edge closest to residential use. In this case, that was 100 feet from the outdoor seating area, which consistent of about four tables and was opposite the building's northwest corner. Staff was confident that the distance plus the landscaping and wooden fence would be sufficient. Mr. Soto reviewed that Johnny's Tavern, a restaurant in a shopping center off Todd George, also had a patio. However, this was intended as a gathering place, with televisions and music entertainment. Chipotle's version would be for food to be consumed off site. The building's interior would have no seating area, as all food was for pick up and no effort made to keep customers on site for any lengthy period. Staff supported the use of landscaping screening.

The exterior elevations had illustrated the general increase of metal as a primary building

material. Some earlier applications had percentages of a single facade up to 60 percent, in contrast to the 48 to 54 percent for this project. Staff supported the exterior use of metal as a conditional material.

The applicant proposed an alternate parking plan. The UDO allowed the amount of required parking to be determined either by using a standard table provided in the ordinance or by an alternate parking plan that would allow the applicant to provide documentation showing a similarity to other sites, factoring in the parking demand for those sites and basing the parking requirement on this empirical data. Based on the size of the building, the UDO's standardized table indicated 27 spaces needed. The site had 25 existing spaces.

The Pizza Hut building had been intended for dine-in business, and the building was larger by about 1,000 square feet. The redevelopment would downsize the building, and the applicant intended to follow a model that did not include serving patrons on site. Based on data from other Chipotle locations, the existing 25 spaces would be adequate to satisfy customer demand.

Mr. Soto summarized that drive-up restaurants were permitted by right in CP-2 zoning, and the proposed use was consistent with the 2005 Comprehensive Plan and the Ignite plan. It was compatible with the existing commercial development around the 3rd Street/Ward Road intersection. It would be a redevelopment of a site that had been vacant for about three years, aside from its recent use as a temporary Covid testing facility.

Staff was supporting some modifications that would allow (1) conditional approval of metal as a primary building material; (2) Substitute a landscaping buffer in lieu of an 8 to 10 foot masonry wall around the outdoor patio area, based on the landscape plan dated June 21, 2020; (3) a total of 25 parking spaces as part of the preliminary development plan; and (4) development in accordance with the preliminary development plan. In order to address the wood fence requirement, staff would need to create an additional Condition of Approval. This would grant a modification to allow a wood fence along the driveway frontage accessing McClendon. Mr. Soto added that since the extent of that fence was not known, staff would request that this detail of the fencing limit be provided prior to the application going to the City Council.

Following Mr. Soto's presentation, Chairperson Funk asked if there was anyone present wishing to give testimony, either in support for or opposition to the application. Seeing none, he asked if the Commission had questions for the applicant or staff.

Commissioner Sanning recalled that traffic on Oldham was very heavy when the Pizza Hut building was used for Covid vaccinations. Chipotle had been very successful; and the peak traffic hours in both the mornings and afternoons involved some traffic problems. Someone picking up food at the restaurant had to cope with an extremely busy intersection. He noted that ten years ago, Lee's Summit had not had two restaurants in that area that were both very busy. He asked if other nearby businesses were being considered, such as Andy's. The study that had been done showed total weekday business as 884 visits, with 65 during the morning and 80 during the afternoon peak hours.

Mr. Skidmore responded that the industry standard for a fast-food restaurant with a drive-through used the IT manual for what codes generated traffic. He agreed that traffic was especially heavy on both Oldham and McClendon at 3rd Street. From an access management perspective, that pattern met the intent of the plan.

Commissioner Jana-Ford said she was looking at the landscape plan and there was a mention of an outdoor seating area with vegetation to both sides. The rendering appeared to show that a visitor would walk in front of the vegetation between the building. She asked for some clarification. She also wanted to know if the tables for outdoor dining would be permanently in place or if they would be taken inside every evening after closing.

Ms. Abby Arnold with RED Architecture clarified that the tables were movable. Typically, they were not taken inside every night.

Concerning the landscaping, Mr. Skidmore acknowledged that this was an oddly shaped lot and some landscaping was on the northeast and southwest sides, consisting of low ground cover and shrubs. The northwest side included the outdoor seating on parking lot. Ms. Jana-Ford remarked that the intent seemed to be to funnel people into just this location and they would just have to take the food elsewhere if the restaurant was full. Mr. Skidmore said this was correct, pertaining to the main entrance. Ms. Jana-Ford then noted that the northeast corner of the existing Hardee's building to the south was rather close to the trash and dumpster area. Also, the landscape plan showed vegetation on half of that area; and she asked if that could be expanded for some visual separation.

Mr. Skidmore stated that the trash area screen would be made of materials that would match those used on the building. He agreed that more shrubs could be added.

Chairperson Funk asked if there were further questions for the applicant or staff. Hearing none, he closed the public hearing at 6:30 p.m. and asked for discussion among the Commission members.

Commissioner Arth liked the project, particularly re-using a building in a very visible location that had been vacated, and that there was no increase to impervious coverage. She also appreciated the goodwill extended toward a neighbor with the extension of the fence.

Commissioner Trafton agreed, and said that he liked Chipotle's effort to improve and try a new concept.

Commissioner Sanning remarked that his family spent some money at Chipotle. He was still concerned about the traffic situation, especially on 3rd Street. He did not want to see people crossing 3rd Street in that area.

Chairperson Funk then called for a motion.

Commissioner Rader made a motion to recommend approval of Application PL2021-181, Preliminary Development Plan: Chipotle, 1103 SW Oldham Pkwy; RED Architecture and Planning, applicant.

Commissioner Trafton suggested adding the modification of extending the fence adjacent to the rear exit of the property to the motion. Ms. Arth seconded the motion.

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

A motion was made by Board Member Rader, seconded by Vice Chair Arth, that this application be recommended for approval, with a modification to extend the fence adjacent to the rear exit of the property, to the City Council - Regular Session. The motion carried unanimously.

- a. [TMP-1978](#) An Ordinance approving a preliminary development plan located at 1103 SW Oldham Pkwy, proposed Chipotle, in district CP-2, 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.
4. **2021-4267** Public Hearing: Application #PL2021-182 - Rezoning from CP-2 to PMIX and Conceptual Development Plan - Ranson Landing, 1401 SE Oldham Parkway;

Engineering Solutions, LLC, applicant.

Chairperson Funk opened the hearing at 6:40 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 address as 50 SE 30th Street in Lee's Summit. He noted that Mr. Jeff Haney was out of time but was available on Zoom. Essentially the subject property was the southeast corner of Ranson and US 50 highway. Taking a somewhat unique approach. The site was a vacant piece of property directly west of the Senior complex that was being built. Since it had CP-2 zoning, staff hoped that rezoning to PMIX might make some improvements. The site was on the commercial corridor from the east side of the city. There were grocery stores, restaurants, hotels, car lots and some major retailers such as Home Depot.

Single-family R-1 zoning was to both the north and south of this commercial strip. A dead-end road existed that would eventually be extended and connect with Blackwell, promoting the continued growth of the outer road on the south side. Some commercial lots and some commercial growth were concentrated near the hospital. When staff looked at the site and the layout, they discovered that there were no transitions in any of these areas that went from single-family development to commercial development. In a CP-2 district a rear setback of as much as 20 feet was allowed, so commercial development could happen within 20 feet of residential property lines.

The development plan referred to CP-2 zoning as "a full range of retail and office". It did not have a reference to residential use or transitioning but rather allowed this 25-acre site as having higher demand or higher use. He had specified the setbacks: front of 15 feet, side of 10 for exterior but zero for interior, rear of 20 feet and building height up to 40 feet. From a residential zoning district directly to south that had been there since the mid-1990s, this seemed like rather high-use zoning. The nearby area by Tractor Supply had a fence and landscaping that might serve as buffering. At present, the only residential use allowed in CP-2 was loft dwellings above a retail or commercial space.

Mr. Schlicht had highlighted some of the office and retail center uses, listing the permitted and conditional uses of each. This was not a complete list of uses but rather highlights, as CP-2 had a wide range of uses. A C-store could be part of CP-2, as could indoor climate-controlled storage facilities. These uses could be approved at present, via a preliminary development plan. A zoning designation that would allow some opportunity to create that transition, and PMIX might be the most workable choice. To the east, the City had approved The Princeton senior living facility and the Princeton Heights single-family residential subdivision was directly to the south. The senior complex was a very high-density use, at 14 units per acre; whereas one of the single-family uses amounted to 3 units an acre. Something was needed with a more neighborhood friendly use and some transition. The proposed PMIX zoning would allow for some residential use in the middle.

One of the possible uses could be a "contractor garage", referring to a small business or contractor within a neighborhood, where a small business owner might actually work out of a garage. It was a step that preceded acquiring an office or warehouse space, and sometimes divide it into smaller uses such as the owner's office. It would provide a 'storefront', though not necessarily a retail one. From a visual perspective, this kind of use would be basically commercial in nature.

Mr. Schlicht then displayed a visual summary of the development plan, showing elevations of residential units. For residential housing, the townhome concept was popular and provided a transition from single-family homes to commercial uses. He proposed four-plexes, with the 100 units on the south ten acres, creating a density of slightly under 10 per acre. Rentals would be from \$1,500 to \$1,800, and sales from \$250,000 to \$275,000. The already approved senior living project would be to the east, with a density of about 14 per acre. Unit sizes would

be from 1,350 to 1,600 square feet.

The commercial part was divided into two 'zones'. The western zone could be a C-store, retail or office space, with 30,000 square feet of some type of commercial uses. In the middle would be a split option, possibly with a hotel or more retail/office space. In the northeast corner could be storage or retail/office space; but have the appearance of a commercial building although all the units would be internally faced. This would be where the contractor garage units would be located. These would rent for about \$1,200 to \$2,200 a month, with sizes ranging from 30x60 to 60x60 feet.

Mr. Schlicht had held a neighborhood meeting via Zoom, with most attendees from Princeton Heights. They had been asked about the row of vegetation on the south property line. Their HOA had sent a photograph of a vinyl fence, with a berm with landscaping being an alternative. However, there did need to be a transition buffer to create some space and separation. The plan was for the owner of each independent lot to bring a preliminary development plan to the Commission for a public hearing. Participants in the meeting had raised questions about using PMIX and not dividing into individual residential and commercial zones. Staff had determined that the contractor garage would be an industrial use. Isolating and specifically calling out areas would restrict the client from being able to find a user to purchase the lot.

The mix of commercial, residential and storage uses could be applied to individual lots. However, a contractor garage would fall under an industrial zoning designation, and an industrial district would not make sense in this setting and could open the door to uses the community might not want. PMIX zoning would limit industrial use to that contractor garage and self-storage use.

One question had been about the location of the C-store and its proximity to the residences. Most likely the C-store would be on the west side, closest to the intersection of the highway and Ranson Road. At present, CP-2 zoning would allow a C-store, which could be 20 feet from the property line although a larger distance from the property line would provide better screening.

Stormwater was a question that always came up with development. The site basically drained from south to north, with the water emptying into a regional basin. If PMIX zoning was not approved, the zoning was already CP-2 and if the residential component was eliminated, the 25 acres could have commercial use without transitions.

The applicant had done a traffic study, identifying a number of scenarios. A few years ago, a span wire traffic signal had been installed, but other development had happened since then. After discussions with City staff and with MODOT about improvements that would be necessary as development proceeded. Widening Ranson and Bailey and lengthening turn lanes would improve the traffic situation. Oldham Parkway to the east had a number of improvements including widening the road and adding curbs and gutters plus turn lanes. At present all the ramps needed some improvements, and they would be phased as each preliminary development plan was brought forward.

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

Mr. McGuire entered Exhibit (A), list of exhibits 1-17 into the record. He summarized that the applicant wanted to rezone the 25-acre property at 1401 SE Oldham Parkway from CP-2 to PMIX. The reason for the request was to allow for some flexibility in the layout. Given the possible future uses and the fact that the final site plan has not been designed, staff believed that the zoning request was appropriate. The applicant had prepared a conceptual development plan. This proposed plan included a convenience store, commercial pad sites and a restaurant with drive-through service; in addition to a contractor garage, storage units and some four-plexes. He added that approval of a conceptual development plan did not mean

approval of a preliminary development plan. By approving the conceptual development plan, the governing body preserved full legislative direction to review the preliminary development plan for each phase, including review and consideration of all criteria in the UDO.

The surrounding area was a mixture of single-family residential and commercial properties. US-50 highway was directly north across Oldham Parkway and the Princeton senior living community was to the east. The R-1 zoned Princeton Heights single-family subdivision was located adjacent to the south property line. The R-1 zoned Oakhill Estates was west across SE Ranson, as were some vacant CP-zoned commercial lots.

The proposed change used sound planning principles by providing a transition from more intense uses to the single-family homes via the proposed four-plexes. This development was not expected to negatively affect public services in the surrounding area. Increased demand for public services would be evaluated and determined during consideration of all future preliminary development plans. Any mitigation requirements would be addressed at that time. No development could occur on the subject property until one or more preliminary and final development plans were approved, per UDO requirements. The development met the requirements of the UDO and the Design and Construction Manual, as well as the two Conditions of Approval.

Following Mr. McGuire's comments, Chairperson Funk asked if there was anyone present wishing to give testimony, either in support for or opposition to the application. He reminded participants to not making their comments to lengthy.

Ms. Amanda Pendleton gave her address as 1508 SE 11th Street. Her major concern was the common ground between her residence property line and the proposed development. They already had some stormwater runoff and drainage issues, and she wanted some assurance that this common ground would not be flooded.

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

Commissioner Rader had some concerns about the contractor garages, in terms of the possible uses. She was a real estate agent and would prefer that these be owner occupied and not rental properties. Newberry had used a similar setup, with commercial in the front and townhomes in the back; and the area had been well maintained.

Commissioner Jana-Ford asked if the conceptual development plan was for presenting potential uses or as a guideline for those uses. Mr. Schlicht said that they had gone through the process according to what they thought would be a good fit. It was not certain what uses the retail/office component would consist of. It was a kind of road map for a preliminary development plan. Commissioner Jana-Ford remarked that she liked the idea of a hotel nearby, which would be useful when residents had family visiting. She asked about switching the commercial building with the contractor garages, which might help with access for the senior living tenants. Access to commercial uses including stores might be an advantage for nearby workers.

Mr. Schlicht acknowledged that there had been a lot of negotiation and discussion about the location of the contractor garage and storage facility. A location at the southeast corner would have it directly next to residential uses as well as the senior memory care facility. The Princeton Senior Communities' detention basin would be directly east of the storage facility. Some type of connectivity could occur along the road going east-west by the contractor garage could provide some opportunity for seniors to walk to some of the businesses. The detention basin was located at the low spot of the site.

Commissioner Jana-Ford noted that a crosswalk could help with connecting the two sites as development proceeded. Mr. Schlicht agreed, adding that the master developer would have

the responsibility to guide how each of the lots were developed. The master developer could also guide construction of a private road network plus sidewalks on one or both sides. The idea was for the entire site to be walkable, with easy access to all its components. The details could be controlled and planned as development occurred. Commissioner Jana-Ford mentioned that she had seen a livable streets section in the plan. She then asked about a community space and amenities, such as a pool and clubhouse, in the residential portion of the development. Mr. Schlicht referred to some 'pocket' areas set aside for a common element. He added that they also planned to keep as much of the existing vegetation as possible, adding to it with landscaping.

Concerning the contractor garage, Mr. Schlicht added that many small businesses wanted to get out of the restrictions of homeowners' associations, as well as help create a sense of community that an HOA could not provide.

Commissioner Sanning asked if it was possible that a major truck stop would come in, noting that Lee's Summit did not have anything of that kind. Mr. Schlicht answered that the traffic demand at that intersection would make the property prohibitively expensive. It would also not quite fit in terms of aesthetics. A C-store with gas pumps would be a better alternative. He pointed out the location of the contractor garage and storage facility and remarked that over half of the site would be adjacent to the basin. The C-store would not be a location where people would stay for any length of time; and the contractor garage and storage facility would have little noise or usage.

Concerning the traffic study, Commissioner Sanning asked if it determined what the traffic impacts would be on Bailey in particular. Mr. Schlicht confirmed that the study went from Bailey up to the north intersection of Ranson Road. There were a lot of problems with the roads in that area; and the City and MODOT were working to develop the most effective way to improve them. A traffic signal would be installed at Bailey and Ranson; but it would not be a quick fix due to the amount of money that would need to be spent.

Commissioner Trafton asked if it was correct that a conceptual development plan was not the same as a preliminary development plan, and Mr. Schlicht answered that it was. Commissioner Trafton noted that this application was a zoning change for those 25 acres and the development plan was a conceptual one. Mr. Soto answered that the Commission would be approving the conceptual plan as well. Since speculative zoning was not allowed, the conceptual development plan would provide an opportunity for someone to propose a rezoning along with a plan showing general land uses and layouts. Once a single user was identified, that user would provide a more detailed plan. Mr. Schlicht noted that there was an existing sanitary sewer line with an easement, which would provide some room for an additional 'pocket' green space.

Commissioner Trafton asked if the contractor garage and storage area would have controlled access, and Mr. Schlicht confirmed that this would be a private gated access. Commissioner Trafton asked if it would be possible to have a walkway on the eastern edge of the property. He liked the concept of PMIX and liked the balance of commercial and residential in the plan. Mr. Schlicht related that the HOA had a detention basin that did not drain very well, so the anticipated drainage from south to north might improve that situation.

Chairperson Funk said that contractor/garage concept had some risks, so he wanted to see some details when that was brought to the Commission.

Chairperson Funk asked if there were further questions for the applicant or staff. Hearing none, he closed the public hearing at 7:25 p.m. and asked for discussion among the Commission members.

Commissioner Arth liked the plan, especially the transition from commercial to residential.

She agreed with Chairperson Funk about safety assurances for contractor garage uses.

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

Commissioner Arth made a motion to recommend approval of Application PL2021-182, Rezoning from CP-2 to PMIX and Conceptual Development Plan: Ranson Landing, 1401 SE Oldham Pkwy; Engineering Solutions, LLC, applicant. Commissioner Rader seconded.

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

A motion was made by Vice Chair Arth, seconded by Board Member Rader, that this application be recommended for approval to the City Council - Regular Session. The motion carried unanimously.

- a. **TMP-1977** An Ordinance approving a rezoning from CP-2 (Planned Community Commercial District) to district PMIX (Planned Mixed-Use District) and conceptual development plan for approximately 25.7 acres, proposed Ranson Landing, 1401 SE Oldham Pkwy, 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.

5. **2021-4269** Public Hearing: Application #PL2021-199 - Special Use Permit for a tow lot - Crash Champions, 451 SE Oldham Parkway; Crash Champions, LLC, applicant

Chairperson Funk opened the hearing at 7:30 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Mr. Chris Norris, director of operations for Crash Champions, related that they had purchased the property in January and the Special Use Permit had expired in July. They were remodeling the store and wanted to extend the SUP.

Mr. McGuire entered Exhibit (A), list of exhibits 1-15 into the record. He stated for the record that the renovation was not part of this application. Whether that would be brought to the Commission would depend on the extent of those renovations. The site was already developed with an existing major automotive repair facility and a tow lot. It was 2.5 acres and the site included two metal industrial buildings. It had been in operation since 1994, a little over 25 years; and the permit had expired on June 2nd of this year. No expansion or changes to the site were planned as part of this SUP renewal process.

The applicant was requesting a 10-year term, which was consistent with the time periods granted in the previous SUP approvals in 1994, 2001 and 2011. The aerial and zoning map showed it as being surrounded by properties with industrial zoning. The UDO specified three conditions including parking lot painting, screening and setbacks from residential properties. This property was paved with an asphalt parking surface; and it had an existing wood fence that provided the required screening. More than 800 feet separated this property from the nearest residence. Lee's Summit High School, with RP-2 zoning, was to the north across US-50 highway. The application met all UDO requirements.

Chairperson Funk asked if there was anyone present wishing to give testimony, either in support for or opposition to the application. Seeing none, he then then asked if the Commission had questions for the applicant or staff. There were none, and Chairperson Funk closed the public hearing at 7:32 p.m. and asked for discussion among the Commission members, or for a motion.

Commissioner Arth made a motion to recommend approval of Application PL2021-199:

Planning Commission

Action Letter - Draft

July 22, 2021

Special Use Permit for a tow lot: Crash Champions, 451 SE Oldham Pkwy; Crash Champions, LLC, applicant. Commissioner Sanning seconded.

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

A motion was made by Vice Chair Arth, seconded by Board Member Sanning, that this application be recommended for approval to the City Council - Regular Session. The motion carried unanimously.

- a. TMP-1979** An Ordinance approving a special use permit renewal for a tow lot in district PI on land located at 451 SE Oldham Pkwy, 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.

Roundtable

Commissioner Rader noted that the stretch of M-291 from Colbern Road to US 50 was not very maintained, with little mowing or weeding and the growth of seedling trees. She asked if the City could look into that. Mr. Josh Johnson recommended asking Mr. Michael Park to attend the next meeting and address these concerns. He acknowledged that overgrown areas that MODOT should be maintaining were common.

Adjournment

There being no further business, Chairperson Funk adjourned the meeting at 7:32 p.m.

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