

## The City of Lee's Summit

### Action Letter

### Planning Commission

Thursday, January 10, 2019

5:00 PM

City Council Chambers

City Hall

220 SE Green Street

Lee's Summit, MO 64063

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Call to Order

Roll Call

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

**Absent:** 2 - Board Member Herman Watson  
Board Member Jake Loveless

Approval of Agenda

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

Public Comments

There were no public comments at the meeting.

1. Approval of Consent Agenda

A. [2018-2516](#) Minutes of the December 13, 2018, Planning Commission meeting

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

Public Hearings

2. [2018-2408](#) Public Hearing - Application #PL2018-194 Unified Development Ordinance Amendment #3 - Article 6 Use Standards - Accessory Uses and Structures - Table 6.IV-1. Accessory Structures - amending detached garage size limitations and setbacks in all residential districts; City of Lee's Summit Applicant

Chairperson Norbury opened the hearing at 5:06 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Mr. McKay entered Exhibit (A), list of exhibits 1-6 into the record. He indicated that this amendment would allow for size limitations to be expanded for detached garages other than in Agricultural zoned areas. In the residential district there is a formula which is 250 square feet garage area for every 5000 square feet of lot size with a cap on lot sizes. What is being asked for is to increase the maximum size. The formula would still apply but when you get into the larger ½ acre to 1 acre and above, we do have size limitations. Using the formula there will be significant changes. The change would move from a current maximum of one thousand square feet for up to four acres and two thousand square feet for anything over four acres to 2,500 square feet and 3,500 square for anything over five acres. A single family lot allows for 5% lot coverage for a maximum size. For a half an acre it drops to 4.5% lot coverage, one acre is be 2.3%, three acres is .7% and five acres or greater allows for .1% coverage. What is being proposed is that a standard, single family, half acre lot and one acre lot be allowed to go up to 5%. The three acre lot would be allowed to go up to 1.9% and five acres would increase to 1.6%. This is not really a significant increase. As you get much larger size lots the percentage goes down with a maximum of 2,500 square feet limitation as well as 3,500 square feet. The CEDC recommended that staff take a look at varying the setbacks with the larger structures having more of a setback. The front setback would not change. It would not be any closer than the primary structure. Side yard setbacks would still be ten feet for anything under one acre, twenty feet for up to five acres and thirty feet for five acres and above. The height limit was also raised to forty feet to allow for a loft above the garage.

Chairperson Norbury opened the hearing for comments from any members of the public present. Seeing none, he asked for questions from the Commission.

Mr. Lovell asked a question in relation to the height of the detached garages, is there any consideration to the height of the home? Bob McKay indicated that there is a forty foot maximum but not greater than the primary structure. Mr. Lovell asked how the staff arrived at the numbers. He asked if these requests fit better into the types of development. Mr. McKay indicated that there is only one detached garage allowed on a lot. The city is seeing a lot of car buffs and collector types that have a need for storage at their place of residence. We had a request from an individual that had more than an acre of ground and they wanted to build a 1500 square foot garage. We started looking at the lot sizes around the city and through our LS mapper. We felt like this was an opportunity to take a look at this. It would not affect the HOA's but would allow for someone to do a little bit more than they would otherwise.

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

As there were no additional comments or questions, Chairperson Norbury closed the public hearing at 5:21 p.m. and asked for discussion among the Commission members or a motion.

Mr. Funk made a motion to recommend approval of Application PL2017-194 UNIFIED DEVELOPMENT ORDINANCE (UDO) AMENDMENT #3 – Article 6 Use Standards - Accessory Uses and Structures - Table 6.IV-1. Accessory Structures - Amending detached garage size limitations and setbacks in all residential districts; City of Lee's Summit, applicant. Ms. Dial seconded.

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

A motion was made by Board Member Funk, seconded by Board Member Dial, that this application be recommended for approval to the City Council - Regular Session, due back on 2/5/2019. The motion carried unanimously.

3. [2018-2467](#) Application #PL2019-223 - COMPREHENSIVE PLAN AMENDMENT - Adopting

Map Changes to Land Use Designations as an Amendment to the City of Lee's Summit Comprehensive Plan 2005, as Amended; City of Lee's Summit, Applicant.

Chairperson Norbury opened the hearing at 5:23 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Chairperson Norbury reminded the Commission members and the public that this is related indirectly to the Artisan Points application that was presented a couple of months ago but this is not that application. We are not discussing what that application is or isn't. We are going to discuss the Comprehensive Plan Land Use Designation for a lot of locations in the city, that piece of land included. Comments need to stick to that theme. The Artisan Point Application will come back up at the January 24, 2019 Planning Commission Meeting.

Mr. McKay entered Exhibit (A), list of exhibits 1-6 adding exhibit number 7, a letter dated January 10 that was sent by email this afternoon from W R Robins for Robins Trust partners. Mr. McKay stated that after the last public hearing that occurred on the Artisan Point apartments the staff was directed to come back with a Land Use Plan for the particular area that was being discussed. There are a number of areas around town that have been annexed and do not have a land use attached to them. Current Comprehensive Plan Goals are as follows: Achieve an orderly and balanced development pattern for the benefit of the community, create business opportunities that strengthen economic competitiveness in the area, achieve a high-quality living environment and diversified housing market, establish a strong, high-quality commercial base in the area that provides diversified, accessible, and convenient services, ensure that future land development and public facilities and services are mutually supportive, achieve an environmentally safe and friendly development pattern. Staff conducted a public outreach forum with a small group of 6-8 residents from the Blackwell / 50 Hwy area. This was a productive meeting. There were two Open Houses with invitations that went out to affected property owners and owners within 185 feet of the Blackwell / 50 Hwy area. An opportunity was provided to listen to what the residents had to say. Comment cards were provided to fill out and those comments were included in the commissioners packets. The majority of the comments were from the Blackwell / 50 Hwy area. The various areas around the city that will be impacted by the Comprehensive Plan Amendment include the Woods Chapel area, that development is already in process, the PDP has been approved. The County Line/Kensington area is a development that is in process. The Blackwell / 50 Hwy area is the primary focus of the Comp Plan Amendment comments. Mr. McKay gave a presentation regarding the proposed uses of the various areas to include the area for the proposed Artisan Point apartments.

Chairperson Norbury opened the hearing for comments from any members of the public present.

Ms. Terri Pigue gave her address as 413 SE Breon Bay, LSMO. Her backdoor faces where the Artisan apartments will be. She expressed disappointment that the use is still a proposed plan use. She is concerned about the noise that will be generated from the construction vehicles and the roofing noises. The sunrise won't be the same with a five-story apartment building.

Ms. Courtney Arnold gave her address as 261 SE Coyle Dr. She asked why there is a buffer behind Princeton Heights but there is no buffer behind Highland Park Elementary and Summit Mill?

Chairperson Norbury asked if there were further testimony from the public. Hearing none he opened for questions from the commission.

Mr. Funk asked Bob McKay to show where on the map on the south side of 50 Hwy there was one owner. Mr. McKay said this goes from Princeton Heights on the west and continues south of 50 hwy. The north side is not under one single ownership. The Robins Trust owns the

property that the Artisan project is on.

Mr. Gustafson asked about the medium density residential. What are the limits of the density? Mr. McKay indicated that it is usually 6-8 units per acre. It can be upwards of 10 units per acre. Historically 6-8 units. The height restrictions depend on the zoning. You can have different zoning categories. The proposed land uses are recommended and not cast in stone. Regardless of the proposed land use, a developer can come in with a completely different plan. At that point it would be up to the PC and CC to ascertain whether or not that is okay for the area. The approvers can adjust those heights. Mr. Gustafson asked about the property on the south side of the Blackwell interchange. Will there be proposed streets connecting the area on the south? Mr. McKay indicated that because of the infrastructure needs in the area, there is not a lot of detail shown. There is a proposal for collector streets. Michael Park stated that roadways are not typically shown on a comprehensive plan. There will be streets and bike lanes that come along with planning.

Mr. Lovell asked how different this plan is from the original comprehensive plan for the Blackwell / 50 Hwy area. Mr. McKay said that there was not a previous plan. Mr. Lovell wanted to know if there had been retail planned for the area? Josh Johnson said that Mr. Lovell was recalling a TIF plan that was never followed through.

Mr. Norbury directed a question to Josh Johnson. How does this proposed designation differ from the designation that was in the TIF (Artisan Point area.). Mr. Johnson indicated that it was a lower density. Was that recommendation or adjustment made in response to public comments we had received? Were there any other factors? The medium density provides for a buffer. The over 55 community is a good idea for this area. Follow up is that what is provided does provide a buffer. This does provide a certain amount of buffer. Landscape requirements will be required as well.

Mr. Gustafson asked if the resolution will be approved by the Planning Commission? Does it move on to the City Council? The letter that was presented as Exhibit item 7 from the property owner states that they would like to discuss things in further detail. This is the time that would take place. Mr. McKay indicated he told the property owner that he would present the letter to the PC.

Mr. Lovell made a comment in regards to what drives the Comprehensive Plan and that he is not comfortable moving this forward or voting on it tonight.

Mr. McKay said the plan is not a fluid document. If someone comes in with a different application, it will be given consideration and discussed at that time. A master plan does not have to be changed to get a different type of use approved. It is basically a guide. The plan looks at what the city wants as a whole.

Chairperson Norbury asked Mr. Busheck what the PC can do or has to do in regards to the Comprehensive Plan. Mr. Busheck said that when the city makes rezoning decisions, consistency with the Comprehensive Plan is one of the 18 factors that have to be evaluated. The Comprehensive Plan is a guide for rezoning decisions. It's not the law.

Chairperson Norbury asked if there were further questions for the applicant or staff. Hearing none, he asked if there was any further testimony from the public.

Ms. Caroline Williams lives at 11014 Wildflower Dr. Her son attends Highland Park Elementary. She is concerned about the traffic when she drops her son off at school. People in the apartments will create more traffic and noise. She is not opposed to development but would prefer to see the 55 and older community with fewer apartments than what is being proposed with Artisan Point. She suggests that the Commission take more time.

Mr. Bradley Howard is a homeowner on Joel / Jonathan Ave. area. He asked for clarification on the map, particularly the yellow area. Mr. Norbury gave clarification on the map. Mr. Howard questioned the commercial office retail area along the frontage road. He believes the line is arbitrary. He would like to see that be kept below the frontage road to be consistent with the rest of the plan.

Ms. Brandy Nichols, of Pratt Rd, LSMO has several concerns. They moved to the area for the country and a higher end area. The 55 and older area would be her preference. She would like to see the area off of Smart Rd be kept from a high density use. She expressed concern about the schools. Is it all about money? She would like to see the city give it more time.

As there were no additional comments or questions, Chairperson Norbury closed the public hearing at 6:04 p.m. and asked for discussion among the Commission members.

Mr. Busheck said that there is no action necessary on the public hearing. The action would take place on the Resolution.

Mr. Funk expressed concern for the citizens that were in attendance. This meeting is not to make an approval on the apartments. He wanted to clarify that no decisions are being based on apartment complexes rather what the best use of the land is.

Mr. Gustafson commented that he knows the effort that has been made by the staff. Looking at the planning effort by the city, he thinks that this is something that the neighbors can depend on and have an idea on what is going to happen. He would be in favor of continuing this to another date. Mr. Lovell stated that the market will dictate what occurs here. This is about money, a private owner selling his land to a developer. He stated again that the market will dictate what the best use for the land will be and the PC will vote on that and the direction that the city wants to go in the future.

Chairperson Norbury stated that this is a product with a significant amount of public comment. The staff has done a great deal of work. He gave an example that a single family development was approved near John Knox Village that was zoned for a medium to high density area. These things do change over time. This Comprehensive plan will have an impact on the development. He indicated that he trusts the work of the staff and that it seems to be a lower density use than what was proposed several months ago.

Chairperson Norbury asked if there was any further discussion on this. Hearing none he moved that a Resolution be presented adopting the Comprehensive Plan Amendment.

#### Other Agenda Items

4. [2018-2523](#) RESOLUTION NO. 2019-01 - A Resolution of the Planning Commission of the City of Lee's Summit, Missouri, Adopting Map Changes to Land Use Designations as an Amendment to the City of Lee's Summit Comprehensive Plan 2005, as Amended.

Ms. Arth made a motion to approve a resolution Adopting Map Changes to Land Use Designation as an Amendment to the City of Lee's Summit Comprehensive Plan 2005. Ms. Dial seconded.

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

A motion was made by Board Member Arth, seconded by Board Member Dial, that this Resolution be approved to adopt. The motion carried by the following vote:

Planning Commission

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**Aye:** 5 - Board Member Dial  
Board Member Norbury  
Board Member Arth  
Board Member Funk  
Board Member Sims

**Nay:** 2 - Board Member Gustafson  
Board Member Lovell

**Absent:** 2 - Board Member Watson  
Board Member Loveless

Roundtable

**There were no Roundtable items.**

Adjournment

**There being no further business, Chairperson Norbury adjourned the meeting at 6:16 P.M.**

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