

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

Thursday, May 9, 2019

5:00 PM

City Council Chambers

City Hall

220 SE Green Street

Lee's Summit, MO 64063

Call to Order

Present: 6 - Board Member Jason Norbury
Board Member Don Gustafson
Board Member Donnie Funk
Board Member Jeff Sims
Board Member John Lovell
Board Member Mark Kitchens

Absent: 3 - Board Member Carla Dial
Board Member Dana Arth
Board Member Jake Loveless

Roll Call

Approval of Agenda

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

Public Comments

There were no public comments at the meeting.

Approval of Consent Agenda

[BILL NO. 19-115](#) An Ordinance accepting final plat entitled "Summit Orchard, Lots 4A-4E", as a subdivision to the City of Lee's Summit, Missouri.

(Note: First reading by City Council on May 21, 2019. Passed by unanimous vote.)

A motion was made by Board Member Funk, seconded by Board Member Sims, that this application be recommended for approval to the City Council - Regular Session, due back on 5/21/2019. The motion carried unanimously.

[2019-2740](#) Minutes of the April 25, 2019, Planning Commission meeting

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

Public Hearings

[2018-2219](#) Continued Appl. #PL2018-101 - REZONING from PI to PMIX and PRELIMINARY

DEVELOPMENT PLAN - Woodland Glen, approximately 24 acres located at the northeast corner of SW Ward Rd and SW Scherer Rd; John Duggan, applicant

Chairperson Norbury opened the hearing at 5:01 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Mr. John Duggan, the applicant, gave his address as 9101 110 Street, Ste. 200 in Overland Park, KS. He stated that this application for a rezoning and preliminary plan was a revision to the Woodland Glen subdivision. Early platting and applications for development were done in 2000, between April 11th (preliminary plat approved) and September 21st (rezoning, preliminary development plan and final plat), with about 36 acres now platted. Mr. Duggan had bought the subject property about a year ago, and had decided that some of the original plan was not well suited to today's market, including the improvements to Scherer Road that would be necessary and the condominiums that were in the development's multi-family part. Tonight's application would be for the last phases.

Mr. Duggan displayed the PDP that Schlagel and Associates had done, pointing out the single family component. The previous plan had been for cul-de-sacs extending down into a wooded area with a creek, which would not have been practical; and this part was now divided into two large wooded lots, lots 11 and 12, running adjacent to Ward Road. Other single family residential lots would be along a future extension of Heartwood Road. The attached villas would be accessed by the entryway off Ward Road; but mostly conformed to the previous plan. The rezoning request substantially reduced the level of density that was previously approved, by about one unit per acre. The planned development would be in addition to what was already in place in the subdivision. That would include building out some of the existing lots. Two spec homes that were planned would meet all the same architectural requirements in the single family and villa areas. The 24 acres had a total density reduction of 34 units.

Mr. Duggan summarized that these changes had created the two large wooded lots along Ward Road, eliminated the cul-de-sacs, keeping the planned lots along Heartwood and extending it to run adjacent and parallel to Ward. That created the space for the twin villas that would replace the previously planned condominiums. The single family area was kept distinct and separate, with its own homeowners association, which would not include the twin villa neighborhood. He had emphasized this last month, in talking with the neighboring homeowners.

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

Mr. Soto entered Exhibit (A), list of exhibits 1-19 into the record. He gave some background for the original plan, and explained how it compared with the PDP the applicant was proposing. He displayed slides of aerial and zoning maps, noting that the yellow-dashed border identified the two areas pertaining to the plan. The single family component was generally south of Winthrop, extending a little north on the east side; with the attached multi-family ('twin') villas. Another five acres, outlined in red on the map, were to be rezoned from PI (Planned Industrial) and PMIX to all PMIX. The southern part of this property, plus a narrow piece off the far east edge, were also zoned PI.

In 2000 Mr. Larry Barcus, the original developer, came forward with a plan for Woodland Glen. He was in control of all the property, as shown in lavender on one of the maps, but not the gray portion shown at the north end. At that time the planned zoning designation was PUD (Planned Unit Development). At present, the applicant did have control over that area and the plan included its development. In 2000 the zoning in the original plan was R-1. The development would be a total 194 dwelling units, including single family estate lots, more standard sized single family lots, attached villas and multi-family development ranging from duplexes to 'five-plexes' as well as apartments at the far northern end. Two buildings had 16 units and other two had 12 units each. To date, 87 home sites had been platted, mostly off

Hedgewood Lane. Mr. Soto pointed out the location of the detached single family residential portion. The properties extending out just east of Heartwood were detached single family villas, which had turned out to sell better than the multi-family options. Of the 87 lots platted to date, 69 of them had been developed. The original plan showed 17 acres of single family estate lots, 7 acres of detached single family lots, and a total 19 acres of attached villas, with apartments to the north. The average was 3.25 units per acre.

Tonight's application involved mostly 24 acres on the west side. The 63 units would include 17 single family lots and 23 two-family villas, for an average density of 2.62 units per acre. The displayed site plan showed the single family lots mostly south of Winthrop Drive, and the multi-family lots north of Winthrop and along Ward Road. The sample elevations shown on the next slide used stone and stucco with composition roofs.

Woodland Glen residents had submitted protest petitions to the City. These petitions had been received before the applicant had hosted the neighborhood meeting; so some of the concerns had been addressed. They'd had traffic safety concerns about the SW Scherer Road and SW Heartwood Drive intersection. Some were protesting the proposed lot sizes relative to existing developed lots, as well as what would be done with lots 11 and 12 along Ward Road. The new plan eliminated the apartments and had added mostly single family lots and attached villa units. This was consistent with a planned mix of residential types, including multi-family components. The total number of units had been reduced, and the overall density reduced from 3.25 units per acre to 2.34 units per acre.

Staff found the proposed rezoning and plan consistent with the existing development and with the Comprehensive Plan's recommended land use. They recommended approval of the proposed rezoning and PDP, subject to two conditions. One required that development to be consistent with the preliminary plans submitted to the City between September 2018 and February 2019; with development standards such as lot area and setbacks consistent with what the plan showed. The second condition required the development to be "subject to the recommended road improvements outlined in the Transportation Impact Analysis prepared by Michael Park, dated October 3, 2018." One of these improvements addressed the concerns residents had brought up about the Scherer/ Heartwood intersection. It was a three-way stop, with limited sight distance across. The TIA recommended improvements to these sight distance problems before the City issued any building permits. The required improvements would also include an eastbound left-turn lane.

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

Mr. George Owen gave his address as 1631 SW Heartwood Drive. He and Mrs. Sharon Owen had purchased their home in 2005. He observed that the neighbors who had wanted to speak out about their concerns had experienced more than one continuance of this application, one of them on the day of the Commission meeting. They did appreciate the City requiring the developer to meet with the homeowners and he did not believe that the developer would have met with them otherwise. They were concerned about increase of traffic into the development from Scherer Road. The main entryway off Ward was the other concern. By covenant the homeowners were responsible for maintenance of the paver entryway, although the road itself was public. They did not want this part of the entry to be damaged by heavy equipment during the construction phase; and wanted to know who would be responsible for repairs if this happened. Additionally, the entry road itself was called "Winthrop" but the entry to the attached villa area was called "Winthrop Circle." To access it, a driver had to come through the main entry and then turn north; and the residents asked that the Winthrop Circle entry be closed during the construction phase. Equipment could be brought in via 14th Street as well as two other existing entry points on Ward where homes had formerly been. Mr. Owen acknowledged that the barrier should conform to accessibility for emergency vehicles.

Mr. James Green gave his address as 1433 SW Heartwood Terrace, stating that he had Mrs. Tonya Green had been Woodland Glen residents for 14 years. He wanted some information about maintenance of the new buildings. Over the past year or 18 months, the developer had not been negligent about mowing the undeveloped property and the lots for sale. Quite often, mowing was not done until a resident contacted the City with a complaint. The first mowing of the season had been done only yesterday, and the properties had been seriously overgrown. Additionally, one 'estate' lot behind his home had a large pile of downed tree limbs, paint cans and other trash such as gravel and plastic. About ten years ago he had contacted the previous developer, and eventually the City, about another, similar pile that was mostly construction debris and had generated a serious problem with rats. He wondered why a developer would allow this kind of nuisance on a lot he planned to eventually sell and develop.

Ms. Cynthia Hernandez gave her address as 1376 SW Heartwood Drive. She wanted to know if the TIA included the increased traffic that the attached villas would create at the Ward/Persels intersection. This was actually two signaled intersections back-to-back; and she had learned from a Lee's Summit police officer that high traffic was an issue there. Three weeks ago, her boyfriend had been in an accident at that intersection that had totaled his car. Drivers turning onto 14th Street would have to deal with increased congestion unless they had a separate left-turn lane. At present, drivers turning left had only about 6 seconds of a green light. Ms. Hernandez also wanted to know why the zoning would be changed to PMIX when the development was a residential one. She was concerned about this zoning designation allowing non-residential uses, and she noted that the development across the road at Ward and Persels was zoned R-1. Concerning lots 11 and 12, the developer had just called them 'wooded lots'; but the PDP did not give any information about what would eventually be built there and she wanted to see some indication that these would be residential development only. Ms. Hernandez also asked about the attached villas having a separate homeowners association, raising concerns about the separate HOAs having inconsistencies with property maintenance and restrictions. There would be a shared entrance and she wanted to know how the two HOAs would share the cost of maintaining the entrances and landscape islands. She had heard that the different HOAs would have the same restrictions. She asked that the plan for the attached villas to include some type of fence or landscaping buffer in the back, down to 14th Street. A wrought iron fence at the corner of Ward and Scherer Road that ran on the east side of Ward, and she was asking for some consistency of both sides of Winthrop.

Mr. Buddy Hendricks gave his address as 1604 SW Hedgewood Lane. Concerning lots 11 and 12, he asked that the entries to these lots along Heartland Drive be replaced. He pointed out their location on a displayed map, noting that the adjacent lots had been reduced in size. These would reduce the width of any house that could be placed on these lots, and asked that the original sizes be restored. He noted that the HOA currently required a minimum square foot area for the first level of houses on these lots. Mr. Hendricks also wanted some assurance that the attached villas would follow the HOA requirements, including construction and building materials. He also asked that dues for both HOAs be used for maintenance of common ground and that dues included a common trash disposal company. If the new developer did decide to deed the residents some of that common ground to maintain and clean up, they wanted to be sure that the ground was in good condition when they assumed responsibility. At present, there was a lot of debris, especially from trees downed over the winter.

Mr. Gary Sears gave his address as 1512 SW Hedgewood Lane. Referring to Mr. Owen's suggestion to temporarily block off Winthrop Circle, he asked that once it was re-opened, traffic into the other proposed new lots come through 14th Street and Winthrop Terrace instead of the entryways on Scherer and Ward. Concerning the reference to brush piles, Mr. Sears stated that this was not a minor cleanup. Some very large trees were down and needed to be removed. He also wanted some details on what facades would be on the front and sides of the attached villas, explaining that the residents had heard conflicting information as to

whether the villas would have four-sided architecture or stucco on the front sides only. He also wanted to see cost sharing if there were to be two separate HOAs, and a definite choice of just one trash hauler.

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

Mr. Funk asked what the price range would be, specifically for the villas. Mr. Duggan answered that the design was for about 1,100-1,200 square feet for a main level of a 2-bedroom unit, with a finished basement. On today's market he doubted they could be sold for anything less than \$300,000 to \$325,000. He added that he would probably eventually sell these lots to a builder, so he did not plan to put restrictions on rents if the market dictated going to rentals. He added that he had made it clear to the homeowners that these would not have stucco on all four sides. A mix of stucco and stone would be on the front with regular siding on the other three sides.

Mr. Funk then asked for some details about the required improvements to the Heartwood/Scherer intersection. Mr. Duggan responded that according to City staff, that intersection needed to be lowered. The preliminary plat that he had submitted did not show Heartwood going all the way through the project. Several discussions had focused on the intersection at Winthrop, and he believed the plan was to finish this intersection, and there would actually be four lots in the area next to Tract A, three lots on the corner plus lot 11. The road would stop there and not be extended through until such time as Scherer was improved.

Chairperson Norbury remarked that it did not look like the road could go anywhere else. Mr. Duggan stated that he did not have any access rights from lots 11 or 12. That meant the Winthrop would be the only access onto lot 11. Access to lot 12 was likely to be a future driveway from Heartwood. Chairperson Norbury asked if these lots would be developed eventually and if the plan allowed for their development in any way. Mr. Duggan replied that it did not. If they were developed, each lot would be for a single house. When the rezoning was done and he came back for a final plat, lot 11 would be for sale as a single family lot with access to Heartwood. When the Scherer Road improvements were done and Heartwood was extended, lot 12 could have a driveway onto Heartwood and could also be developed.

Mr. Kitchens asked if the villas on lots 6, 7 and 8 would have a back fence, as they were near the detention area. Mr. Duggan replied that fences tended to deteriorate after the first 4 or 5 years. He would prefer to use landscaping. Mr. Kitchens noted that the dropoff was about 10 feet and appeared to be very steep. He asked if there were any City regulations about fences on property that steep. Mr. Soto answered that there were none that he knew of.

Chairperson Norbury asked Mr. Soto for an answer to the earlier question about why the PMIX zoning was chosen. Mr. Soto answered that the PMIX zoning allowed for a wide range of uses; however, when a property was requested for a PMIX rezoning that was tied to the land uses designated on the plan adopted as part of that rezoning request. This specific plan had 17 single family residential lots plus 23 two-unit villa lots. Accordingly, the PMIX zoning would be applicable only to these uses. If someone did want to use another zoning designation in the future, a new plan would be required. In this case, the PMIX zoning would apply to the variety of residential uses only.

Noting that on this plan the referenced 'villas' were duplexes, Mr. Lovell asked if the references to the density being reduced took into account that the duplex villas were two dwelling units, not one. Mr. Soto answered that they did. Chairperson Norbury asked if a developer could have purchased this land with the existing platting could have built according to that plat even though it was significantly dated; or if this would have required a new preliminary development plan. Mr. Soto answered that a builder could build off the 2000 plan; however, the City did have a 'sunset' option for a plat. The builder would be able to build the apartments and condos shown on the original plan.

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Chairperson Norbury asked if there were further questions for the applicant or staff. Hearing none, he closed the public hearing at 6:00 p.m. and asked for discussion among the Commission members. He acknowledged the concerns that were raised, many of which had to do with code enforcement. At Mr. Gustafson's request, he re-opened the hearing.

Mr. Gustafson noted what appeared to be a cul-de-sac near lot 11, and asked if it was a temporary one. Mr. Soto explained that staff had asked for the plan to show a cul-de-sac for the benefit of a developer who might want to subdivide the lot into smaller ones. It was a temporary one, and the lot would not be developable until the cul-de-sac was removed. He confirmed for Mr. Gustafson that the applicant did not own the adjacent property to the north; and the aerial photograph showed a single family residence built on it.

Mr. Lovell asked for clarification of the elevations included in his packet. One sheet showed the ones the applicant had displayed but the packet included other elevations that looked like apartments. Mr. Soto clarified that one of them was a preliminary elevation; but another that Mr. Lovell had just shown was part of the older plan. Details of the current elevations would be addressed in the final development plan. A larger, more detailed elevation in the packet was an example of materials to be used.

Mr. Lovell stated that he tended to reference his own experiences in Lee's Summit, as did some of the citizens attending and wanting concerns addressed. During the economic downturn, many developments, including New Longview, were not finished the way that was intended. At this point, the Commission would have to look at today's plan rather than the 2000 one; and in the idea of duplexes was his first concern. This was influenced by the challenges with some developments that had gone through. He was not opposed to duplexes but he did not think that the design of the elevation in his packet met the standards the City and the Commission were looking for. However, there was enough separation and the applicant had said that the prices for them was \$300,000 and up for about 1,100 square feet. He liked the separation in the plan, as these were different housing products and might have different property values. He did not have any problem with rezoning to PMIX, as this would provide for a variety of housing approaches.

Mr. Funk commented that the Commission had a straightforward task with the rezoning. He emphasized to both the developer and the citizens present that this was a preliminary plan, not a final one. Concerning the villas in particular, he recommended that in the final plan the developer would show a more distinctive housing product for the \$300,000 price range.

Concerning the issue of HOAs, Chairperson Norbury remarked that the discussion suggested wanting a lot of control over the product, such as contributing to the common entry without giving access to a pool; and this was not how it worked. He encouraged the participants to work together in deciding how maintenance would be handled.

As there was no further discussion, Chairperson Norbury again closed the hearing at 6:11 p.m. and called for a motion.

Mr. Funk made a motion to recommend approval of continued Application PL2018-101, Rezoning from PI to PMIX and Preliminary Development Plan: Woodland Glen, approximately 24 acres located at the northeast corner of SW Ward Rd and SW Scherer Rd; John Duggan, applicant; subject to staff's letter of May 3, 2019, specifically Recommendation Items 1 and 2. Mr. Gustafson 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 Gustafson, that this

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application be recommended for approval to the City Council - Regular Session, due back on 6/4/2019. The motion carried unanimously.

[2019-2753](#) Appl. #PL2019-097 - Rezoning from AG to RLL - Sanko Acres, 5220 NE Maybrook Rd; Nathan Sanko, applicant

Chairperson Norbury opened the hearing at 5:13 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Mr. McGuire entered Exhibit (A), list of exhibits 1-12 into the record, and stated that this application was to rezone .52 acres of a 15.6 acre tract from AG to RLL. It was bordered by large-lot single family homes on all sides. The property to the north had AG and RLL zoning, with those on the south, east and west having only AG. The .52 acres was developed with a single family home; and the applicant wanted to rezone the property and then subdivide it into two tracts: the .52 acres with the home and the remaining 16 acres. No development was planned at this time. The requested rezoning was consistent with the 2005 Comprehensive Plan, which identified this area as low-density residential use. Staff recommended approval, stipulating that the rezoning would become effective only after a minor plat was submitted and approved.

Chairperson Norbury asked if there was anyone present wishing to give testimony, either in support for or opposition to the application.

Ms. Teresa Vollenweider gave her address as 5201 NE Maybrook Road. She asserted that the smallest lot in the neighborhood was the one with the baseball diamond, at 4.82 acres. Her property was zoned AG, and she was currently planting a fruit tree orchard in the area north of the subject property a use that was permitted in AG zoning. Her first concern was that if the City approved the .52 lot, others would follow; with the potential volume of wastewater being a more immediate issue.

Currently some stagnant water existed from the subject property's address to just south of its driveway. The water would travel all the way down the east side of Maybrook Road; and one corner of the subject property, as well as her own property, was swampy. From 2003 to 2007, she was able to mow in that area but could not know because the area always had standing water except during droughts. Stagnant water generated public health problems, especially as a breeding ground for mosquitoes. She had a video from last spring of the volume of larvae. According the reading from the CDC that she had done, the danger of disease from mosquitoes and ticks was something that cities would have to start taking seriously. She currently had a pasture that her horses could not use due to the danger of West Nile disease; which human beings could also get. People moving into this neighborhood needed to be aware of this hazard; but to date the City was doing nothing to address it although the residents had been told that the standing water problem would be fixed. It would only get worse if this tract was eventually developed with half-acre lots.

Chairperson Norbury noted that if any other portion of this tract was developed, it would involve an application, or applications, that would have to come through the approval process separately. That would include any issues concerning storm water, traffic or infrastructure. Ms. Vollenweider answered that her major concern was the neighborhood starting to undergo a drastic change, in view of a lot size so out of character being approved.

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

Mr. Elam confirmed the statement that any future development of this tract, other than a single family home being built on the remaining 15 acres, would have to go through the City's approval process.

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

none, he closed the public hearing at 6:25 p.m. and asked for discussion among the Commission members, or for a motion.

Mr. Funk made a motion to recommend approval of Application PL2019-097, Rezoning from AG to RLL: Sanko Acres, 5220 NE Maybrook Rd; Nathan Sanko, applicant; subject to staff's letter of May 3, 2019, specifically Recommendation Item 1. Mr. Sims 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 Sims, that this application be recommended for approval to the City Council - Regular Session, due back on 6/4/2019. The motion carried unanimously.

2019-2695

Continued Public Hearing #PL2019-071 - Preliminary Development Plan - Paragon Star Village, approximately 36 acres generally located at the northeast corner of NW View High Dr. and I-470 Hwy; Paragon Star, LLC, applicant

Mr. Elam announced that on Tuesday evening, the applicant had requested a continuance to a date certain of May 23, 2019.

Chairperson Norbury noted that this application had been continued at least twice before, and asked what the problem was. Mr. Elam answered that the project had several pieces with schedules that had to be reconciled; and they also had another application in Kansas City, being heard on May 21st. Chairperson Norbury stated the applicants needed to be present on the 23rd, especially if they intended to request yet another continuance PL2019-071 applied specifically to Lee's Summit.

Mr. Gustafson asked if this application would involve the city of Kansas City. Mr. Elam responded that it was not likely. The Kansas City application involved property north of the soccer complex so it was part of a larger project. Mr. Gustafson asked if View High was a Kansas City road, and Mr. Elam said it went through both Kansas City and Lee's Summit. The previously approved preliminary development plan was associated with the soccer complex.

Noting that this was a fairly sizable development bordering Kansas City on two sides, Mr. Gustafson remarked that it would be helpful to have more information about what was going on with the city of Kansas City. He asked if there had been any response from the highway department to the traffic analysis. Mr. Park related that throughout the Paragon Star project, the sports complex and village component phase were coordinating with Jackson County, MoDOT and Kansas City. It was a complex project with multiple jurisdictions involved. Kansas City and MoDOT had read the traffic impact study for this particular portion and agreed with the conclusions and the study's scope. Staff had given Kansas City the opportunity to add their own conditions for staff's report; so the report would more consistently reflect Lee's Summit, Kansas City and MoDOT. View High did pass through a number of jurisdictions.

Mr. Lovell commented that his development had a lot of 'moving parts', and hopefully when they did participate, that would help resolve some of the lingering issues. It would be an advantage to have more complete representation. Mr. Elam added that staff was coordinating with the Paragon development team almost daily. The City was also communicating with officials from both Kansas City and Jackson County.

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

Mr. Funk made a motion to continue Application PL2019-071, Preliminary Development Plan: Paragon Star Village, approximately 36 acres generally located at the northeast corner of I-470 and NW View High Dr; Paragon Star, LLC, applicant, to a date certain of May 23, 2019. Mr. Sims seconded.

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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 Sims, that this application be continued to the Planning Commission, due back on 5/23/2019. The motion carried unanimously.

[2019-2746](#) Appl. #PL2019-058 - Unified Development Ordinance (UDO) Amendment #4 - Article 6 Use Standards - Division III Special Use Permits - Subdivision 2 Specified Special Uses - amendment to the regulations for telecommunication towers/antennas; City of Lee's Summit, applicant

Chairperson Norbury opened the hearing at 6:30 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Mr. Soto entered Exhibit (A), list of exhibits 1-6 into the record. He explained that this was the first of three UDO amendments, with mostly minor changes. Staff had revisited regulations regarding telecommunications in response to changes in State law. These mostly affected amateur radio regulations, co-locations and insurance requirements. Staff had also made some improvements to publication requirements as well. The amateur radio regulations had previously referred readers to "page 4", and since page numbers could change this was changed to the more specific "Section 6.1200." Another change established "minimum setback requirements from structures on the same property and adjacent property equal to tower height." Amateur radio towers rarely exceeded 70 feet in height. A reference to receive-only antennas was deleted.

No significant changes were made regarding co-locations, but re-titled the subsection reference from "Administratively Approved Uses" to, more simply, "Co-locations." In addition to the requirement for general liability insurance, a requirement was added for the insurance policy to include "a waiver of subrogation against the City" as part of the proof of liability insurance. Staff recommended approval of the UDO amendment to Article 6, as amended."

Chairperson Norbury asked if there was any public comment regarding this particular UDO amendment. Seeing none, he opened the hearing for questions for the applicant or staff.

Mr. Kitchens asked if anything would be 'grandfathered' in, specifically towers on private property. Mr. Soto replied that anything that was lawfully permitted previously would be; and Mr. Kitchens noted that amateur towers were not uncommon and were often next to houses.

Chairperson Norbury asked if there were further questions for the applicant or staff. Hearing none, he closed the public hearing at 6:39 p.m. and asked for discussion among the Commission members, or for a motion.

Mr. Funk made a motion to recommend approval of Application PL2019-058, Unified Development Ordinance (UDO) Amendment #4: Article 6 Use Standards; Division III Special Use Permits; Subdivision 2; Specified Special Uses: amendment to the regulations for telecommunication towers/antennas; City of Lee's Summit, applicant . Mr. Sims 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 Sims, that this application be recommended for approval to the City Council - Regular Session, due back on 6/4/2019. The motion carried unanimously.

[2019-2744](#) Appl. #PL2019-134 - Unified Development Ordinance Amendment #5 - Article 5

Overlay Districts - Division VIII EnVision LS Area Development Plan (ADP) Design Standards; and Article 15 Rules of Interpretation and Definitions - Division II Definitions - establishment of an appeals process for prohibited uses and amendment to definitions; City of Lee's Summit, applicant

Chairperson Norbury opened the hearing at 6:42 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Mr. Soto entered Exhibit (A), list of exhibits 1-6 into the record. He displayed a map of the EnVision LS area development plan adopted in 2017. The yellow part indicated the northwest/southwest/southeast corner of US 50 and Jefferson Street/M-291 South. The blue part was the boundary of the Grove project. When EnVision LS was adopted, the idea was that Lee's Summit had a significant amount of currently unused or underutilized property near the US 50/M-291 intersection: the Adessa site, the Calmar site and some redevelopment potential with the existing Pinetree Plaza. The 'Vision' in the name was for a "desired aesthetic" and a certain type of desired development as opportunities for redevelopment occurred and a high quality community at a prime commercial location." Minimum design standards were part of, and established by, the plan; as well as processes for future development and redevelopment. "Development" could refer to existing structures as well as any future ones.

In the past few months, the City had seen increased interest from developers and existing property owners for projects they wanted to occur. Some lists of allowed uses were established as part of EnVision's plan. Other lists focused on uses that were prohibited, or restricted uses in some cases. The latter would require an appeal process initiated by a developer or owner/ occupant. Staff had received inquiries about some of the prohibited uses, and the appeal process was essentially like the preliminary development plan process, which usually took at least three months and involved public hearings with the Planning Commission and the City Council. Staff had developed a UDO amendment that would make this appeal process more realistic and less cumbersome. When the matter went to the CEDC, the suggestion was to establish an appeals process that would go directly to the City Council. If an appeal got an approval from the Council, that would not preclude the applicant coming back through the usual preliminary development plan process for a new project or significant change. Some applicants had gone through this process and then discovered that a use was not workable for some particular site.

Another request that had been made had to do with maintenance and work on existing buildings. The current wording required the preliminary development plan process for any changes to a building. This would apply to many owners of existing properties who wanted to update and maintain a structure, such as re-doing stucco or removing cladding that covered another material. Some changes to definitions clarified the differing definitions of "alterations" and "repair". "Repair" would now include rehabilitation work that might be intended to bring the structure into compliance with other City codes. Many changes to exteriors could be approved administratively.

One of the changes was to the applicability of the design standards for the EnVision LS area. Currently the design standards applied to a multi-family and to commercial/non-residential uses; and the proposed change was to make them applicable to all uses. Staff recommended approval of the UDO amendment to Articles 5 and 15 as presented.

Mr. Johnson informed Chairperson Norbury that the packets might have the wrong version of the ordinance. Alterations were allowed to buildings. The displayed draft ordinance version of the "Applicability" (B.) paragraph provided language for a motion. Chairperson Norbury and staff agreed that the motion should be to amend the draft ordinance to include the amended language in the application.

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Chairperson Norbury asked if there was anyone present wishing to give testimony, either in support for or opposition to the application. Seeing none, he then asked if the Commission had any questions for the applicant or staff. There were no questions, he closed the public hearing at 6:45 p.m. and asked for discussion among the Commission members, or for a motion.

Mr. Lovell made a motion to amend the language in the Unified Development Ordinance (UDO) to reflect the proposed amendments and changes as presented. Mr. Funk seconded. As there was no further discussion, Chairperson Norbury called for a vote.

On the motion of Mr. Lovell, seconded by Mr. Funk, the Planning Commission members voted unanimously by voice vote to amend the language in the Unified Development Ordinance (UDO) to reflect the proposed amendments and changes as presented.

Chairperson Norbury then called for a motion to recommend approval for the application as amended.

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

Mr. Funk made a motion to recommend approval of Application PL2019-134, Unified Development Ordinance (UDO) Amendment #5: Article 5, Overlay Districts: Division VIII EnVision LS Area Development Plan (ADP) Design Standards; and Article 15, Rules of Interpretation and Definitions, Division II Definitions: establishment of an appeals process for prohibited uses and amendment to definitions, as amended, City of Lee's Summit, applicant. Mr. Sims 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 Sims, that this application be recommended for approval as amended to the City Council - Regular Session, due back on 6/4/2019. The motion carried unanimously.

[2019-2693](#) Appl. #PL2019-151 - Unified Development Ordinance (UDO) Amendment #6 - Article 8 Site Standards - Division I Design Standards - Subdivision 4 Other Required Design Standards - amendment to trash enclosure and ground-mounted mechanical screening material requirements; City of Lee's Summit, applicant

Chairperson Norbury opened the hearing at 6:50 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Mr. Soto entered Exhibit (A), list of exhibits 1-6 into the record. He stated that this amendment was essentially to expand options for screening ground-mounted mechanical units and trash dumpsters. This amendment would impact only the city's three specified metal building areas. They were shown on the displayed map in lavender, as was the Hamblen Road area to the south. The Airport property was to the north. Currently the ground-mounted screening options were either masonry walls or evergreen landscaping up to the units' height. The amendment would add two more options: (1) "structural steel tube frame construction clad in wood composite material" or (2) "structural steel tube frame construction clad in the same metal siding as the building located on the same site.". Mr. Soto observed that many materials now available were more durable than when the original ordinance requirement was approved. Masonry walls in particular were more costly. The amendment would not only expand the options but also allow for more continuity in appearance.

Regarding trash enclosures, the existing requirement was for masonry walls. The amendment

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did not specify wood composite material, but allowed for structural steel tube frame construction with metal siding. It also required "the installation of 4-inch bollards along the interior side of the trash enclosure rear wall." Durability was always a concern with these enclosures, which were serviced by heavy trucks.

Staff recommended approval of the UDO amendment to Article 8, as presented.

Chairperson Norbury asked if there was any public comment on the application. Seeing none, he then asked if the Commission had questions for staff.

Chairperson Norbury commented that an issue about screening had come up, specifically some rooftop units. Mr. Soto recalled that some of these issues concerned QuikTrip's rooftop screening and the material for the gates to the trash enclosures. QT did have a maintenance schedule and policy about these materials that included replacing and repairing them.

Chairperson Norbury asked if there were further questions for the applicant or staff. Hearing none, he closed the public hearing at 7:00 p.m. and asked for discussion among the Commission members, or for a motion.

Mr. Funk made a motion to recommend approval of Application PL2019-151 Unified Development Ordinance (UDO) Amendment #6: Article 8, Site Standards, Division I Design Standards; Subdivision 4, Other Required Design Standards; amendment of trash enclosure and ground-mounted mechanical screening material requirements; City of Lee's Summit, applicant. Mr. Sims 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 Sims, that this application be recommended for approval to the City Council - Regular Session, due back on 6/4/2019. The motion carried unanimously.

Other Agenda Items

There were no other agenda items at the meeting.

Roundtable

Mr. Elam reminded that the joint Planning Commission/City Council meeting was scheduled for 6:00 p.m. next Tuesday, May 14th. Staff wanted to review some action steps to get feedback. Chairperson Norbury requested Ms. Beck to send out a reminder email.

Adjournment

There being no further business, Chairperson Norbury adjourned the meeting @ 6:59 PM.

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