

The City of Lee's Summit

Action Letter

Planning Commission

Thursday, August 8, 2019

5:00 PM

City Council Chambers

City Hall

220 SE Green Street

Lee's Summit, MO 64063

Call to Order

Present: 7 - Board Member Jason Norbury
Board Member Dana Arth
Board Member Donnie Funk
Board Member Jeff Sims
Board Member Jake Loveless
Board Member John Lovell
Board Member Mark Kitchens

Absent: 2 - Board Member Carla Dial
Board Member Don Gustafson

Roll Call

Approval of Agenda

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

Public Comments

Mr. John Constable gave his address as 101 Summit. He had an application pending, and had been told that the hearing might have been moved to a different date. Chairperson Norbury answered that it would be the next scheduled meeting on August 22nd.

Approval of Consent Agenda

[BILL NO.](#) An Ordinance accepting final plat entitled Whispering Woods, 1st Plat, Lots
[19-193](#) 1-33, and Tracts A, B, C & D, as a subdivision to the City of Lee's Summit,
Missouri.

(Note: First reading by Council on August 20, 2019. Passed unanimously.)

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 8/13/2019. The motion carried by the following vote:

Aye: 6 - Board Member Norbury
Board Member Arth
Board Member Funk
Board Member Sims
Board Member Lovell
Board Member Kitchens

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Absent: 2 - Board Member Dial
Board Member Gustafson

Abstain: 1 - Board Member Loveless

[2019-2956](#) Appl. #PL2019-249 - SIGN APPLICATION - Residences at Echelon, 3500 SW Hollywood Dr; NSPJ Architects, applicant

A motion was made by Board Member Funk, seconded by Board Member Sims, that this application be approved. The motion carried by the following vote:

Aye: 6 - Board Member Norbury
Board Member Arth
Board Member Funk
Board Member Sims
Board Member Lovell
Board Member Kitchens

Absent: 2 - Board Member Dial
Board Member Gustafson

Abstain: 1 - Board Member Loveless

[2019-2944](#) Minutes of the July 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 by the following vote:

Aye: 6 - Board Member Norbury
Board Member Arth
Board Member Funk
Board Member Sims
Board Member Lovell
Board Member Kitchens

Absent: 2 - Board Member Dial
Board Member Gustafson

Abstain: 1 - Board Member Loveless

Public Hearings

[2019-2954](#) Appl. #PL2019-121 - PRELIMINARY DEVELOPMENT PLAN - Summit Avenue Addition, Lots 1 & 2, 114 & 200 SE Summit Ave; Peggy Nie, applicant (continued to a date certain of August 22, 2019, at staff's request)

Chairperson Norbury opened the hearing at 5:10 p.m. and stated that staff had requested this item to be continued to a date certain of August 22, 2019. He asked for a motion to continue.

Mr. Funk made a motion to continue Application PL2019-121, Preliminary Development Plan: Summit Avenue Addition, Lots 1 & 2, 114 & 200 SE Summit Ave; Peggy Nie, applicant to a date certain of August 22, 2019. Mr. Sims seconded.

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

On the motion of Mr. Funk, seconded by Mr. Sims, the Planning Commission members voted unanimously by voice vote to CONTINUE Application PL2019-121 to a date certain of August 22, 2019.

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 8/22/2019. The motion carried unanimously.

2019-2953 Public Hearing: Application #PL2019-204 - Preliminary Development Plan and Application #PL2019-203 - Special Use Permit for automobile sales - Aristocrat Motors, 704 SE Oldham Court; Aristocrat Motors, applicant.

Chairperson Norbury opened the hearing at 5:11 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Mr. Kevin Killilea vice president of Aristocrat Motors, gave his business address as 9400 W. 65th Street in Merriam, Kansas. He stated that the applicant was a luxury new and used car dealership group, based in Merriam. Aristocrat Motors represented Mercedes-Benz, Porsche, Jaguar, Landover, Maserati and Alfa Romeo. They had another location in Topeka, representing the BMW and Volkswagon brands, and a third in Martin City (MO), representing Mercedes-Benz. They wanted to expand their brand's footprint with a pre-owned luxury auto dealership in Lee's Summit. Lee's Summit offered a great opportunity for their expansion to this part of the metro area.

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

Mr. Johnson entered Exhibit (A), list of exhibits 1-18 into the record; adding that this included the executive summary for the storm water report, which had not been sent out to the Commissioners. He confirmed that the preliminary development plan and Special Use Permit were for a car dealership, and pointed out the location between US-50 highway and Oldham Parkway on an aerial map. The current zoning was CS (Commercial Services), and an SUP was required for a car dealership in this zoning. The property to the west was intended for a proposed climate-controlled storage business. The Commission had heard an application for that property twice; and it was later approved by the City Council. A skating rink and home improvement store were to the south, and to the east were car dealerships with the standard CP-2 zoning.

Displaying a site plan, Mr. Johnson pointed out the south property line that would need a setback modification. On a displayed north elevation, he stated that the project met UDO requirements; and pointed out the proposed combination of masonry material, concrete and aluminum panels, with an aluminum storefront. Other elevations and perspectives showed a proposed development that was consistent with other approved car dealerships nearby along US-50. It was also compatible with other uses in the area including the Home Depot to the south; and the visual impact would be reduced when the storage facility was built.

The ordinance required a lot for car display to have a 20-foot setback, and the south property line had an 11-foot setback. Mr. Johnson pointed out that purpose for the required 20 feet was to avoid the crowded appearance of a line of parked cars right up against a public right-of-way. In this plan, however, the cars would just be closer to another existing lot. Staff supported this modification. The applicants had requested a term for the SUP of 40 years; however, staff's recommended 30 years (Conditions of Approval 3), was more consistent with SUP terms approved for car dealerships. Condition 2 was a request to reimburse the City for construction cost in return for omitting the sidewalk section east of the driveway on Oldham Parkway.

Following Mr. Johnson's comments, 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 opened the hearing for Commissioners' questions for the applicant or staff.

Mr. Funk asked if a 30-year SUP term was typical of other car dealerships along Oldham Parkway. On the table giving details of SUPs for car, truck, boat and trailer sales, Mr. Johnson

noted that they ranged from 10 to 30 years. Some of the shorter terms might reflect some dealerships selling vehicles with less attractive uses or problematical sites. The idea might have been to give the City the ability to revisit how the site was being used and maintained. The major dealerships were more likely to have terms of 20 to 30 years.

Mr. Kitchens asked if the applicant had submitted a lighting plan, and Mr. Johnson displayed a slide of the photometric site plan.

Mr. Kitchens noted that this dealership would specialize in high-end makes and models, and that in any car dealership cars would be out in the parking lot for display. He asked about provisions for adequate security. Mr. Killilea explained that it would be about the same as with the other Aristocrat Motors dealerships. They did not have onsite security personnel or gates. They did have a video surveillance system at another location where a car had been stolen and driven through a glass door. However, overall there had really not had been many issues about security; and the car that was stolen was later recovered. They did use commonsense precautions such as adequate lighting and locking up all displayed cars at night.

Chairperson Norbury remarked that most of the storm water detention and retention was done above-ground, and asked for some information. Mr. Kevin Sterritt, civil engineer with HEG Consultants, stated that it would have an underground storm water detention system called the Stormtech system. It had a series of underground chambered half pipes topped with gravel and pavement. It was a common approach for car dealerships, as they needed all available area for cars on display and preferred an alternative to above-ground ponds. This property had breaks in two different directions; so one system was on the south and west side and the other on the far east side.

Concerning the SUP term, Chairperson Norbury remarked that 20- and 30-year terms mostly went mostly to new car dealerships. Those selling previously owned cars typically had shorter terms. Mr. Johnson explained that 20 or 30 years was typical of new construction; and the 30-year term was an effort to meet the applicant halfway.

Chairperson Norbury asked if there were further questions for the applicant or staff. Hearing none, he closed the public hearing at 5:24 p.m. and asked for discussion among the Commission members, or for a motion.

Mr. Funk made a motion to recommend approval of Application PL2019-204, Preliminary Development Plan and Application PL2019-203, Special Use Permit for automobile sales: Aristocrat Motors, 704 SE Oldham Ct; Aristocrat Motors, applicant; subject to staff's letter of August 2, 2019, specifically Recommendation Conditions of Approval 1 through 3. Ms. Arth seconded.

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

On the motion of Mr. Funk, seconded by Ms. Arth, the Planning Commission members voted unanimously by voice vote to recommend APPROVAL of Application PL2019-204, Preliminary Development Plan and Application #PL2019-203, Special Use Permit for automobile sales: Aristocrat Motors, 704 SE Oldham Ct; Aristocrat Motors, applicant; subject to staff's letter of August 2, 2019, specifically Recommendation Conditions of Approval 1 through 3.

A motion was made by Board Member Funk, seconded by Board Member Arth, that this application be recommended for approval to the City Council - Regular Session, due back on 9/3/2019. The motion carried unanimously.

Other Agenda Items

There were no other agenda items presented at the meeting.

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Roundtable

There were no Roundtable items at the meeting.

Adjournment

There being no further business, Chairperson Norbury adjourned the meeting at 5:23 P.M.

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