

The City of Lee's Summit
Action Letter
Planning Commission

Thursday, October 10, 2019

5:00 PM

City Council Chambers

City Hall

220 SE Green Street

Lee's Summit, MO 64063

Call to Order

Roll Call

Present: 7 - Board Member Mark Kitchens
Board Member Carla Dial
Chairperson Jason Norbury
Vice Chair Donnie Funk
Board Member Terry Trafton
Board Member Jeff Sims
Board Member Dana Arth

Absent: 2 - Board Member John Lovell
Board Member Jake Loveless

Approval of Agenda

Chairperson Norbury announced that would be a few adjustments to the agenda. Items 2, 3, and 6, Items PL2019-261, PL2019-255, and PL2019-257, all pertaining to the Lee's Summit Airport, would be heard at the same time. Motions would be made and voted on for each item separately. He asked for a motion to approve.

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

Public Comments

There were no public comments presented at the meeting.

Approval of Consent Agenda

[TMP-1386](#) Appl. #PL2019-296 - SIGN APPLICATION - Raintree Village monument sign, 3803 SW Ward Rd; Royal Signs & Graphics, applicant

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

[2019-3072](#) Minutes of the September 26, 2019, Planning Commission meeting

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

Public Hearings

2019-3078 Public Hearing: Application #PL2019-261 - Vacation of Right-Of-Way - unused

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right-of-way on Lee's Summit Airport property, 2751 NE Douglas St; City of Lee's Summit, applicant.

Chairperson Norbury opened the hearing for agenda items 2 and 3 at 5:10 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Mr. Bob Hartnett, deputy director of the Public Works Department, gave his business address as Lee's Summit City Hall at 220 SE Green Street. The City had purchased the Airport in 1977, and had acquired about 40 additional properties since then. These properties carried the original zoning; so the Airport had land zoned for residential, commercial and industrial uses. These agenda items were primarily for clean-up, including vacation of some rights-of-way involving Strother, Hagan, Leinweber and Douglas roads. These rights-of-way were no longer necessary. The rezoning application was a request to change this zoning mixture to all AZ (Airport) zoning. Regarding the final plan (agenda item 6), would reorganize these 40 lots into three lots.

Mr. Hartnett added that Mr. Andy Boding, of the consulting engineering firm of Crawford, Murphy and Tilly (CMT) and Mr. Jim Anderson of Anderson Survey were present and could answer questions.

Mr. Shannon McGuire entered into the record Exhibit (A), list of exhibits 1-12 for Application PL2019-255 and list of exhibits 1-12 for Application PL2019-261. He confirmed that the Airport property currently consisted of 44 different lots, with a mixture of AG, RP-1, CP-2, PI and PMIX zoning designations. The City proposed to change these to the AZ Airport zoning district established in 2006. It had been established to incorporate the City airport with adjoining developable properties in order to provide for selected commercial and industrial uses that would be compatible with the airport use. Additionally, several unused rights-of-way crossed over the property, as indicated on the displayed aerial map, one of them crossing a runway. Vacating these rights-of-way was necessary for replatting the existing 44 parcels into four lots.

The proposed rezoning and right-of-way vacations would not impact the surrounding neighborhood, and the proposed AZ zoning was consistent with the entire property's use. It was substantially consistent with the Comprehensive Plan, as well as meeting the requirements of the UDO and the Design and Construction Manual. . An overhead copper cable was within the Leinweber Road right-of-way, and a Condition of Approval for this application indicated a general utility easement. The second of two Conditions of Approval was the standard requirement for recording the vacation of the right-of-way.

Following Mr. McGuire's comments, Chairperson Norbury asked if there was anyone present wishing to give testimony. Seeing one, he opened the hearing for any Commissioners' questions for the applicant or staff.

Chairperson Norbury asked Mr. McGuire if it was correct that the rezoning would have no functional impact on the Airport's operations. Mr. McGuire confirmed that it was.

Chairperson Norbury asked if there were any further questions for the applicant or staff. As there were none, he closed the public hearing at 5:10 p.m. and asked for discussion among the Commission members, or for a motion. He asked that the two applications be voted on in two separate motions.

Mr. Funk asked what would be done with Item 6, which addressed the final plat. Chairperson Norbury answered that this item would be heard next.

Mr. Funk made a motion to recommend approval of Application PL2019-261, Vacation of Right-Of Way: unused right-of-way on Lee's Summit Airport property, 2751 NE Douglas St.; City of Lee's Summit, applicant; subject to staff's letter of October 4, 2019 specifically

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Conditions of Approval 1 and 2. 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 Vice Chair Funk, seconded by Board Member Sims, that this application be recommended for approval to the City Council - Regular Session, due back on 11/5/2019. The motion carried unanimously.

2019-3077 Public Hearing: Application #PL2019-255 - Rezoning from AG, RP-1, CP-2, PI and PMIX to AZ - Lee's Summit Airport, 2751 NE Douglas St; City of Lee's Summit, applicant.

Chairperson Norbury asked for a motion on Application PL2019-255.

Mr. Funk made a motion to recommend approval of Application PL2019-255, Rezoning from AG, RP-1, CP-2, PI and PMIX to AZ; Lee's Summit Airport, 2751 NE Douglas St.; 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 Vice Chair Funk, seconded by Board Member Sims, that this application be recommended for approval to the City Council - Regular Session, due back on 11/5/2019. The motion carried unanimously.

2019-3075 Public Hearing: Application #PL2019-233 - Preliminary Development Plan - Wendy's, 711 SE M-291 Hwy; NPC International, Inc., 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.

Ms. Tiffany Lehman stated that she was the civil engineer for this project. She described the subject property currently had a vacant restaurant building with asphalt coverage throughout the property. An access easement existed on the southeast side, leading down to to SE 7th Terrace. The applicants planned to demolish the building and redevelop the property with a 2,600 square feet Wendy's restaurant. The project would include asphalt parking, concrete sidewalks, drive-through area, and a dumpster enclosure. The access easement would be redone, and they would install landscaping on the property.

Ms. Lehman displayed colored elevations, including the front (west side) of the building facing M-291 as well as the rear of the building, the south side of the building and the north side which included the drive-through.

Following Ms. Lehman's presentation, Chairperson Norbury asked for staff comments.

Mr. Soto entered Exhibit (A), list of exhibits 1-13 into the record. He confirmed that this was a redevelopment of an existing property. Displaying an aerial photo, he pointed out the locations of SE 7th Terrace and M-291 Highway. Lee's Summit High School was across the highway to the west, and the Missouri State Highway Patrol headquarters to the southwest. The QuikTrip store and HMH AutoSport were further south. A multi-tenant retail center were to the north and immediately to the east were some office/warehouse properties with industrial zoning. Some single-family residences and duplexes were further to the northeast.

The property had previously had restaurant use, most recently a 6,500 square foot sit-down restaurant but had been vacant for at least five years. The future user would be a 2,500 square foot drive-through restaurant. The proposed parking would be 37 spaces, two more

than the 35 spaces required. The site had access at three points: the right-of-way from M-291 Highway, from SE Melody Lane and from SE 7th Terrace. At the northeast corner was a cross-access that went along the back of the retail building to Bayberry and its signaled access to M-291.

Mr. Soto noted that this redevelopment would be reducing impervious coverage on the site by about 17 percent: from 91 percent coverage to 74 percent. Referring to the colored elevations referenced earlier, he noted the building materials: brown or earth tone fiber cement panels, and the aluminum composite metal (ACM) panels in red and gray. These were similar to materials previously proposed and approved for churches and for some auto dealerships, as well as other materials and architecture along M-291. The elevations also showed a large amount of glass on the north and south sides. Staff's analysis concluded that the use was consistent with the Comprehensive Plan, with the M-291 corridor north of US 50 was primarily retail use. Restaurant use would be equally appropriate, and this long-vacant site was in an especially visible location.

Staff's only Condition of Approval was that the ACM panels proposed would be allowed as a conditional material, "as shown in the preliminary development plan date stamped September 9, 2019." The UDO allowed the panels, but after a review. This was a material that had become more common.

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. Seeing none, he then opened the hearing for Commissioners' questions for the applicant or staff.

Mr. Funk asked if Melody Lane would end at the property or continue to be a through street in front of the restaurant. Mr. Soto answered that there would still be continuous access, but the right-of-way did terminate at the north property line and extend into the private drive beyond that. 7th Street would remain, and be improved, and it had a cross-access easement with adjoining properties. On the displayed aerial map, he pointed out the drive behind the HMH building that gave access to 7th Terrace.

Mr. Kitchens noted that the drive-through traffic was immediately to the left of the entrance/exit off M-291. It had room for 2 or 3 cars. He asked if it could be a one-way corridor, as it would be easy for drivers from M-291 to cut through the drive-through traffic. It was a common problem with fast-food restaurants whose lots combined parking and drive-through traffic.

Ms. Lehman asserted that the applicant had worked with the City on this issue. Their stacking did allow for about nine cars from the order box out to the front. Wendy's corporate usually requested six. They wanted to keep the two-way traffic, as it allowed the most access throughout the site; and as the stacking for the drive-through was more than what was required, they did not anticipate any traffic obstruction in the front. Mr. Kitchens asked if the applicant had a waiting time limit for drive-through lines.

Mr. Park clarified that the M-291 access belonged to MoDOT. They had reviewed this plan and the traffic circulation, and the property did have room for stacking of 8 or 9 vehicles up to the menu board. Staff's preference was also for the drive to be two-way; and MoDOT had indicated that this access shared with Melody to the north would be changed. This would be after interchange improvements that would move the Blue Parkway signal to 7th Street, just to the south; and at that point MoDOT would probably move it north to the Melody Lane right-of-way. At present, they did not have a schedule for interchange improvements from MoDOT and so relied on the operator of the store to mitigate congestion by directing people around the perimeter before entering the drive-through line.

Mr. Sims remarked to Mr. Park that while he understood the concern with stacking and the

drive-through, he was more concerned with left turns onto M-291. He acknowledged that it was a MoDOT right-of-way, and asked if making this a right-in-right-out access had been considered. Mr. Park answered that MoDOT did have a safety concern about the left and crossover movements onto M-291. They were reserving the access management control for an interchange. They could not know what the extent and nature of the improvements would be at this point.

At Mr. Funk's request, Ms. Lehman pointed out this area was on the site plan, toward the back of the property. The plan showed a significant area for stacking in front of it.

Regarding the aluminum composite metal panels referred to earlier, Chairperson Norbury asked Mr. Soto if City staff had considered making it a conditional use since its use was becoming more common. Mr. Soto replied that they were.

Chairperson Norbury asked if there were further questions for the applicant or staff. Hearing none, he closed the public hearing at 5:30 p.m. and asked for discussion among the Commission members, or for a motion.

Mr. Funk commended the applicant on Wendy's current designs, mentioning the store on Chipman as an example. He then made a motion to recommend approval of Application PL2019-233, Preliminary Development Plan: Wendy's, 711 SE M-291 Hwy; NPC International, Inc., applicant; subject to staff's letter of October 4, 2019, specifically Recommendation Conditions of Approval 1 (site specific) and 2-11 (Standard Conditions of Approval). 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 Vice Chair Funk, seconded by Board Member Sims, that this application be recommended for approval to the City Council - Regular Session, due back on 11/5/2019. The motion carried unanimously.

2019-3076 Public Hearing: Application #PL2019-246 - Preliminary Development Plan - DCI Lee's Summit, 2001 NW Shamrock Ave; Dialysis Clinic, Inc., applicant.

Chairperson Norbury opened the hearing at 5:30 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Mr. Philip Pierson of the Callas Design Group, gave his address as 5016 Centennial Boulevard in Nashville, Tennessee. He was present representing Dialysis Clinic, Inc. They proposed to build a 10,400 square foot building for the clinic. The clinic would have 17 patient stations, a small suite for a doctor's office. Mr. Pierson emphasized that this was not a use that generated much noise or heavy traffic. Patients often stayed for several hours, so the clinic would have morning and afternoon shifts.

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

Mr. McGuire entered Exhibit (A), list of exhibits 1-15 into the record. He first cited a correction to page 5 of staff's letter, with the site's use being "Mixed Use—John Knox Village." The subject property was on the southwest corner of NW Shamrock Avenue and NW Pryor Road and was about 2.25 acres. It was just west of the new fire station #3. It had been included in the conceptual plan approved by the City Council in September 2018 and so had required a preliminary development plan. The property was zoned PMIX, with the Comprehensive Plan identifying this area as "Mixed Use – John Knox Village." John Knox Village was to the east, and the Sterling Hills single-family subdivision was to the south. To the north was some undeveloped land kept for future commercial use.

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Mr. McGuire displayed color elevations of the building, showing materials of masonry, EIFS, brick and glass. The applicant asked for one modification, to the high-impact screening buffer required. They proposed a six-foot tall vinyl fence about three feet north of the south property line, and the required high-impact screen planted on the fence's north side instead of on both sides of the fence. With the fence three feet from the property line, and the required screening elements planted on the north side, the vegetation would be more accessible for maintenance.

The proposed development would not have any detrimental impact on the surrounding area, nor impede the development of surrounding properties. It would have an on-site stormwater detention system. The road network had enough capacity to handle the proposed use, so no road improvements were needed or required. The project met the requirements of both the UDO and the Design and Construction Manual.

Chairperson Norbury asked if there was anyone present wishing to give testimony, either in support for or opposition to the application. Seeing none, Chairperson Norbury then asked if the Commission had questions for the applicant or staff.

Chairperson asked if any City staff was working on the UDO's definition of a high-impact landscaping buffer. Mr. Soto replied that in most recent proposals the amount of landscaping met the UDO requirements; though not often stating where a required fence would be placed. Staff was working on some flexibility on this placement, to allow for different circumstances and conditions on different sites. Utility lines, for example, could often mandate modifications.

Chairperson Norbury asked if there were further questions for the applicant or staff. Hearing none, he closed the public hearing at 5:35 p.m. and asked for discussion among the Commission members, or for a motion.

Mr. Funk made a motion to recommend approval of Application PL2019-246, Preliminary Development Plan: DCI Lee's Summit, 2001 NW Shamrock Ave; Dialysis Clinic, Inc., applicant; subject to staff's letter of October 4, 2019, specifically Conditions of Approval 1 (Site Specific) through 8 (Standard Conditions of Approval). 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 Vice Chair Funk, seconded by Board Member Sims, that this application be recommended for approval to the City Council - Regular Session, due back on 11/5/2019. The motion carried unanimously.

Other Agenda Items

[TMP-1388](#)

An ordinance accepting Final Plat entitled Lee's Summit Airport, Lots 1-4, as a subdivision to the City of Lee's Summit, Missouri

Chairperson Norbury opened the hearing at 5:12 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Mr. McGuire remarked that usually this would be a Consent Agenda Item. However, due to the timing of the preliminary plat, the rezoning, and the rights-of-way vacations, it had been moved up. It was not possible to replat with the right-of-way. Consequently, there was no further presentation.

Chairperson Norbury asked for a motion for Application PL2019-257.

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

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be approved. The motion carried unanimously.

Roundtable

There were no Roundtable items at the meeting.

Adjournment

There being no further business, Chairperson Norbury adjourned the meeting at 5:42 P.M.

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