



The City of Lee's Summit
Action Letter
City Council - Regular Session

Tuesday, August 9, 2022

6:00 PM

City Council Chambers
and Via Video Conference
220 SE Green Street
Lee's Summit, MO 64063

REGULAR SESSION NO. 10

Notice is hereby given that the City Council for the City of Lee's Summit will meet in Regular Session on Tuesday, August 9, 2022 at 6:00 pm in person 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 Monday, June 20, 2022, 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.

The meeting may be viewed on the City's website at WatchLS.net, and on various cable providers (Spectrum Channel 2, AT&T U-Verse Channel 99 and Comcast Channel 7).

Preliminaries:

- A. Invocation
- B. Pledge of Allegiance
- C. Call to Order

Mayor Baird called Regular Session No. 10 to order at 6:08pm.

- D. Roll Call

Councilmember Felker arrived at 6:12pm.

Present: 9 - Mayor Bill Baird
Councilmember Fred DeMoro
Councilmember Phyllis Edson
Councilmember Andrew Felker
Councilmember Faith Hodges
Councilmember Beto Lopez
Councilmember John Lovell
Councilmember Mia Prier
Councilmember Hillary Shields

1. Approval of Agenda

ACTION: Mayor Baird advised he would be recusing himself from Items 4.E. and 4.E.1., concerning LP Mart, due to a conflict of interest with his real estate business.

A motion was made by Councilmember DeMoro, seconded by Councilmember Edson, to approve the agenda as published. The motion carried by the following vote:

Aye: 8 - Mayor Baird
Councilmember DeMoro
Councilmember Edson
Councilmember Hodges
Councilmember Lopez
Councilmember Lovell
Councilmember Prier
Councilmember Shields

Absent: 1 - Councilmember Felker

2. Approval of Consent Agenda:

ACTION: A motion was made by Councilmember Edson, seconded by Councilmember Shields, to approve the Consent Agenda, Items 2.A. - 2.C. The motion carried by the following vote:

Aye: 8 - Mayor Baird
Councilmember DeMoro
Councilmember Edson
Councilmember Hodges
Councilmember Lopez
Councilmember Lovell
Councilmember Prier
Councilmember Shields

Absent: 1 - Councilmember Felker

A. [2022-5052](#) Approval of City Council Action Letter from July 26, 2022.

ACTION: A motion was made by Councilmember Edson, seconded by Councilmember Shields, to approve the City Council Action Letter from July 26, 2022 as part of the Consent Agenda. The motion carried by the following vote:

Aye: 8 - Mayor Baird
Councilmember DeMoro
Councilmember Edson
Councilmember Hodges
Councilmember Lopez
Councilmember Lovell
Councilmember Prier
Councilmember Shields

Absent: 1 - Councilmember Felker

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- B. [BILL NO. 22-149](#) An Ordinance approving a Preliminary Development Plan for Eagle Creek Villas on land located at 2101 SW Eagle View Drive and 2250 SW Pryor Road, all in accordance with the provisions of Chapter 33, the Unified Development Ordinance, of the Code of Ordinances for the City of Lee's Summit, Missouri. (Note: First read by Council on July 26, 2022. Passed by unanimous vote.)

ACTION: A motion was made by Councilmember Edson, seconded by Councilmember Shields, that Bill No. 22-149 be adopted and numbered Ord. No. 9469 as part of the Consent Agenda. The motion carried by the following vote:

Aye: 8 - Mayor Baird
Councilmember DeMoro
Councilmember Edson
Councilmember Hodges
Councilmember Lopez
Councilmember Lovell
Councilmember Prier
Councilmember Shields

Absent: 1 - Councilmember Felker

- C. [BILL NO. 22-150](#) An Ordinance approving rezoning from District CP-2 (Planned Community Commercial) to District PI (Planned Industrial) and preliminary development plan for land located at 950 NE Pollard Street, all in accordance with the provisions of Chapter 33, the Unified Development Ordinance, of the Code of Ordinances for the City of Lee's Summit, Missouri. (Note: First read by Council on July 26, 2022. Passed by unanimous vote.)

ACTION: A motion was made by Councilmember Edson, seconded by Councilmember Shields, that Bill No. 22-150 be adopted and numbered Ord. No. 9470 as part of the Consent Agenda. The motion carried by the following vote:

Aye: 8 - Mayor Baird
Councilmember DeMoro
Councilmember Edson
Councilmember Hodges
Councilmember Lopez
Councilmember Lovell
Councilmember Prier
Councilmember Shields

Absent: 1 - Councilmember Felker

3. Council Roundtable

Councilmember Prier stated the Farmer's Market is in full swing and the produce is great. She invited the public to check it out.

4. Public Hearings:

- A. 2022-5039** Public Hearing: Application #PL2022-148 - Preliminary Development Plan and Application #PL2022-149 - Special Use Permit for a storage facility - U-Haul Moving and Storage of Lee's Summit, 1150 SE Blue Parkway; Amerco Real Estate Company, applicant.

(Note: This item was continued from August 9, 2022 per Staff's request.)

ACTION: A motion was made by Councilmember Edson, seconded by Councilmember DeMoro, to continue Application #PL2022-148 - Preliminary Development Plan and Application #PL2022-149 - Special Use Permit for a storage facility - U-Haul Moving and Storage of Lee's Summit, 1150 SE Blue Parkway; Amerco Real Estate Company, applicant to August 23, 2022. The motion carried by the following vote:

Aye: 9 - Mayor Baird
Councilmember DeMoro
Councilmember Edson
Councilmember Felker
Councilmember Hodges
Councilmember Lopez
Councilmember Lovell
Councilmember Prier
Councilmember Shields

- B. [2022-5081](#)** Public Hearing: Lee's Summit Industrial LCRA Redevelopment Plan; LS Industrial, LLC, applicant

Mr. David Bushek, Chief Counsel of Economic Development and Planning, entered Exhibits 1-7 into the record.

Council discussion included:

- Percentage of Public Improvements Assessment
- Net Present Value / Valuation
- Tax Abatement - timeline
- Previous amounts / totals
- Value Propositions
- Property Development

There was no one present to speak in favor of or in opposition to this application.

This Public Hearing - Legislative was presented.

- 1) [BILL NO. 22-153](#)** An Ordinance approving the Lee's Summit Industrial Land Clearance for Redevelopment Authority (LCRA) Redevelopment Plan.
(Note: First read by City Council on August 9, 2022. Passed by unanimous vote.)

ACTION: A motion was made by Councilmember DeMoro, seconded by Councilmember Hodges, that Bill No. 22-153 be advanced to second reading. The motion carried by the following vote:

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Aye: 9 - Mayor Baird
Councilmember DeMoro
Councilmember Edson
Councilmember Felker
Councilmember Hodges
Councilmember Lopez
Councilmember Lovell
Councilmember Prier
Councilmember Shields

- C. [2022-5040](#) Public Hearing: Application #PL2022-140 - Rezoning from CP-2 to PMIX and Preliminary Development Plan - Chapel Ridge Business Park, Lot 7A, 3100 NE Ralph Powell Road; Engineering Solutions, LLC, applicant.

Mr. Hector Soto, Jr., Senior Planner, entered Exhibit A 1-22 into the record.

Council discussion included:

- Fencing material / location
- Landscaping
- Transition from this site to apartments
- Concept in other communities
- HOA Concept
- Limits on businesses
- Clubhouse
- Height of buildings
- Living in units
- Parking
- For Sale / Rental
- Common Areas
- Signage
- Grade change

There was no one present to speak in favor of or in opposition to this application.

- 1) [BILL NO. 22-154](#) An Ordinance approving rezoning from District CP-2 (Planned Community Commercial) to District PMIX (Planned Mixed Use) and Preliminary Development Plan for land located at 3100 NE Ralph Powell Road, all in accordance with the provisions of Chapter 33 of the Unified Development Ordinance from the Code of Ordinances for the City of Lee's Summit, Missouri. (Note: First read by City Council on August 9, 2022. Passed by unanimous vote.)

ACTION: A motion was made by Councilmember Hodges, seconded by Councilmember Felker, that Bill No. 22-154 be advanced to second reading. The motion carried by the following vote:

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Aye: 9 - Mayor Baird
Councilmember DeMoro
Councilmember Edson
Councilmember Felker
Councilmember Hodges
Councilmember Lopez
Councilmember Lovell
Councilmember Prier
Councilmember Shields

- D. [2022-5032](#) Public Hearing: Application #PL2022-178 - Preliminary Development Plan - McBee's Coffee N Carwash, 1295 SW Arborwalk Boulevard; McBee Construction Company, applicant.

Mr. Shannon McGuire, Staff Planner, entered Exhibit A 1-17 into the record.

Council discussion included:

- Traffic Flow / Entrance
- Right In / Right Out
- Bail Out Lanes
- Decibels / Readings from the property of complaint
- Playground
- Proposed remedies for sound issues
- Shared exit / entry
- Reasoning of 65 / 70 Decibel regulation
- Zoning
- Review of noise ordinance

Mr. Jerry Cheek, resident of Arborwalk, spoke in opposition to this project due to concerns of noise levels.

Mr. Ryan Sears, resident of Arborwalk, spoke in opposition of this project due to concerns for both the noise and the traffic flow.

This Public Hearing - Sworn was presented.

- 1) [BILL NO. 22-155](#) An Ordinance approving a Preliminary Development Plan on land located at 1295 SW Arborwalk Boulevard in District PMIX, proposed McBee's Coffee N Carwash, all in accordance with Chapter 33 of the Unified Development Ordinance from the Code of Ordinances for the City of Lee's Summit, Missouri. (Note: First read by City Council on August 9, 2022.)

ACTION: A motion was made by Councilmember Felker, seconded by Councilmember DeMoro, that Bill No. 22-155 be advanced to second reading.. The motion carried by the following vote:

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Aye: 8 - Mayor Baird
Councilmember DeMoro
Councilmember Edson
Councilmember Felker
Councilmember Lopez
Councilmember Lovell
Councilmember Prier
Councilmember Shields

Nay: 1 - Councilmember Hodges

- E. [2022-5038](#) Public Hearing: Application #PL2022-195 - Preliminary Development Plan - LP Mart, 601 SE Oldham Parkway; Engineering Solutions, LLC, applicant.

Mayor Baird left the meeting and Mayor Pro Tem Lopez became Chair.

Mr. Hector Soto, Jr., Senior Planner, entered Exhibit A 1-18 into the record.

Council discussion included:

- Same operators as the location in New Longview.

There was no one present to speak in favor of or in opposition to this application.

This Public Hearing - Sworn was presented.

- 1) [BILL NO. 22-156](#) An Ordinance approving a Preliminary Development Plan on land located at 601 SE Oldham Parkway in District PMIX, proposed LP Mart, all in accordance with the provisions of Chapter 33 of the Unified Development Ordinance from the Code of Ordinances for the City of Lee's Summit, Missouri.

(Note: First read by City Council on August 9, 2022. Passed by unanimous vote with one recusal.)

ACTION: A motion was made by Councilmember Prier, seconded by Councilmember Hodges, that Bill No. 22-156 be advanced to second reading. The motion carried by the following vote:

Aye: 8 - Councilmember DeMoro
Councilmember Edson
Councilmember Felker
Councilmember Hodges
Councilmember Lopez
Councilmember Lovell
Councilmember Prier
Councilmember Shields

Recused: 1 - Mayor Baird

5. Public Comments:

Ms. Teresa Vollenweider spoke on the plot plan of 5261 W. Maybrook Road and the property lines, easements and that she owns all of this property and the city disputes it.

6. Proposed Ordinances Forwarded from Committee:

- A. [BILL NO. 22-157](#) An Ordinance approving a Lease-Purchase Financing Agreement between the City of Lee's Summit and JPMorgan Chase Bank, N.A. for the purchase of new fire trucks, and authorizing the City Manager to execute all documents necessary to effectuate the same by and on behalf of the City. (F&BC 8/1/22)

ACTION: A motion was made by Councilmember Shields, seconded by Councilmember Edson, that Bill No. 22-157 be second read. The motion carried by the following vote:

Aye: 9 - Mayor Baird
Councilmember DeMoro
Councilmember Edson
Councilmember Felker
Councilmember Hodges
Councilmember Lopez
Councilmember Lovell
Councilmember Prier
Councilmember Shields

ACTION: A motion was made by Councilmember Shields, seconded by Councilmember DeMoro, that Bill No. 22-157 be adopted and numbered Ord. No. 9471. The motion carried by the following vote:

Aye: 9 - Mayor Baird
Councilmember DeMoro
Councilmember Edson
Councilmember Felker
Councilmember Hodges
Councilmember Lopez
Councilmember Lovell
Councilmember Prier
Councilmember Shields

- B. [BILL NO. 22-158](#) An Ordinance approving the use of a Cooperative Contract between the City of Lee's Summit and Lippert Mechanical Service Corporation to purchase HVAC services and supplies as needed and ratifying the City Manager's execution of the same for the City. (F&BC 8/1/22)

ACTION: A motion was made by Councilmember Edson, seconded by Councilmember Shields, that Bill No. 22-158 be second read. The motion carried by the following vote:

Aye: 9 - Mayor Baird
Councilmember DeMoro
Councilmember Edson
Councilmember Felker
Councilmember Hodges
Councilmember Lopez
Councilmember Lovell
Councilmember Prier
Councilmember Shields

ACTION: A motion was made by Councilmember Edson, seconded by Councilmember DeMoro, that Bill No. 22-158 be adopted and numbered Ord. No. 9472. The motion carried by the following vote:

Aye: 9 - Mayor Baird
Councilmember DeMoro
Councilmember Edson
Councilmember Felker
Councilmember Hodges
Councilmember Lopez
Councilmember Lovell
Councilmember Prier
Councilmember Shields

7. Proposed Ordinances - First Reading:

- A. [BILL NO. 22-159](#)** An Ordinance Approving a Funding Agreement Among the City of Lee's Summit, Missouri, Raintree Investors, LLC and 150 Highway Lee's Summit, LLC, for the Arborwalk Commercial Project.

(Note: First read by City Council on August 9, 2022. Passed by unanimous vote.)

ACTION: A motion was made by Councilmember Lovell, seconded by Councilmember Hodges, that Bill No. 22-159 be advanced to second reading. The motion carried by the following vote:

Aye: 9 - Mayor Baird
Councilmember DeMoro
Councilmember Edson
Councilmember Felker
Councilmember Hodges
Councilmember Lopez
Councilmember Lovell
Councilmember Prier
Councilmember Shields

- B. [BILL NO. 22-160](#)** An Ordinance Approving the Amendment to the Termination of Rights, Duties, Obligations and Settlement Agreement between the City of Lee's Summit and LS Industrial, LLC.

(Note: First read by City Council on August 9, 2022. Passed by unanimous vote.)

ACTION: A motion was made by Councilmember Lopez, seconded by Councilmember Hodges, that Bill No. 22-160 be advanced to second reading.. The motion carried by the following vote:

Aye: 9 - Mayor Baird
Councilmember DeMoro
Councilmember Edson
Councilmember Felker
Councilmember Hodges
Councilmember Lopez
Councilmember Lovell
Councilmember Prier
Councilmember Shields

- C. [BILL NO. 22-161](#) An Ordinance approving a License Agreement between the City of Lee's Summit and Google Fiber Missouri, LLC to use City right-of-way, and authorizing the City Manager to execute the same on behalf of the City.
(Note: First read by City Council on August 9, 2022. Passed by unanimous vote.)

ACTION: A motion was made by Councilmember DeMoro, seconded by Councilmember Shields, that Bill No. 22-161 be advanced to second reading. The motion carried by the following vote:

Aye: 9 - Mayor Baird
Councilmember DeMoro
Councilmember Edson
Councilmember Felker
Councilmember Hodges
Councilmember Lopez
Councilmember Lovell
Councilmember Prier
Councilmember Shields

8. Proposed Ordinances - Second Reading:

- A. [BILL NO. 22-151](#) An Ordinance approving the Petition for Establishment of the Valle Vista Community Improvement District.
(Note: First read by Council on July 26, 2022.)

ACTION: A motion was made by Councilmember Hodges, seconded by Councilmember Felker, that Bill No. 22-151 be adopted and numbered Ord. No. 9473. The motion carried by the following vote:

Aye: 8 - Mayor Baird
Councilmember DeMoro
Councilmember Edson
Councilmember Felker
Councilmember Hodges
Councilmember Lopez
Councilmember Lovell
Councilmember Prier

Nay: 1 - Councilmember Shields

9. Committee Reports

Councilmember Felker stated the Public Works Committee met on Monday, August 8th, and they were updated on the Stormwater Management and Utility Rate Study.

Councilmember DeMoro noted the Finance and Budget Committee also met on Monday, August 8, and found funding sources for the cost overages for Fire Stations No. 4 and 5.

Councilmember Edson wanted to clarify the additional costs were due to inflation and not actual construction costs at this time. Councilmember DeMoro agreed.

10. Council Comments:

There were no Council Comments.

11. Staff Roundtable

Mr. Steve Arbo, City Manager, wished Ms. Christal Weber, Assistant City Manager, happy birthday.

Mr. Steve Arbo, City Manager, advised staff would work with Mayor Pro Tem on assigning the noise ordinance review to a Council Committee.

12. Adjournment

Hearing no further business, Mayor Baird adjourned Regular Session No. 10 into Closed Session at 8:43pm.