

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

Thursday, September 8, 2022

5:00 PM

City Council Chambers and videoconference

City Hall

220 SE Green Street

Lee's Summit, MO 64063

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Notice is hereby given that the Planning Commission for the City of Lee's Summit will meet on Thursday, September 8, 2022, at 5:00 pm in the City Council Chambers at City Hall, 220 SE Green Street, Lee's Summit, Missouri, 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 Wednesday, September 7, 2022, to the City Clerk at [clerk@cityofls.net](mailto: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.

**Call to Order**

**Roll Call**

**Present:** 7 - Chairperson Donnie Funk  
Vice Chair Dana Arth  
Board Member Randy Benbrook  
Board Member Tanya Jana-Ford  
Board Member Mark Kitchens  
Board Member Chip Touzinsky  
Board Member Terry Trafton

**Absent:** 2 - Board Member Jake Loveless  
Board Member Cynda Rader

**Approval of Agenda**

A motion was made by Vice Chair Arth, seconded by Board Member Kitchens, that this agenda be approved. The motion carried unanimously.

**Public Comments**

There were no public comments at the meeting.

**1. Approval of Consent Agenda**

A. [2022-5129](#) Approval of the August 25, 2022 Planning commission minutes.

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

**Public Hearings**

**2. 2022-5121** Public Hearing: Continued Application #PL2022-216 - Preliminary Development Plan - Macadoodles, 1499 SW Market Street; KC Blitz, applicant.

Chairperson Funk opened the hearing at 5:10 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Mr. Patrick Joyce of Anderson Engineering gave his address as 436 NE Brockton Dr. in Lee's Summit. He described the subject property as a retail liquor store located in an existing building that was constructed in 1997 for both retail and office space. Macadoodles is south of Persels, west of M-291 and north of Scherer Rd. There have been some major access point changes in this area. The access for this location is primarily from the south, the access to 16th St. is gone. There has been a signal addition at M-291 & Scherer Rd with a median installed to restrict access to the frontage road to right in / right out only. The applicant would like to add a drive-thru component, this triggered the requirement for the Preliminary Development Plan. The biggest issue that is of concern to the applicant is the requirement for a median on Persels Rd. The staff report indicated that the applicant was in agreement with this requirement, but to clarify, the applicant understands that the city wants the median but they are not in agreement with that requirement. The applicant is asking for two things: A modification to the 24' drive aisle requirement in two areas and an alternate plan to the median on Persels Rd.

Following Mr. Joyce's presentation, Chairperson Funk asked for staff comments.

Mr. Soto entered Exhibit (A), list of exhibits 1-18 into the record. He described the building as a 30,000 sf multi-tenant building with the tenant using 12,000 sf. The property sits on 3.6 acres. There are 150 parking spaces required and 150 stalls are proposed. The main entrance is at the east facing façade. The applicant is seeking two modifications, the first is to the parking lot setback, staff supports this modification. The second is to the drive aisle width. The applicant proposes 22', 24' is the required width. Staff does not support this, there is ample green space to push the drive aisle out. There is a tenant finish in process for this business, the use is allowed by right. The drive-thru component triggered the PDP which in turn, calls for off-site improvements. There are four conditions of approval for this application.

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

Mr. Tom Sweeten of 1320 SW Market St. indicated that he had no opinion about the drive-thru component of the liquor store. He was concerned about the median on Persels Rd. His opinion is that the traffic flows smooth now and that the median will cause a problem, it will cut off access to the neighboring businesses. He is against the median.

Mr. Jerry Rausch owns the food & fuel convenience store. He has been at this location since 2013. He is concerned that the value of his property will depreciate with the median. His sales will drop. He wants the city to look at the impact the median will have on his business and neighboring businesses.

Mr. Zach Hill owns the business at 1321 SW Market St. This is a physical therapy business and a salon. Restricting access to his business would be detrimental.

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

There was quite a bit of discussion amongst the Planning Commission members and the City staff regarding the requirement for the median and what triggered that requirement. If the applicant decides not to install a drive-thru the requirement for the median will not be an issue. The median is not currently on the CIP list for construction. Life safety was a concern that was discussed as well as access and other concerns.

The public hearing was reopened so that the applicant could address the concerns and discussion from the Planning Commission members. Mr. Myers indicated that the drive-thru is a service that no one else in the industry currently offers. The business offers high-end product. Mr. Myers would like to come up with a solution that satisfies the applicant and city staff.

Chairperson Funk asked if there were further questions for the applicant or staff. Hearing none, he closed the public hearing at 6:46 p.m. and asked for discussion among the Commission members.

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

Mr. Trafton made a motion to continue Application #PL2022-216 - PRELIMINARY DEVELOPMENT PLAN -Macadoodles, 1499 SW Market St; KC Blitz, applicant to a date certain of October 13, 2022, Mr. Kitchens seconded.

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

A motion was made by Board Member Trafton, seconded by Board Member Kitchens, that this application be continued to the Planning Commission, due back on 10/13/2022. The motion carried unanimously.

- a. **TMP-2417** An Ordinance approving a Preliminary Development Plan on land located at 1471-1499 SW Market Street in District CP-2, Lot 12A, South Port Business Park, all in accordance with the provisions of Chapter 33 of the Unified Development Ordinance of the Code of Ordinances for the City of Lee's Summit, Missouri.

## Roundtable

Ms. Tanya Jana-Ford announced that she would be on maternity leave for a period of time. Mr. Josh Johnson discussed the upcoming training and some of the topics that the PC members could expect to see. He also asked if there were additional topics that the members would like to discuss. Chip Touzinsky asked to talk about traffic signal warrants and Mark Kitchens asked about making an amendment to the UDO.

David Bushek commented on the discussion and confusion on condition #4. The language "Mutually satisfactory development agreement" is used because the city cannot force the applicant to sign the agreement however permits for construction are not issued until written proof of the development agreement has been received.

## Adjournment

There being no further business, Chairperson Funk adjourned the meeting at 6:55 p.m.

For your convenience, Planning Commission agendas, as well as videos of Planning Commission meetings, may be viewed on the City's Legislative Information Center website at "lsmo.legistar.com"