

The City of Lee's Summit
Action Letter
Planning Commission

Thursday, February 24, 2022

5:00 PM

City Council Chambers and via videoconference

Notice is hereby given that the Planning Commission for the City of Lee's Summit will meet on Thursday, February 24, 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, February 23, 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.

Call to Order

Roll Call

Present: 9 - Chairperson Donnie Funk
Vice Chair Dana Arth
Board Member Randy Benbrook
Board Member Tanya Jana-Ford
Board Member Mark Kitchens
Board Member Jake Loveless
Board Member Cynda Rader
Board Member Chip Touzinsky
Board Member Terry Trafton

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. [BILL NO. 22-39](#) An Ordinance accepting Final Plat entitled "Park Ridge, 7th Plat, Lots 329-361 and Tracts F6-F7", as a subdivision to the City of Lee's Summit, Missouri.
(Note: First read by Council on March 8, 2022. Passed by unanimous vote.)

A motion was made by Vice Chair Arth, seconded by Board Member Rader, that this application be recommended for approval to the City Council - Regular Session. The motion

carried unanimously.

- B. [BILL NO. 22-40](#) An Ordinance accepting Final Plat entitled "Park Ridge, 8th Plat, Lots 362-391", as a subdivision to the City of Lee's Summit, Missouri.
(Note: First read by Council on March 8, 2022. Passed by unanimous vote.)

A motion was made by Vice Chair Arth, seconded by Board Member Rader, that this application be recommended for approval to the City Council - Regular Session. The motion carried unanimously.

- C. [BILL NO. 22-41](#) An Ordinance accepting Final Plat entitled "Lee's Summit Logistics, Lots 1-3", as a subdivision to the City of Lee's Summit, Missouri.
(Note: First read by Council on March 8, 2022. Passed by unanimous vote.)

A motion was made by Vice Chair Arth, seconded by Board Member Rader, that this application be recommended for approval to the City Council - Regular Session. The motion carried unanimously.

- D. [2022-4748](#) Approval of the February 10, 2022 Planning Commission minutes

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

Public Hearings

2. **2022-4757** Public Hearing: Application #PL2022-005 - Special Use Permit renewal for assisted living care facility - Wilshire at Lakewood, 600 NE Meadowview Drive; Wilshire Properties, LLC, applicant.

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

Aaron March, attorney on behalf of the applicant, gave a presentation that included a power point. Mr. March stated that the assisted living facility had been at this location for 22 years. The presentation included an aerial of the site. Strother Rd. is located to the south and NE Ralph Powell Rd is to the east of this property. Neighboring properties include the Fairway apartments and a number of other senior living facilities. Wilshire at Lakewood has existed in the community without any conflict or controversy and is asking for an approval of the SUP for a period of 25 years. The applicant agrees with the staff report.

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

Mr. Thompson, Senior Staff Planner, entered Exhibit (A), list of exhibits 1-16 into the record. Ms. Thompson described the application as a Special Use Permit for Wilshire at Lakewood located at 600 NE Meadowview Dr. She explained the zoning of the property as RP-2 with AG to the north and PMIX to the south. The site is approximately 10 acres. A Special Use Permit is required in the RP-2 zoning district for this use. The applicant asked that the time period be perpetual. The original SUP expired in 2017. Staff does not support a perpetual time period. They are recommending a period of 25 years dating back to the expiration date of February 18, 2017 to allow for a new expiration date of 2042. This is consistent with other nursing home/assisted living facilities that have been approved in the past. There is one condition of approval that ties it to the time period to expire on February 18, 2042.

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

Hearing none Chairperson Funk then asked if the Commission had questions for the applicant

or staff.

Vice Chairperson Arth asked the staff if they keep track of the expiration dates of Special use Permits. Jennifer Thompson explained that historically the planners have tracked those dates through the use of a spreadsheet. Currently the newer SUP's are entered into a system used by city staff called CityView. The expiration dates are tracked by this program and notice is sent to staff members of the pending expiration. The spreadsheet is still utilized for the older SUP's.

Jake Loveless commented on the use of the spreadsheets and asked about additional tracking methods. Hector Soto further described the use of the CityView program and explained that communication is sent out to SUP holders six months prior to their expiration.

Mr. Loveless went on to ask about any code violations that may need to be addressed before voting on this SUP. Jennifer Thompson explained that the facility does not have any violations and that they are in compliance with all conditions of the SUP.

Chairperson Funk asked if there were further questions for the applicant or staff. Hearing none, he called for a motion.

Ms. Arth made a motion to recommend approval of Application #PL2022-005 - SPECIAL USE PERMIT renewal for assisted living care facility - Wilshire at Lakewood, 600 NE Meadowview Dr; Wilshire Properties, LLC, applicant. 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 Vice Chair Arth, seconded by Board Member Kitchens, that this application be recommended for approval to the City Council - Regular Session, due back on 3/22/2022. The motion carried unanimously.

- a. **TMP-2207** An Ordinance granting a Special Use Permit renewal for an assisted living facility in District RP-2 on land located at 600 NE Meadowview Drive, Wilshire at Lakewood, for a period of twenty-five (25) years from the current permit expiration date, to expire on February 18, 2042, all in accordance with Article 6 within the Unified Development Ordinance, for the City of Lee's Summit, Missouri.
3. [2022-4752](#) Continued Appl. #PL2021-485 - PRELIMINARY DEVELOPMENT PLAN - Furniture Mall of Missouri, 900 NW Blue Pkwy; Hive Design Collaborative, applicant

A motion was made by Vice Chair Arth, seconded by Board Member Rader, that this application be continued to the Planning Commission, due back on 3/10/2022. The motion carried unanimously.
- a. [TMP-2198](#) An Ordinance approving a preliminary development plan for Furniture Mall of Missouri on land located at 900 NW Blue Pkwy 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.
4. **2022-4791** Public Hearing: Application #PL2022-028 - Unified Development Ordinance (UDO) Amendment - An Ordinance amending Chapter 33 of the Lee's Summit

Code of Ordinances, Article 6, Division IV, Subdivision 2, Section 6.1350 Residential Districts - Permitted Accessory Uses and Structures to restrict the number of materials allowed on residential fences; City of Lee's Summit, applicant.

Chairperson Funk opened the hearing at 5:24 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Josh Johnson, Assistant Director of Development Services explained that this UDO amendment was brought forward after a member of the CEDC requested that the city limit the number of fencing materials allowed on residential fences. The members of the CEDC agreed and asked that something be brought forward during a meeting that was held in August, 2021. Staff did research that included the communities of Independence, MO, Overland Park, KS, Springfield, MO, and KCMO. It was determined that the communities either didn't speak to the issue at all or they limited residential fences to two separate materials. Staff went back to the CEDC in December of 2021 with a proposal to limit it to two with a bit more flexibility. For example, if someone wanted to construct pilasters out of stone or brick, this would be considered an accent piece. Staff would like to change the ordinance as little as possible while accomplishing the goal. The CEDC recommended that staff takes the changes through the process to make the amendment.

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

Hearing none Chairperson Funk then asked if the Commission had questions for the applicant or staff.

Mr. Kitchens asked that if someone wanted approval for something outside of this what that process would be. Mr. Johnson explained that would go to the Board of Zoning Adjustments. Mr. Johnson went on to explain that a permit is not required to construct a residential fence. He indicated that a mailing would be sent out to the fencing companies that have a business license with the City of Lee's Summit regarding the UDO amendment. Mr. Kitchens asked if this would cause an issue with existing fences now being considered as blighted. Mr. Johnson indicated that a fence that was constructed prior to the amendment to the ordinance would be considered legal non-conforming and would be researched as the situations arise.

Mr. Loveless asked about the latitude the staff would have to make judgment calls. An example was presented of a trash enclosure that was going to be constructed in the downtown area using a Trex material. Mr. Johnson responded that an amendment has been discussed and would be coming forward in the process soon. Mr. Loveless also asked about adjoining fences and the separate materials that may be used by various property owners. Mr. Johnson replied by saying that a situation like that would not be a problem.

Ms. Rader asked how this will be enforced. Mr. Johnson explained about the various districts in the city and the neighborhood service officers that are assigned to each area. He gave further examples of how the recent change to a proactive department would affect code violations and property maintenance issues. The proactive code enforcement has been in practice for one month.

Ms. Jana-Ford asked for clarification on materials. She wanted to know if the different components that make up the fence have to be the same. For instance, all posts should be made of the same material. Mr. Johnson indicated that a specialized post would likely be an accent piece.

Mr. Ryan Elam, Director of Development Services gave clarification regarding the UDO and legal, non-conforming situations. Anything that was constructed prior to this becoming part of

the UDO will not be considered in violation. The amendment can be enforced when a fence is constructed or replaced for property maintenance issues.

Mr. Benbrook asked if the interior of the fence would be held to the same restrictions. For example, a mosaic wall that is designed on the interior of the fence or wall for the property owner. Mr. Johnson agreed that a property owner could use various materials on the interior of the fence for their own personal design. He said that he would look at adding language to this as a part of the motion that the commission makes and change it prior to going to City Council.

Ms. Arth asked Mr. Johnson how the city performs as a proactive city. Mr. Johnson replied that there are five districts in the city. Within those districts are subdistricts. The five neighborhood service officers drive through their districts on a rotating basis and make note of property maintenance issues. Outreach to community groups is another method used to notify residents of the standards.

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

Mr. Kitchens made a comment to include language including the exterior of the fence as mentioned by Mr. Benbrook. He did not want to see the interior of the fence being "picked" on. Josh Johnson recommended that the language include "Viewable from the public right-of-way". Jake Loveless made a comment that there should be some latitude. He does not have an issue with the interior of the fence being decorated. Mr. Touzinsky said that many interior fences are viewable from the public right-of-way. Mr. Johnson indicated that possibly saying "interior face of the fence". There were continued comments regarding this topic. Ultimately the language that was settled on for Section C item b was "The number of materials shall be limited to two across the main surface of the exterior face of the fence."

Chairperson Funk asked if there were further questions for the applicant or staff. Hearing none, he called for a motion.

Dana Arth made a motion to recommend approval of Application #PL2022-028 - UNIFIED DEVELOPMENT ORDINANCE (UDO) AMENDMENT - An ordinance amending Chapter 33 of the Lee's Summit Code of Ordinances, Article 6, Division IV, Subdivision 2, Section 6.1350 Residential Districts – Permitted Accessory Uses and Structures to restrict the number of materials allowed on residential fences; City of Lee's Summit, applicant. Chip Touzinsky seconded. The motion passed unanimously by roll call vote.

Chip Touzinsky made a secondary motion to amend section C item b to read "The number of materials shall be limited to two across the main surface of the exterior face of the fence." Mark Kitchens seconded.

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

On the motion of Chip Touzinsky, seconded by Mark Kitchens, the Planning Commission members voted unanimously by voice vote to recommend APPROVAL to amend section C item b to read "The number of materials shall be limited to two across the main surface of the exterior face of the fence."

Roundtable

Hector Soto informed the Planning Commission members that the training scheduled for March 3 would be moved to March 17. He asked that the members consider any topics they would like to discuss. An email will be sent with additional information.

Adjournment

There being no further business, Chairperson Funk adjourned the meeting at 5:49 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 "ismo.legistar.com"