

The City of Lee's Summit

Action Letter

Planning Commission

Thursday, September 9, 2021

5:00 PM

City Council Chambers and video conference

Notice is hereby given that the Planning Commission for the City of Lee's Summit will meet on Thursday, September 9, 2021 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 8, 2021, 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: 8 - 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 Terry Trafton

Absent: 1 - Board Member Matt Sanning

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. TMP-2029 An Ordinance accepting final plat entitled Osage, 2nd Plat, Lots 42-75 & Tracts I-N as a subdivision to the city of Lee's Summit, Missouri.

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, due back on 9/21/2021. The motion carried unanimously.

- B. [2021-4350](#) Appl. #PL2021-255 - PRELIMINARY PLAT - Lee's Summit Logistics, Lots 1-3, approximately 78 acres generally located on the north side of NE Tudor Rd at the intersection with NE Main St; Scannell Properties, LLC, applicant

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

- C. [2021-4346](#) Approval of the August 26, 2021 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. [2021-4299](#) Public Hearing: Application #PL2021-203 - Preliminary Development Plan and Application #PL2021-204 - Special Use Permit for automobile sales - America's Car-Mart, 1150 SE Blue Parkway; America's Car-Mart, applicant.
(NOTE: APPLICATION PULLED BY APPLICANT)

Chairperson Funk opened the hearing at 5:08 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Ms. Mary Clare Aimer, of Wallace Engineering, gave her business address as 1741 McGee Street in Kansas City, Missouri. She was the civil engineer for this project. She commended the City's planning staff for being very helpful; and reviewed the comments from the previous hearing. One proposed removing the entrance from 8th Street, which would make Blue Parkway and Vista Drive the only way in and out; and with no access from the residential side. Because the development would not generate a lot of trash; the trash enclosure had been removed from the plan. The City had approved the alternative of using the plastic containers only on trash pickup days.

The elevation of the fence was raised two feet along the north side. That two-foot elevation plus the six-foot fence would result in eight feet of screening in addition to landscaping. Ms. Aimer displayed the grading plan, noting that a berm along that side had been raised two feet. The pavement on the east side of the detail building was removed, reducing some of the impervious coverage. The water service was moved from the 8th Street line to the line on Blue Parkway; so, the water usage for this property would not have any effect on the residential properties.

Some questions had been raised about access for trucks; and Wallace Engineering had worked with Car-Mart to determine the frequency of use and sizes of the trucks. The two trucks used were 45 feet and 65 feet long, with the 45-foot truck entering the site from the west three times a week off Blue Parkway; exiting onto Vista and from there onto Blue Parkway. Ms. Aimer pointed out this entrance and exit on the plan, shown as an open loop. The 65-foot truck would enter the site a little less than twice a week; and due to the narrowness and gap of the median, the truck could not turn out onto Vista. It would enter the site from Vista and exit onto Blue Parkway.

A number of questions and issues had been raised about storm drainage.

Wallace did projects related to storm drainage and detention; and had looked into the City's criteria and the surrounding conditions. They had learned about downstream problems from City staff including the location of the flood plain for the Little Blue River's east fork 1,300 feet downstream. The new detention plan would ensure no impact on that channel or on the flood plan itself. The City's own criteria were limited, and those requirements would bring the runoff after detention to a little below half of the existing condition. The detention basin would work somewhat like a bathtub, holding the water and then releasing it slowly. Ms. Aimer displayed a drawing that showed how the basin controlled the peak runoff. The large dashed line indicated the likely runoff from the site without any detention; and the middle line represented the flow on the site at present. A dashed line at the bottom of the drawing showed that flow tapering off during a storm. The left side of the diagram showed the same flow, but with a peak release rate for the detention basin of 11.77. This was a little less than half of the 27.00 peak runoff. Over time the continued release would end up less than two CFS in 24 hours.

A more detailed map showed the Car-Mart site in blue, with a dark blue line running through it showing the channel that came from south of US 50 Highway, through the site and then over to the Little Blue River's flood plain. The map also showed the drainage area south of US 50 that went through the channel, about 147 acres. The Car-Mart property was about 4.1 acres; only about 2.8 percent of the watershed; and Wallace was doing their part to reduce the peak. Unfortunately, they could not control the upstream watershed, as that now had both commercial and residential development. Ms. Aimer stated that Mr. Trevor Grant, the landscape architect, was attending via Zoom and could address the changes made there.

Mr. Trevor Grant gave his address as 1510 S. Cincinnati Avenue, Apt. C, in Tulsa, Oklahoma. He displayed a diagram of the landscape plan, and stated that his analysis would start at the site's southwest corner, moving to the southeast corner. A colored rendering showed a view from SE Blue Parkway of the building and its southwest corner. The next view showed the existing bus stop as seen from the northwest townhome.

A view from the southeast corner showed the additional trees as well as the existing trees on the property. These screened the service and detail building as well as the main building, which could be located on the rendering by the flagpole's location. It illustrated the two-foot increase in the berm height plus the six-foot fenced that resulted in eight feet of screening, as mentioned earlier in the hearing. Another image showed the same location from the north central townhome. The next view, from a northeast townhome at the second level, indicated that the screening would still work even viewed from a height of 16 to 20 feet.

Mr. Dwight Calloway stated that he represented Bowling Schork Design, the architects of record for this project. He gave his address as 1914 S Walton Blvd in Bentonville, Arkansas. He reviewed the issues about the elevations of the two buildings that were brought up at the last meeting, including the materials used. The displayed building elevations showed the raised parapet on

the front and the roof slope on the sides. The sides were squared, in order to give a more varied look. The detail building had previously been intended as a standard pre-engineered metal building; but they had added some details in the office area, including sun screens and the garage stores a little recessed for a little more visual interest. Another view of the main building showed the drive-through awnings on the east and west sides. The detail building also had some added definition.

Regarding materials, Mr. Calloway pointed out the aluminum storefront and dominant gray color with red and blue accents. Three sides of the building had glass openings with a black anodized finish. The awnings had a classic French gray prefinish that was a manufactured product with a 30-year warranty. On the upper parts of the building above the four-foot water table they would utilize an EIFS system that would adhere to the metal paneling. This was one of the standard installation methods; and had a ten-year warranty that could be extended up to 30 years based on pre-qualifications of the installers. The four-foot base that would wrap around the columns was 12-inch-wide metal panel system. It also had a factory finish with a 30-year warranty on the charcoal colors. Mr. Calloway displayed the supporting documents for the warranty for the prefinished metal panels. The EIFS to be used was a Dryvitcare product; and Mr. Calloway displayed the supporting documents for this as well, with details about installation and the warranty options, ranging from 10 to 30 years.

Mr. Ted Taylor gave his address as 1331 Madison in Elkins, Arkansas. He was director of expansion and lot development for America's Car-Mart. The applicant intended that this be a feature location and wanted to use the proposed location for a long time. He commended the effort put into the examples shown in this hearing; and stated that the applicants. Regarding maintenance, all the Car-Mart locations had a safety checklist provided every month, and many of these might address the maintenance aspect. All the lots performed a maintenance checklist twice a year, in March and September. They would replace any product that would fail. Concerning the proposed 30-year length of the Special Use Permit, Mr. Taylor deferred to staff.

Following these presentations, Chairperson Funk asked for staff comments.

Mr. Soto displayed a table listing active Special Use Permits for car, truck, boat and trailer sales. For new construction auto dealerships, 20- to 30-year terms were not unusual. The two most recent new construction projects were both for used vehicle sales. One was Independence Avenue Auto Sales, north of Colbern at Independence Avenue and Towne Center Drive; and the other was for Aristocrat Motors on Oldham Parkway. Both SUPs were for a 30-year term.

Ms. Nelson entered Exhibit (A), list of exhibits 1-22 into the record. She stated that the applicant had addressed all the concerns, but she would be present and answer any questions.

Chairperson Funk then asked if there was anyone present from the public wishing to give comments about the application, noting that many of the previous questions had been covered in tonight's hearing.

Mr. Gary Derks gave his address as 596 NE Twin Brook Dr., in Lee's Summit. He had been a realtor for 35 years. Mr. Derks thanked the City for taking the driveway out of SE 8th Street. His issue with this application was that the business would not increase the value of his property and in fact might decrease it. He doubted that any of the Commissioners would like to live across the street from a used car lot. It might be more attractive when the landscaping and trees were mature but it looked rather stark at present. He also wanted to know if there had been any discussion about the option of using earth tones for the building. Some of the images he had seen looked like a giant White Castle fast food restaurant. Overall, Mr. Derks believed there could be a much better use of the property.

Ms. Catherine Schallenberg gave her address as 1424 SE 8th Street. She was speaking on behalf of the Vista del Verde Community Association. She had not been able to attend the previous meeting due to a death in the family. The neighborhood's HOA had 317 residents; but that did not cover the rest of the neighborhood, with about 452 additional residents. It was a large neighborhood, and what happened there effected a lot of people.

The Zoom meeting had a number of problems, such as people having trouble getting an ID to log in and the connection was not interactive, which kept questions from getting answers. Others had not been able to attend the meeting because their work hours were 8:00 a.m. to 5:00 p.m. School had started shortly after that on August 12th, with the virus still a danger. All this limited what she could do within the HOA; and at present they did not have a complete email list for all the residents. Concerning parking and traffic, traffic on Blue Parkway had increased a great deal; and traffic was backed up on Blue Parkway and M-291 especially at noon and 4:00 p.m. The QuikTrip nearby was also difficult to get in and out of. Parking in that neighborhood was limited, especially on 8th Street, as the residences were duplexes and four-plexes and the street had about four times as many residents as on 7th Street, which had more single-family homes.

Recalling the testimony about the detail building, Ms. Schallenberg wanted to know what might happen if the owner decided to make this a repair shop a few years later. In one of the meetings with staff that she had attended, she had been told that oil in rain runoff was only on highways. But this was a permanent business that primarily sold cars and if a legal response developed, attorney fees would be a major expense. The neighbors worked very hard and took pride in their property; and a legal retainer might be out of their reach. Chairperson Funk told Ms. Schallenberg that lawsuits and attorney fees were not within the Commission's purview.

Ms. Carlotta Kohlen gave her address as 409 NW Ward Road. She owned a rental property on 1427 SE 8th Street; and she was concerned about the rentals on that street. These rents were rather high and the properties were occupied by professional people and others who needed a short-term home while they were having a house built. The lights in the proposed parking lot were likely to spill over into the duplexes; and she was concerned about the impact on rents. Many of the trees mentioned had been there only six months and did not have any leaves.

About ten years ago she had planned to build a preschool and had brought an application along with St. Luke's East. She had been told to have some runoff mitigation and St. Luke's had been told to have a parking lot. She had wondered if she ignored the Planning Commission's request or if St. Luke's made a decision to not build a parking lot. People who had bought houses in Vista del Verde had been told that this property was to be used for a "swimming pool/clubhouse"; and she did not understand how the land was not at least watched over in some way by the City and the Planning Commission.

Chairperson Funk explained that the Planning Commission did not monitor or govern anything in that sense. The property was not owned by the City; and the issues would need to be taken up with the owner. The Commission had not been brought any kind of application for a swimming pool or clubhouse on that property; and did not have any control over what a developer had promised. There was some control over the used car lot, as this was the subject of an application submitted to the City. It was part of the process for City staff and the Planning Commission to determine if the applicant had adequate engineering protocols in place for water runoff and if they were using suitable building materials and landscaping. Concerning the issue with lighting, the applicant at the previous hearing had presented a lighting plan which was designed to ensure that the light would not leave the property at night. The City and the UDO had specific requirements that the applicant would have to meet. Ms. Schallenberg and the duplex owners would need to meet with City staff if this lighting

plan did not work.

Mr. Johnson told Chairperson Funk that some of the questions might be 'bundled' and presented later. The Commission could choose to address the questions about enforcement and the mechanism of the overall construction process. Chairperson Funk asked Mr. Johnson to provide some details about enforcement.

Mr. Johnson recalled a question about what would happen if the applicant did not install a facility to mitigate stormwater. The City took the need for correct construction of this seriously; and did not allow a building to be occupied without as-built grading shots of the proposed detention basins. People could not occupy a building until it was substantially complete and could function adequately. Regarding the lighting, if maintenance was not consistent or the lights were badly adjusted so that they aimed at the residential property, that essentially meant that the lighting plan was not being followed and would become a Neighborhood Services case.

In this application, the applicant was applying for a Special Use Permit, and there was a procedure for the City Council to revoke a SUP if necessary. The UDO's lighting standard were specifically tailored to have all lights pointing downward and there was a limit on the amount of footcandles that could leave the property at a residential property line. In the case of a dispute, staff would determine how many footcandles of light were reaching the adjacent residences.

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

Commissioner Rader noted to Mr. Taylor that at the previous hearing the Commissioners were provided with some reading material about the company. She asked how the applicant had chosen Lee's Summit. Mr. Galloway responded that the criteria were based partly on population and on other demographics such as unemployment and median household income. Commissioner Rader asked how many jobs the business was likely to create; and Mr. Galloway answered that the main building was designed for 16 offices, and four in the detail area. That did not include transport drivers.

Commissioner Jana-Ford appreciated the extra foliage around the boundary; but in some of the renderings it looked like rather thick growth. Also, the plans showed signage on the inside of the property and not on the main thoroughfare. If she wanted to go to Car-Mart and saw all the foliage she probably would not know where to turn until it was too late. She wanted to know how visible the sign would be. Mr. Grant related that the standards called for a six-foot clearance underneath a tree, and that should provide some visibility. Commissioner Jana-Ford asked if she would see the sign if she was driving north on SE Vista Drive from Blue Parkway. There appeared to be some low shrubbery. Mr. Grant responded that a one-sided sign was on the western entrance at Vista that a driver would have to turn in to the property to see. The shrubs were mixed with smaller ornamental grasses and short evergreens on both sides, with low ground covers of seasonal plants. That was not likely to obstruct the view of the sign.

Commissioner Jana-Ford recalled asking if there could be less impervious coverage with the paving. With the main building in particular, it seemed that the parking was offset 20 or 30 feet. She asked why there was not at least some green space surrounding the building. Ms. Aimer responded that the applicants had discussed that issue, and had said the reason was security. The workers inside the building wanted to be able to see what was in the parking lot and looking at the cars; and a lot of landscaping might obstruct that visibility. Commissioner Jana-Ford noted on the elevations that the windows went all the way down to the floor, and asked if there was even any discussion about having just a grassy area surrounding the building rather than pavement. Ms. Aimer pointed out that Lee's Summit did have some requirements for landscaping; so that was something the applicants would need to revisit with staff.

Noting the diagrams of two trucks, one 45 feet and one 68 feet, and the information about the travel paths of each, Commissioner Jana-Ford asked if information was available about the turning radius of each was. She also wanted to know about the impact of the medians would be for trucks leaving Car-Mart and proceeding down SE Vista. Ms. Aimer said that the program she had used took turning radius, truck lengths and the travel path the trucks took into consideration. One of the trucks would be able to enter only from Vista and would not be able to exit onto that street, as it had only a 30-foot gap in the island. The driver would have some trouble negotiating the island, so the truck would enter from Vista and exit onto Blue Parkway.

Commissioner Jana-Ford noted to Mr. Taylor that the 45-foot truck would make three trips a week at the most, and the larger truck would make only two. She asked if the neighbors could be provided with a schedule, like they did for school buses; and if this could alleviate any traffic congestion on either Blue Parkway or SE Vista. Mr. Taylor answered that he had asked the operations team what the maximum amount they anticipated. A good number of Car-Mart's vehicles actually came from the Lee's Summit area; so many of them would be transported via a transport driver rather than a truck. It was mainly the smaller truck that would service this location. The number of times a truck would transport vehicles was based on the number of sales. One of these trucks could haul six vehicles, and the other eight.

Vice Chair Arth asked staff if they had any demographic information about the average income and average unemployment level in Lee's Summit. Ms. Nelson replied that staff could get that information, though she did not have it available tonight. Mr. Johnson stated that the median household income was about \$75,000 a year; but he did not have current unemployment figures.

Commissioner Kitchens appreciated the number of changes the applicants had made, and their being willing to work with City staff. He also thanked the people who had come to this meeting to share their concerns. He did have a number of questions, some about the security fence. The drawings seemed to show an extension of the green area at the back, and he asked if that area had been added in place of the proposed pipe rail fence. Mr. Taylor explained that the function of the pipe rail fence was to separate the front and back areas, with the green space at one end of the detail building.

Commissioner Kitchens asked why this type of fence was being used instead of a median green space with an access fence. Mr. Taylor answered that the applicants did not want to see cars cutting across the median. The facility had swinging gates leading to the back area that had space for vehicles not currently for sale and for employee parking. That area would also be used for repossessed cars. Commissioner Kitchens noted that in the previous hearing, the Commission was told that the back was for employee parking only. Mr. Taylor referred him to the example submitted at that hearing, which showed one part of the back area labeled "Associate Parking" and the other "Pending." The latter referred to cars that might be there for repairs, often on a service contract, as Car-Mart did not do repairs on site. Basically, any car that was not available for sale was kept in that part of the property; and any car that was available for sale would be in front of the building.

Mr. Taylor exhibited a diagram of the property and pointed out the area behind the building where the pipe rail fence was altered and the dumpster removed. The pipe rail fence had been next to the driveway, which had also been removed. Another pipe rail fence as against the building and the curb where the cars were parked at the building's northwest corner. Another pipe rail fence extended from the curb to the detail building. Another pipe rail had been on a grassy area on the other side. Mr. Taylor acknowledged that this was an old drawing. Commissioner Kitchens asked if there was a pipe rail fence over any grass, and Mr. Taylor answered that there was where the privacy fence extended back along the detention pond. Commissioner Kitchens asked if the current fence had been moved further to the

south.

Ms. Nelson and Mr. Taylor exhibited a more detailed diagram; and Commissioner Kitchens asked if the 2,360 square foot building had been moved and was now the detail building; and if that differed from the previous plan. Mr. Taylor answered that it was not. The grass space at the end of the detail building had been added to decrease the impervious coverage; and the island was larger than on the original plan. He confirmed for Commissioner Kitchens that it was locked to keep the public from accessing the back area and the cars there.

Commissioner Kitchens then asked if the applicant knew what the repossession rate was. Mr. Taylor replied that as far as the industry was concerned it was below average. Commissioner Kitchens said he did not necessarily agree but did appreciate the access to the back being removed. He did still have major concerns about a large portion being reserved for secured access inventory right next to a neighborhood. He also referenced the concerns of neighbors over property values. He then asked if this property would still be a viable option for Car-Mart if the secured access lot in back was removed. Mr. Taylor answered that this was not under consideration. There were no Car-Mart locations that did not have a secured area.

Commissioner Benbrook asked Mr. Taylor how many cars the applicant expected to sell in an average month in this location. Mr. Taylor remarked that this was really a question for Car-Mart's operations team; but estimated 75 to 100 vehicles per month. Commissioner Benbrook remarked that according to financial reports and the reports sent to investors each month, most of Car-Mart's clients were "buy here, pay here" customers. Mr. Taylor said that was correct, and confirmed that Car-Mart did its own financing. Commissioner Benbrook asked what the terms of the loans were; and Mr. Taylor said that depended on the price of the car being sold, as well as what the trade in or down payment was. That term might be three years for sales of more expensive cars; but he did not have the information about the company's standard. The information was probably available in Car-Mart's annual reports, as it was a publicly traded company.

Commissioner Benbrook remarked that for a high-risk purchaser it was likely to be a short term, as little as two years. But if Car-Mart was selling about 75 cars a month and most of the customers bought vehicles on a 'buy here, pay here' basis, then on any given month about 75 people would visit the business. He had seen some of the financial statements online that were offered to investors; and if the majority of customers – 51 percent or more – came back every month to make a car payment, there might be a few hundred visiting the business monthly.

Mr. Taylor answered that this was not accurate. Their customers were more and more often making payments online and could even make those payments at Walmart. Commissioner Benbrook said that was not consistent with the statement that most of the customers took the "buy here pay here" approach. Mr. Taylor explained that since Car-Mart offered its own financing, the 'pay here' part did include people paying in person on the premises. However, the Covid pandemic had increased payments from another location. It was also for convenience; as a customer could buy a car online and have Car-Mart deliver it without ever visiting the business.

Commissioner Benbrook asked if Mr. Taylor if he had any numbers showing how many people did pay on site; and Mr. Taylor answered that he could provide that information but did not have it with him this evening. Commissioner Benbrook remarked that even if that was 10 percent that was a large number of people coming back every month to make payments; and that would increase traffic to the site.

Commissioner Benbrook then noted that according to the company's reports to investors, he claimed a 23 to 25 percent loss yearly. Mr. Taylor said he was not familiar with that. Commissioner Benbrook said that according to the reports, the defined losses were

repossessions and write-offs; with 18 percent being repossessions; about one in every six. The numbers were from early this year. That percentage of repossessions meant that about one in every six cars sold came back. He asked if those came back to Mr. Taylor's site, and Mr. Taylor answered that some would but not all. Some might be a total loss and some might be re-sold. These cars were held on the lot and processed through one of the points for liquidating these cars. Not all would come back to the lot, as some might be sent to an impound or a recondition center where they might be sold wholesale.

Commissioner Benbrook stated for the record that it was interesting that the pipe gates swung in the same direction, creating a circulation or loop. If Mr. Taylor had approximately 20 employees maximum on the site, there was a lot of extra parking in the back.

Commissioner Benbrook pointed out that the area to the east dropped in elevation about five feet between the main building and the support/detail building, from 995 to 990. Ms. Aimer said the difference was about three feet. Mr. Monter said that Commissioner Benbrook might be looking at existing contours if the area was shown in light gray on the topographical map. Commissioner Benbrook said he was looking at a black area; and asked if it followed the curved line and disappeared into the island directly below the support building. The point at 990 cut into the curb on the far side of the island. He asked if it followed the curb all the way around to the proposed support building; and Ms. Aimer said that it did not. Commissioner Benbrook said he did not see any new topography lines between 995 and 990. That was between the main and support buildings.

Ms. Aimer responded that this was preliminary grading and would be more accurate when necessary changes and corrections were made. The actual drop was three feet, not five. Commissioner Benbrook asked if, in that case, it would necessary to bring up the landscape wall to the east, in order to compensate for another two or three feet. Ms. Aimer said the adjustment would likely be made on the grassy area on the east side of the detail building. They were trying to maintain a maximum of four percent grade on the site. Wallace designed according to a client's operations and what worked best for them. For drive aisles, they tried to have no more than 2.5 percent cross slope, and no more than 4 percent cross slope for parking areas. That was why they had a retaining wall on one side. She acknowledged that it did present a challenge on this site; however, that was the design directive they used. Commissioner Benbrook remarked that he had driven by this property more than once; and he knew that the cross grading would be difficult.

Commissioner Benbrook asked Mr. Grant for the colored images of 8th Street. He asked why the screening plan did not include any evergreens; and asked if this reflected anything in the UDO. Mr. Grant said that the code did require a certain number of evergreen trees and shrubs. That was included in the actual landscape plans, though not the renderings. He displayed an image of small evergreens and with some deciduous trees of various sizes. The screening would have a mix of both. Commissioner Benbrook asked what specific types they would use; and Mr. Grant cited red maples, schumard oak, lace bark elm and Japanese zelldova for large shade trees. For evergreens, they planned loblolly pine and shawnee bald cypress. Evergreen shrubs included boxwoods, dwarf burford holly, gray owl junipers, and lilyturf around the signage. Large deciduous shrubs included viburnum and hydrangea.

Commissioner Benbrook had noticed that Mr. Grant's plant list had trees that were 8 to 12 feet tall; and asked if these trees would grow fast or take some time to mature. Mr. Grant answered that they were a little bit of both. The boxwoods tended to be slow growing; but most of the trees were fast growth. Commissioner Benbrook asked how long it took to mature, noting that some hardwood trees got quite tall. Mr. Grant answered that peak maturity would be about 15 years. Under ideal conditions, with maintenance including watering, most of the trees would reach maturity between 10 and 15 years. There was irrigation on the 8th Street side.

Vice Chair Arth recalled that she had asked staff about income and employment demographics in Lee's Summit. That represented higher-risk customers, especially when income levels were factored in. She had just done a quick search and found that Lee's Summit was 10th in Missouri; with nearby Greenwood being 9th. If income was a criterion for the location of the business, it did not look like a good fit; especially since there were other areas in the metro area that were lower in terms of income.

Mr. Taylor acknowledged that the business did not specifically target low income areas. He noted that Car-Mart's customers increasingly wanted newer model cars. They had recently sold some 2020 vehicles; with the trend going toward more expensive cars. They would not target customers with below-median income, as this was a good indication of the economic health of any given area.

Vice Chair Arth noted that the general impression of a "buy here pay here" policy was that customers tended to be a higher credit risk. This was most likely why questions and concerns came up about repossession. She asked if the repossession rate was related to defaults due to the borrower being a bad credit risk, and wanted some clarification as to how this was reflected in Car-Mart's business model. Mr. Taylor said they had customers who returned multiple times, and this had little to do with income. The repossession rate had less to do with income, and more to do with where the customer was financially in their current situation. When a car was repossessed it was not necessarily the price of the car, nor the customer's income. Dealerships like this were local businesses and knew who their customers were; out of state companies that often charged a higher interest rate did not.

Chairperson Funk asked Mr. Taylor if the color scheme he had presented was a standard one for the business; and Mr. Taylor answered that it was.

Chairperson Funk observed that the Commission had been thorough in the last hearing about addressing issues like traffic and parking. The applicant had made a good decision about removing the 8th Street entrance. Staff had covered the requirements for lighting. He then closed the public hearing at 6:35 p.m. and asked for discussion among the Commission members, or for a motion.

Vice Chair Arth thanked the applicant for bringing in the changes that were requested; and for they worked with repeat customers that they had lasting relationships with. She also appreciated members of the public for attending and giving the Commission their questions and concerns. She intended to vote recommending approval of this application, as the applicants had done a good job presenting the requested changes and working well with the neighbors and the City.

Commissioner Kitchens thanked the public for attending. He added that he did not have anything against this business or its business model but he intended to vote against the application. He believed it was in the wrong neighborhood and he still had some open questions and concerns. Commissioner Kitchens acknowledged that many of the questions had been clarified and the applicant had worked very well with the City.

Commissioner Trafton also commended the effort the applicant had made, as well as the neighbors attending the meeting and commenting. It was unfortunate that the property's previous owner and the previous developers could not deliver on the promise made when it was sold. He still thought a six-foot fence on the east side would be preferable; and according to some people knowledgeable about landscaping and architecture he had spoken to, the three-foot berm might shrink to a foot over the next few decades. He would support this application.

Commissioner Jana-Ford thanked the residence for their comments, adding that she would have preferred more vegetation planting to the pipe rail fence. She would also support this

application.

Commissioner Benbrook thanked the residents who had attended and commented. He had a number of reservations about this particular project and its location. He would have preferred a better transition and something with less of a hard, commercial character in view of it being so close to residential development. At this time, he did not think this project was a good fit for the location and would not be supporting it.

Chairperson Funk also thanked the residents for attending the meeting, as well as the applicant for getting some of the requested changes made. He was not sure about supporting a 'buy here, pay here' car dealership in the community; and was open to any changes or additions being included in the motion.

Vice Chair Arth made a motion to recommend approval of continued Application PL2021-203, Preliminary Development Plan and Application PL2021-204, Special Use Permit for automobile sales: America's Car-Mart, 1150 SE Blue Pkwy; America's Car-Mart, applicant. Commissioner Jana-Ford seconded.

Chairperson Funk then called for a vote.

A motion was made by Vice Chair Arth, seconded by Board Member Jana-Ford, that this application be recommended for approval to the City Council - Regular Session, due back on 10/5/2021. The motion failed by the following vote:

Aye: 2 - Vice Chair Arth
Board Member Trafton

Nay: 5 - Chairperson Funk
Board Member Benbrook
Board Member Jana-Ford
Board Member Kitchens
Board Member Rader

Absent: 1 - Board Member Sanning

Abstain: 1 - Board Member Loveless

- a. [TMP-1995](#) An Ordinance approving a preliminary development plan located at 1150 SE Blue Pkwy in district CP-2, proposed America's Car-Mart automotive sales, 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.
- b. [TMP-1996](#) An Ordinance approving a special use permit for automotive sales in district CP-2 (Planned Community Commercial) on land located at 1150 SE Blue Pkwy for a period of thirty (30) years, all in accordance with Chapter 33, the Unified Development Ordinance, of the Code of Ordinances for the City of Lee's Summit, Missouri.
3. **2021-4342** Public Hearing: Application #PL2021-262 - Rezoning from CP-2 to RP-4 and Preliminary Development Plan -Douglas Station Apartments, 3 NE Sycamore Street and 1141 NW Sloan Street; Cave State Development.

Chairperson Funk opened the hearing at 6:51 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Mr. Jacob Engle, of Cave State Development, gave his business address as 569 Melville Ave., Suite 208 in St. Louis, Missouri. He related that the applicants had hosted a neighborhood

meeting in late July of last year. Some minor comments had been forwarded to staff, and staff provided a detailed description and summary of the plan and the property.

Mr. Engle gave a summary of the application. They were proposing a multi-family development of 160 units, on 6.33 acres [six and one-third acres]. The density would be 25.3 units per acre. Most of the units would be two-bedrooms, with about 30 three-bedroom units. The development would have seven buildings, most of them three stories. An additional building would be for leasing and various resident services.

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

Ms. Nelson entered Exhibit (A), list of exhibits 1-20 into the record. She displayed an aerial map of the property, with the location of the apartments indicated with a red star. The adjoining land to the west was vacant, with commercial development to the east and the Police Department to the south. The area was currently zoned CP-2. Zoning to the south was Planned Office [PO] and the gray area on the map was Planned Industrial [PI] and PMIX [Planned Mixed Use] to the west. The proposed rezoning was RP-4, with a proposed 25.3 units per acre; over twice the maximum of 12 units per acre for RP-4 zoning. The apartment buildings would have 64 two-bedroom units with one bathroom, another 64 with two-bedrooms and two-bathrooms plus 32 three-bedroom, 2-bathroom units.

Ms. Nelson displayed colored renderings of the townhomes, one with two stories, and two with three stories. Materials would be architectural shingles, brick, and Hardie board siding and trim.

The applicants were requesting a modification for the density. A table showing other similar projects and their densities indicated that the proposed density was not uncommon. Examples included the New Longview AMLI apartments on 8 acres with a density of 25.4 units per acre. The Fairways at Lakewood were 21.1 units per acre and the Village at View High apartments were 21.3 units per acre.

Another requested modification was to the parking plan, which called for 252 parking spaces instead of the required 336. The applicants also requested that the required two spaces for a three-bedroom unit be reduced to 1.5 per unit. This was similar to the parking for two-bedroom apartments. The Institute of Transportation Engineers [ITE] manual gave a ratio of 1.7 parking spaces per unit; and if that was followed for this project the total would be 272 spaces. The net shortage for this project would be 20 spaces.

The rezoning would provide additional housing options. The development would essentially connect the northeast side of Tudor Road to the apartments on the road's southwest side, with PMIX zoning. As this was a three-tiered location, it would be difficult for a retail business to survive.

Two residents had attended the July 27th meeting. The mailbox of one resident was east of their property and in an inconvenient location; and the residents asked if mail could be delivered closer to the property. This was not something that City staff had the authority to address. Another comment was that the traffic signal at Sycamore and Douglas had a long wait at a red light for someone turning on Douglas off Sycamore. As Sycamore had more traffic than Douglas at that point, the request was to have the timing changed.

The application had four Conditions of Approval. A modification would be granted to the density, allowing a density of 25.3 units per acre and another for an alternate parking plan with 1.7 parking spaces per dwelling unit. A preliminary development plan of 18 total pages would be submitted. Condition 4 provided that "the future reconfiguration of the right of way at the intersection of NW Sloan St and NE Sycamore St shall require the subject development's southern entrance along NW Sloan St to become a right in/right out entrance, to be managed

by the construction of a center median to prevent left-hand turns either from the public road or the entrance." Ms. Nelson pointed out this location on the Project Information map. At Chairperson Funk's request, she left the site plan on the computer screen for the Commissioners' reference.

Following Ms. Nelson's comments, Chairperson Funk asked if there was anyone present wishing to give testimony, either in support for or opposition to the application. There were no comments, and Chairperson Funk then asked if the Commission had questions for the applicant or staff.

Commissioner Loveless asked if there was any on site garage parking. Mr. Engle replied that all the parking spaces were outdoors. Commissioner Loveless asked if access to the apartment units was via closed corridors or open breezeways. Mr. Engle answered that the entrances to the buildings would be secure, with breezeways on the buildings' interiors that would access the apartments. Doors accessing the buildings would have key fob secure access to the breezeways and the apartments. A covered entry was above the secure entry.

Commissioner Loveless then asked about rent rates. Mr. Engle answered that Cave State was still working on underwriting; but he had a market analyst working on these. He wanted this to be a mixed income development, with rent rates at various levels and an element of workforce housing with some kind rent and income restrictions on a portion of the units. Commissioner Loveless asked if this meant a subsidy of some kind; and Mr. Engle replied that there would be no specific subsidies. The financing that the Missouri Housing Development Commission provided.

Commissioner Loveless asked for some details about various rent rates for tenants with different income levels. Mr. Engle explained that a few days out of each year, the Missouri Housing Development Commission [MHDC] accepted financing applications for various types of housing. That could be in the form of a low interest loan, tax credit financing or a combination of both. Operating costs as far as debt service was concerned would be reduced in that way.

Commissioner Loveless asked if it was customary to have an application for rezoning and a preliminary development plan prior to that being worked out. Mr. Engle replied that having zoning in place for the financing application was not a requirement; but it was definitely something he preferred. Anyone providing financing would want assurance that certain elements be in place before they made any commitment. Mr. Engle added that he had other similar projects in place in other locations.

Commissioner Loveless then asked about staffing for the 160 units. Mr. Engle replied that an on-site, full time management staff would be in place for leasing and maintenance. He anticipated a minimum of a few full-time people in that office plus one full-time maintenance worker.

Commissioner Loveless asked staff what the parking ratios had been in other projects comparable to this one. Mr. Soto replied that he could not provide specific information at tonight's meeting; however, in other similar projects it had been about 1.8, which was fairly typical.

Commissioner Kitchens asked Mr. Engle what other locations he had developed so far. Mr. Engle said he had worked in the industry for about 20 years, working in various roles in both development and financing. That represented several dozen projects in various roles, in the state of Georgia as well as Missouri. Cave State Development was a new entity, and this would be its first development under that name. Commissioner Kitchens asked in how many projects he had used the financing option; and Mr. Engle replied that it had been in most of his projects though not all.

Commissioner Kitchens then asked if Mr. Engle was the current owner of these developments or if he was part of a partnership. Mr. Engle replied that this project would be the first for Cave State Development as owner/developer; but he had no percentage of ownership in previous projects. For this project, he would be an owner/general partner for at least 15 years. Deed restrictions for the land would go with the financing from MHDC. The financing would essentially be from the State of Missouri, but it would work like traditional financing.

Commissioner Kitchens asked if Mr. Engle could give an estimate of the rental rate based on the projects he had done in the past; and Mr. Engle responded that this would be influenced by the market over that time. The financing mechanisms had parameters that he'd had to work within for what the income and rental rates would be for the percentage of units with that kind of financing. It would depend on the number of units under those restrictions and what the different income levels would be; but the average would be about 60 percent of the median income range.

Commissioner Kitchens asked what was the occupancy rate for projects Mr. Engle had worked on in the past. Mr. Engle noted that he did not have any ownership in these previous projects. Commissioner Kitchens remarked that with phased developments, this would be determined at the first phase; and Mr. Engle agreed that in a phased project, a second phase was not likely if the first one was not successful. The standard was not always 100 percent occupancy, but that was common practice. By the time the first phase was complete, there would be some pre-leasing for the second; so, a number of units would be leased by the time a Certificate of Occupancy was issued.

Commissioner Kitchens then asked if an LLC would be managing the properties or if it would be a new management company. Mr. Engle answered that it would be a third-party management company. He did not have one selected yet, but as this would be one of his assets he would want to have a quality management company in place.

Commissioner Kitchens remarked that normally when financing was done at the state level, or any other government-based entity, who would be managing the property would be a major question raised. He appreciated Mr. Engle answering questions honestly; but wondered why the project had gotten to this point without either financing or management being determined. Mr. Engle responded the best explanation he could give was that his process was a little different from the standard. Lee's Summit did not have much land for multi-family housing, and he wanted to have the zoning in place before spending the time putting a deal together. That would avoid a situation where he got all the pieces in place and then possibly discover that it would not work out due to zoning.

Commissioner Kitchens asked if the land owner was a participant in the partnership, and Mr. Engle replied that he or she was not.

Commissioner Benbrook asked what was the purpose of the requested reduction in the number of parking spaces. Mr. Engle stated that this application requested higher density than the required 12 units per acre; and parking variances were often granted along with a density request. Reducing the parking requirement could also reduce the cost in that area. The 1.5 spaces per unit was commonly used for various development types, and was useful in bypassing the expense of additional parking. Further, a development would look more attractive if parking was available but space was not taken up with parking lots.

Commissioner Benbrook said he would prefer to see more 'softscape' than 'hardscape'; but noted that the applicant was asking to increase the density and decrease the parking at the same time. That sounded like a concern over number of dollars per square foot. If so, a simpler solution would be to eliminate or reduce the size of one of the buildings, which could pick up the parking and reduce the density at the same time, meeting all the zoning

requirements. He asked if this would be an option. Mr. Engle answered that it would not be at this point. He stated that he had been discussing the parking with staff, adding that the surrounding area and adjacent land uses were not residential. That would leave a lot of surface parking available in non-business and overnight hours which was the time frame when many parking issues came up. He intended to contact the adjacent land owners and see if he could secure some additional parking.

Commissioner Benbrook remarked that it sounded like Mr. Engle was expecting people visiting this site during the evening to park across the street at commercial properties, and then cross the street to look for parking closer to their destination. Mr. Engle said he would not expect that. He believed that the 252 proposed spaces would be enough. He had mentioned parking at nearby commercial properties as an adjustment for the shortfall of 20 spaces, and did not anticipate anyone requiring off-site parking.

Commissioner Benbrook asked staff if reducing the parking ratio below 1.7 spaces per unit had caused any problems or resulted in complaints in the past. Mr. Soto answered that he did not recall any relating to parking development. Complaints that the City had received in the past had more to do with the more traditional multi-family development that included duplexes and townhomes. The number of curb cuts tended to eliminate opportunities off-street parking, due to the increase in the number of vehicles per household. Staff had not heard negative feedback related to individual parking developments. Commissioner Benbrook asked if allowing this low parking ratio had been allowed in Lee's Summit in the past, and Mr. Soto answered that some projects in Lee's Summit had reduced parking requirements in that range. He added that staff had not been contacted with concerns about overflow parking outside an apartment development.

Mr. Soto added that the ordinance allowed two basic methods of calculating parking spaces, using a standard table for certain types of development. Alternate parking plans were established as a means to encourage tailoring of anticipated parking generation demands on a project by project basis, as no two products were exactly alike. The ordinance did allow for providing empirical data from other similar developments. Based on units, and unit types in terms of number of bedrooms, if the empirical data supported 1.5 spaces as enough to meet the anticipated demand that would lend support and possible approval of an alternate parking plan.

Mr. Soto added that the applicant had expressed an interest in a shared parking agreement with adjacent property owners. Based on the number of individual units, it appeared that there was enough parking to meet the basic demands of tenants. The overage could be considered as guests' parking.

Regarding materials, Commissioner Benbrook said he appreciated the use of brick and Hardiboard but he still thought the elevations looked too utilitarian. He asked if there was an option to vary designs, and perhaps color, from building to building so they would not all look alike. He generally wanted to see a little more variety and color, as well as something a little more detailed though within the construction budget.

Vice Chair Arth asked Mr. Engle how he had chosen Lee's Summit for a location. He answered that it was a great area for development, with many positive economic indicators; and he had found a good site that was on the market.

Vice Chair Arth then asked for some information about site amenities. Mr. Engle cited a playground and covered pavilion outdoors and a community building with an exercise and workout facility, laundry facility, and a computer facility with wireless internet throughout the building. Stackable washers and dryers would also be in the units. A large common room would be available to residents and rented for special events. The site would not have a pool.

Commissioner Loveless asked what Mr. Engle anticipated in cost per unit with a total 160 units plus employees. "Cost per door" was a significant part of the analysis. Mr. Engle gave some estimates staffing costs: A manager, including managing maintenance, would be about \$50,000.

Commissioner Loveless asked if it was correct that Mr. Engle had not yet done this kind of project from start to finish. Mr. Engle replied that he had not done that as the owner.

Commissioner Loveless asked staff to give some information about water management on that site. Mr. Monter first stated the applicant's engineer was also present and could answer questions. He related that there was actually a regional detention basin that had been constructed as part of a previous application. It was somewhat in disrepair. The applicant had taken elevations, and were going to clean it up so the basin would function as it should. That should meet the standards set for this application.

Commissioner Trafton said he shared some of the reactions of the other Commissioners related to the buildings' aesthetics. He asked that the applicant reconsider their appearance and what changes needed to be made. His other concern was about the parking spaces. Shared parking had been mentioned, and the map seemed to show nearby properties to the north and east as businesses that might have potentially vacant. Mr. Engle agreed that these were the most logical choice. Commissioner Trafton remarked that the number proposed might be less than what was needed. He also remarked that the amenity of a pool was something most renters liked to see at this point.

Commissioner Jana-Ford first stated that she was in favor of reducing the number of parking spaces, as she was promoting green spaces and enjoyable spaces. Mr. Enger had mentioned a type of multi-living where tenants would rent different apartments at different rental points. In a scenario where three people in a three-bedroom apartment each had a vehicle, a parking need far exceeding the 1.7 mentioned. She asked if there was a way to take an approach, such as two parking spots for a three-bedroom apartment. Mr. Engle answered that the thought process behind any kind of parking requirement was that some units might go above that requirement but others might be below it. The ordinance did specify 1.5 spaces for two-bedroom units and two spaces for three-bedroom units.

The parking ratio was an attempt to craft an average that would work for the property. The best approach could be to look at existing properties in the area; and he had noticed while driving around looking at other apartment complexes that properties built under the parking ratio required through the ordinance were full in the evening.

Commissioner Jana-Ford remarked that this was a new housing type, with people of varying incomes. She asked if it was correct that of two three-bedroom apartments, one could be at a lower price point than the other. Mr. Engle confirmed that the two apartments could be in different income ranges.

Commissioner Jana-Ford asked what the difference in price between those two three-bedroom apartments would be based on, such as amenities inside the apartment. Mr. Engle answered that this was not the basis. The Fair Housing requirement was that the units should have the same in amenities. Commissioner Jana-Ford asked if pets would be allowed and Mr. Enger answered that they would; but with restrictions such as size and weight. Commissioner Jana-Ford suggested a dog park or other park area to take pets, and Mr. Enger agreed. He added that more amenities would be considered as the development was finalized.

Commissioner Rader asked Mr. Enger if the apartments included elevators, and he replied that they did not. Commissioner Rader asked staff if the City kept track of how many rentals were available. Mr. Johnson answered that it did not on an ongoing basis. A study was done in 2017

that should be updated before long. The 2017 study indicated a low vacancy rate. Commissioner Rader asked how many units Lee's Summit had at present, and how many were projected for 2024. Mr. Johnson answered that if everything that had gone through the process was to be built, the number would be much higher. Apartment developers had told staff that the 2017 number was too low and should be raised. That was part of updating the study.

Chairperson Funk asked for an explanation of one unit having \$1,000 rent next to one with an \$800 rent. He wanted to know if a subsidy of some kind was involved. Mr. Engle explained that there was no subsidy; but the financing that Missouri Housing Development Commission provided to develop workforce or mixed income housing would produce a mixture of 'work force' and market rate units. Funds were sometimes provided for this type of development via tax credits that could be converted into equity. That could then be used to lower the rest of the finance cost. Agencies allocating this financing would do it knowing that a portion of the units would be rented at a lower level.

Chairperson Funk remarked that subsidized housing would be provided for a specific number of units, based on the money acquired via a mechanism of financing. He was somewhat skeptical of no elevators being provided. He asked for some information about the interior finishes. Mr. Engle cited vinyl plank flooring, carpeting for flooring finishes and Solid Surface counter tops for long-term durability.

Chairperson Funk asked if there were further questions for the applicant or staff. Hearing none, he closed the public hearing at 7:46 p.m. and asked for discussion among the Commission members.

Commissioner Loveless commented that there were no one-bedroom units being offered. In many other apartment units, these might be up to 40 percent of the units. This project included only two- and three-bedroom units, and in view of that, it did not make sense to be considering a reduction of parking requirements. He was also concerned about the project not having a property management partner already in place, and in particular one with experience with this kind of development. The developer had not done a project like this from start to finish, so Commissioner Loveless would prefer to see some sponsors with experience be involved. There also seemed to be no certainty within the plan.

Mr. Johnson stated that this was a rezoning application and preliminary development plan, with aspects like compatibility with neighbors and adverse impacts. The City was not a partner in this application, so ownership structure was not really before the Commission tonight. The City did have a Neighborhood Services division. He felt that the focus really needed to be on the land use aspect.

Chairperson Funk remarked that much of the Commissioners' concerns what the land would be used for; and Mr. Johnson observed that it was not uncommon for projects to go through this process but never go anywhere. He added that the difficult part came after the public process. If a Commissioner wanted more detail, one route might be an added Condition of Approval.

Commissioner Kitchens stated that the parking needed to be greatly expanded, and more amenities would be needed. The applicant needed to present something more detailed and showed interior designs as well as information about the impact on schools. He would definitely want to see one of the buildings removed. Finally, regarding Commissioner Jana-Ford's reference to a dog park, that seemed to be a major interest for the community. He could vote for a continuance but not to recommend approval at this point.

Commissioner Jana-Ford was in favor of continuing the application, as she wanted to see more details.

Commissioner Trafton agreed that this application had several unresolved issues including the parking. He liked the intent of this project, and the housing was definitely needed; in particular various levels of housing. He commended the applicant for his efforts, and believed that the space could work but would be very tight as configured. He also thought a continuance would be a good idea.

Chairperson Funk asked Mr. Johnson about a date certain for a continuance. He also read phrasing about continuing the application for some definitions on the parking requirements and the addition of amenities for the property. Mr. Soto said that the earliest date for the continued hearing would be the meeting of October 14th.

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

Vice Chair Arth made a motion to continue Application PL2021-262, Rezoning from CP-2 to RP-4 and Preliminary Development Plan: Douglas Station Apartments, 3 NE Sycamore St and 1141 NW Sloan St; Cave State Development, applicant to a date certain of October 14, 2021; in order to get further definitions of the parking plan and additional amenities. Mr. Soto stated that the schedule had been changed for October, with the first meeting scheduled for October 21st. Vice Chair Arth amended her motion to a date certain of October 21, 2021. Commissioner 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 continued to the Planning Commission, due back on 10/21/2021. The motion carried unanimously.

- a. [TMP-2028](#) An Ordinance approving a rezoning from CP-2 (Planned Community Commercial) to District RP-4 (Planned Apartment Residential) and preliminary development plan for Douglas Station Apartments, located at 3 NE Sycamore St and 1141 NW Sloan St., in accordance with the provisions of Chapter 33, the Unified Development Ordinance of Lee's Summit Code of Ordinances, for the City of Lee's Summit, Missouri.
4. [2021-4343](#) Public Hearing: Application #PL2021-317 - Unified Development Ordinance (UDO) Amendment - Amending Chapter 33 of the Lee's Summit Code of Ordinances, Article 8 Division II Parking to clarify and move standards for storage and parking of RVs, boats and utility trailers from the Unified Development Ordinance (Chapter 33) to the Property Maintenance Code (Chapter 16) of the Lee's Summit Code of Ordinance; City of Lee's Summit, applicant.

Chairperson Funk opened the hearing at 8:00 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Mr. Johnson entered Exhibit (A), list of exhibits 1-8 into the record. He explained that staff was removing some standard from the UDO into the Property Maintenance Code. The idea was if someone had an existing non-conforming situation, they could continue that if they could prove that the condition had existed before adoption of the ordinance. In 2010, these standards in the UDO were updated, and were not being well enforced. He displayed a chart and explained that the UDO did not clearly stated that if an owner could provide more paved parking they would be able to store more vehicle. For a site one acre or larger, an owner had

more flexibility for storage. This was an ongoing maintenance issue that staff was trying to clear up. Another standard was a safety concern requiring that propane needed to be stored more than 10 feet away from the house. The rest was dictating the location of utility trailers, RVs and boats and cut down on long-term storage.

Commissioner Trafton asked about enforcement, and Mr. Johnson said that Neighborhood Services officers enforced the standards. Property Maintenance was more concerned with nuisances such as weeds or junk and debris. Commissioner Trafton noted from the chart that it was permitted to put boats on driveway if it was 20 feet or less. It was not permitted for a driveway longer than that. Mr. Johnson explained that most driveways were about 20 feet long, and items parked on one could not stick out onto a sidewalk.

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

Chairperson Funk closed the public hearing at 8:08 p.m. and asked for discussion among the Commission members, or for a motion.

Vice Chair Arth made a motion to recommend approval of Application PL2021-317, UDO Amendment: An ordinance amending Chapter 33 of the Lee's Summit Code of Ordinances, Article 8 Division II Parking to clarify and move standards for storage and parking of RVs, boats and utility trailers from the Unified Development Ordinance (Chapter 33) to the Property Maintenance Code (Chapter 16) of the Lee's Summit Code of Ordinance; City of Lee's Summit, applicant. Commissioner Jana-Ford 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 Jana-Ford, that this application be recommended for approval to the City Council - Regular Session, due back on 9/21/2021. The motion carried unanimously.

- a. [BILL NO. 21-187](#) An Ordinance amending Chapter 33 of the Lee's Summit Code of Ordinances, Article 8 Division II Parking to clarify and move standards for storage and parking of RVs, boats and utility trailers from the Unified Development Ordinance (Chapter 33) to the Property Maintenance Code (Chapter 16) of the Lee's Summit Code of Ordinance; City of Lee's Summit, applicant.

Other Agenda Items

5. [2021-4328](#) Continued Appl. #PL2021-142 - SIGN APPLICATION - Crown Pointe Church, 5950 NE Lakewood Way; Impacts Signs Awnings Wraps, Inc., applicant

Commissioner Trafton appreciated the effort that had gone into this application, and particularly staff for working with the applicant. It had greatly improved in terms of utilizing the signs on the building.

Chairperson Funk then called for a motion.

Commissioner Trafton moved for approval of continued Application PL2021-142, Sign Application: Crown Pointe Church, 5950 NE Lakewood Way; Impacts Signs Awnings Wraps, Inc., applicant. Vice Chari Arth seconded.

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

Roundtable

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

Commissioner Kitchens commended staff for working with the applicants.

Concerning the Car-Mart application, Commissioner Jana-Ford asked if it would have been possible to approve the application with a condition that it be relocated. Mr. Soto answered that it could not, as the application was specifically tied to that piece of property.

Chairperson Funk noted that one of the applications was a rezoning and preliminary development plan, and asked these were being tied together. Mr. Johnson answered that they were. The focus needed to be was the use appropriate for the location, did it meet City standards and the need for the use in the market.

Commissioner Trafton wanted a better way the Commissioners to look at the information, as many images were not clear.

Commissioner Rader suggested that the packets include the text for displayed images, as it was often not clear. Chairperson Funk suggested that what details the Commissioners wanted to see in the packets would be a good topic for discussion.

Mr. Monter stated that a sales tax passed in 2017 allocated \$25 million toward stormwater improvements. However, structural flooding had to be verified by the City and no structural flooding was reported for the tract of land north of Car-Max that was owned by an HOA. A report of structural flooding had come from that property. For now, the City had to rely on sales tax and bonds for funding.

Adjournment

There being no further business Chairperson Funk adjourned the meeting at 8:19 p.m.

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