

**DEVELOPMENT SERVICES**

**Commercial Preliminary Development Plan  
Applicant's Letter**

**Date:** Monday, November 01, 2021

**To:**

**Property Owner:** ROBINSON E L JR & LETHA M - Email:  
TRUSTEES

**Applicant:** Dan Finn

Email: dfinn@phelpsengineering.com

**City Staff:** Scott Ready

Email: Scott.Ready@cityofls.net

**From:** Shannon McGuire, Planner

**Re:**

**Application Number:** PL2021406  
**Application Type:** Commercial Preliminary Development Plan  
**Application Name:** Market Street Center  
**Location:** 3501 SW MARKET ST, LEES SUMMIT, MO 64082

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**Tentative Schedule**

Submit revised plans by 4pm on Monday, November 15, 2021 . Revised documents shall be uploaded to the application through the online portal.

Applicant Meeting: November 02, 2021 at 09:00 AM

If the revised submittal deadline is not met or plans are deficient, the item will be moved to a later meeting and a new deadline will be set. Future deadlines and meeting dates can be found on the "Planning Commission Meeting Dates" handout. Dates are subject to change; we will keep you informed throughout the process.

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**Electronic Plans for Resubmittal**

All Planning application and development engineering plan resubmittals shall include an electronic copy of the documents as well as the required number of paper copies.

Electronic copies shall be provided in the following formats:

- Plat - All plats shall be provided in multi-page Portable Document Format (PDF).
- Engineered Civil Plans – All engineered civil plans shall be provided as multi-page Portable Document Format (PDF).
- Architectural and other plan drawings – Architectural and other plan drawings, such as site electrical and landscaping, shall be provided as multi-page Portable Document Format (PDF).
- Studies – Studies, such as stormwater and traffic, shall be provided in Portable Document Format (PDF).

Please contact Staff with any questions or concerns.

## **Excise Tax**

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On April 1, 1998, an excise tax on new development for road construction went into effect. This tax is levied based on the type of development and trips generated. If you require additional information about this development cost, as well as other permit costs and related fees, please contact the Development Services Department at (816) 969-1200.

## **Planning Commission and City Council Presentations**

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Presentations before the Planning Commission and City Council shall be (1) in electronic format or (2) reduced drawings for use on the document camera to display on the screen. Electronic presentations shall be on a laptop, CD-ROM, DVD, or flash drive. The City's presentation system can support Word, Excel, PowerPoint, Adobe, Windows Media Player and Internet Explorer applications. Presentation boards will no longer be allowed. The presentation(s) shall be submitted to Development Services Department staff no later than the day of the Planning Commission meeting by 4:00 pm.

## **Notice Requirements**

### **1. Notification of Surrounding Property Owners.**

- **Mail Notices.** The applicant must mail letter notices to all property owners within 300 feet from the boundaries of the property for which the application is being considered at least 15 days prior to the hearing. Sample notices are available. The notice must include:
  - time and place of hearing,
  - general description of the proposal,
  - location map of the property,
  - street address, or general street location
  - statement explaining that the public will have an opportunity to be heard
- **File Affidavit.** An affidavit must be filed with the Planning and Codes Administration Department prior to the public hearing certifying the notices have been sent. Provide a list of the property owners notified and a copy of the sent notice .

### **2. Notice Signs.**

- **Post Sign.** The applicant shall post a sign on the premises, at least 15 days prior to the date of the hearing, informing the general public of the time and place of the public hearing. When revised plans are submitted, staff will prepare the sign and provide it to the applicant for posting.
- **Maintain Sign.** The applicant shall make a good faith effort to maintain the sign for at least the 15 days immediately preceding the date of the hearing, through the hearing, and through any continuances of the hearing. The sign shall be placed within 5 feet of the street right-of-way line in a central position on the property that is the subject of the hearing. The sign shall be readily visible to the public. If the property contains more than one street frontage, one sign shall be placed on each street frontage so as to face each of the streets abutting the land. The sign may be removed at the conclusion of the public hearing(s) and must be removed at the end of all proceedings on the application or upon withdrawal of the application.

**3. Neighborhood Meeting.** One neighborhood meeting is required for each application, which must occur within the initial 10 day review period and prior to re-submission of the application. More than one neighborhood meeting may be held on an application, at the option of the applicant

- **Timing and location:** Within two miles of the project site, Monday through Thursday, excluding holidays, and start between 6:00P.M. and 8:00 P.M. If location for the meeting is not available within [2] miles of the subject property. The applicant shall select a location outside this area that is reasonably close to these boundaries.

- **Notification:** Shall be sent by certified mail or delivered to property owners within 300 feet of the project site. Mailed notices shall be postmarked at least seven days prior to the meeting. Hand deliveries must occur at least five (5) days prior to the meeting.
- **Notes:** The Applicant shall take sufficient notes at the neighborhood meeting to recall issues raised by the participants, in order to report on and discuss them at public hearings before City governmental bodies on the application. The notes shall be turned in with the application re-submittal.

### **Analysis of Commercial Preliminary Development Plan:**

<b>Planning Review</b>	Shannon McGuire (816) 969-1237	Planner Shannon.McGuire@cityofls.net	Corrections
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1. Please provide a legal description which accurately describes the limits of the property in a format that is selectable.
2. Please show the location of all oil and gas wells, whether active, inactive, or capped. If none are present please add a note stating such and cite your source.
3. Sidewalks are required on Along SW Market St. Please show the location and width of proposed sidewalks. Easements shall be provided if public sidewalks are to be located on private property. Minimum sidewalk width shall be five (5) feet. Construction standards shall be in accordance with the "Design and Construction Manual".
4. Sheet C4 depicts a site layout alternative. Please remove this sheet as including it may cause confusion. As this alternative is a reduction in use, if at the time of final development this is the proposed site layout it will be an allowed per UOD standards without the need to seek a new PDP. Please see UDO Article 2, Sec. 2.330 for additional requirements on when changes to approved preliminary development plans trigger the need for a new application.
5. Please label the exterior building materials for all elevations including the proposed trash enclosure gates.
6. You have only provided elevations for 2/3 proposed buildings. Preliminary building elevations of all sides depicting the general style, size and exterior construction materials and color schedule of the building proposed are required. In the event of several building types, a minimum of one elevation of each building type is required. If you wish to not provide the elevations for the 3rd building a separate PDP will be required at the time the building is developed.
7. Wood is not an approved material and will require a modification approved by the governing body. Staff has typically not supported the use of real wood on commercial building. The use of a material like Trex is an approved material and would be staff's suggestion to meet the UDO requirements and keep a comparable look. Please propose an alternative material.
8. Screening to a height of 2.5 feet must be provided along the edge of the parking lot or loading area closest to and parallel to the street. How is this being accomplished?
9. Tree planting areas shall be no less than 10 feet in width. No tree shall be located less than 4 feet from the back of curb. On sheet C1.1 & C1.2, please label the width of the tree planting areas in the parking lot.
10. Please provide a completed Landscaping Requirement Worksheet.
11. Acceptable plant materials and sizes for landscaping shall meet the ordinance requirements. Deciduous trees shall be a minimum of three-inch caliper, measured at a point 6 inches above the ground or top of the root ball, at planting. Evergreen trees shall be a minimum height of eight feet at planting.

12. Landscape islands, strips or other planting areas shall be located within the parking lot and shall constitute at least 5% of the entire area devoted to parking spaces, aisles and driveways. Please include this data in the Parking Summary table on sheet C1.

13. How will pedestrians access the buildings? The site plans (sheets C1, C1.1 & C1.2) do not show a sidewalk or other hard surface between the building and the back of the parking lot curbs. The landscape plans seem to show this area as sod.

14. Buildings shall incorporate four-sided architecture. Horizontal and vertical elements shall extend completely around the building and utilize the same or similar materials on all building facades. As proposed both buildings have long sections of unbroken vertical and horizontal plans. Please provide additional projections on the wall and breaks in the roof lines.

15. Trash enclosure areas shall be improved with a Portland cement concrete pad and a Portland cement concrete approach 30 feet in length, measured from the enclosure opening. The pad and approach shall be improved with a minimum six inches of full depth unreinforced Portland cement concrete constructed on a sub-grade of four inches of granular base course. What is the large unstriped paved area in the south east corner of the home improvement parking lot for. Please update the plans to show compliance with this UDO requirement.

16. Informational only:

1. Any division of land or unplatted piece of property requires platting prior to the issuance of building permits.
2. All signs must comply with the sign requirements as outlined in the sign section of the UDO.

17. The subject property is located in the M-150 Corridor Development Overlay (CDO) District and requires additional design standards be met. These standards can be found in Article 5 Division VI.

[https://library.municode.com/mo/lee's\\_summit/codes/unified\\_development\\_ordinance?nodeId=ART5OVDI\\_DIVVIIIENLSARDEPLADDEST](https://library.municode.com/mo/lee's_summit/codes/unified_development_ordinance?nodeId=ART5OVDI_DIVVIIIENLSARDEPLADDEST)

It does not appear that the proposed development was designed with these standards in mind. Please review the CDO standards as there may be additional requirements beyond those that I have identified below. The following comment are requirements of the CDO are not met.

18. All development in the CDO shall provide a network of on-site pedestrian walkways with a minimum width of five feet to and between the following areas:

1. Entrances to each building on the site, including pad site buildings;
2. Public sidewalks, walkways, or trails on adjacent properties that extend to the boundaries shared with the subject development;
3. Public sidewalks along the perimeter streets adjacent to the development;
4. Adjacent land uses and developments

19. On-site pedestrian connections shall be constructed of stone, slate, exposed aggregate concrete, plain concrete, or concrete pavers.

20. Internal pedestrian walkways shall be provided through parking areas in excess of 50 spaces, constructed of materials distinguishable from the driving surface.

21. The following screening standards shall apply in the M-150 CDO in addition to the requirements of Article 8.

1. Roof-mounted mechanical equipment shall be screened by a parapet wall or similar feature that is an integral part of the building's architectural design. The parapet wall or similar feature shall be of a height equal to or greater

than the height of the mechanical equipment being screened.

2. Ground-mounted mechanical equipment shall be screened from view by landscaping or by a decorative wall that is compatible with the architecture and landscaping of the development site. The wall shall be of a height equal to or greater than the height of the mechanical equipment being screened.

3. Wall-mounted mechanical equipment, except air conditioning equipment (e.g., window AC units), that protrudes more than six inches from the outer building wall shall be screened from view by structural features that are compatible with the architecture and color of the subject building. Wall-mounted mechanical equipment that protrudes six inches or less from the outer building wall shall be designed to blend with the color and architectural design of the subject building.

4. All storage areas, service areas, and loading docks not screened by an intervening building shall be screened from view from any public street right-of-way. This includes M-291 Highway.

22. All shopping carts shall be stored inside the building they serve. Shopping cart corrals shall be made of a material suitable for withstanding weathering and rusting. Plastic corrals are prohibited.

23. All refuse facilities, including new refuse facilities placed on an existing development, shall be large enough to accommodate a trash dumpster and shall be completely screened from view of public streets and adjoining nonindustrial zoned properties by:

1. Meeting the requirements of the other sections of this section; or
2. Screening on three sides by a minimum six-foot masonry wall surrounded by evergreen landscaping. An opening shall be situated so that the container is not visible from adjacent properties or public streets and the opening shall be a metal clad opaque gate. Chain-link gates are not permitted. Gates must have tie backs to secure in the open position.

24. All sides of a building shall be architecturally finished with equal levels of materials and detailing. Blank walls void of architectural details or other variation are prohibited.

25. Consistent architectural theme.

A. The architectural design within a multi-building development of structures (including freestanding outparcel structures) shall be organized around a consistent architectural theme in terms of the character, materials, texture, color, and scale of buildings. Themed restaurants, retail chains, and other franchise-style structures shall adjust their standard architectural model to be consistent with a development's architectural character.

B. All buildings in a single development, whether developed at a single time or in phases, shall share at least four architectural features in order to create continuity within the overall development. These features include, but are not limited to, the following:

1. Overhangs,
2. Canopies or porticos,
3. Recesses/projections,
4. Arcades,
5. Raised corniced parapets over the entrance,
6. Peaked roof forms,
7. Arches,
8. Outdoor patios,
9. Tower elements (at strategic locations),
10. Display windows,
11. Integral planters that incorporate landscaped areas or seating areas, and
12. Public art/sculptures.

26. No single building material shall cover more than 80 percent of the front building façade. Windows and doors shall not be counted as additional building materials.

27. Please identify how you are meeting the sustainability standards as required by Sec. 5.510 C.

<b>Engineering Review</b>	Gene Williams, P.E. (816) 969-1223	Senior Staff Engineer Gene.Williams@cityofls.net	Corrections
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1. Private sanitary sewer is shown extending across lots. A public sanitary sewer extension should be provided which flows by gravity. It would appear the most logical route would be to the south, between Quik Trip and the bank.

2. A minimum 10 foot public general utility easement is required along all street frontage (i.e. Market St.). Monument signs may be in conflict with the required easement. Please review and ensure monument signs are not located within any required easement.

3. It is unclear whether there are the required 20 feet setbacks from the 100 year water surface elevation within the detention basin and any property line. Please show an estimate of the 100 year water surface elevation (WSE) on the plan view, and please ensure the 20 feet setback is maintained between any property line or building. This should be the clogged condition/zero available storage WSE.

<b>Traffic Review</b>	Michael Park (816) 969-1820	City Traffic Engineer Michael.Park@cityofls.net	Corrections
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1. The proposed site access points are nonconforming to the City's Access Management Code (AMC) which require 300' separation on a commercial collector. The proposed south entrance aligns with the property across Market St. and meets the intent of the City's AMC. However, the north entrance does not. The adjacent property (Firestone) was required to provide a cross-access easement and a stubbed connection due to the lack of available space for driveway separation at the subject property. While a waiver to the requirement has been submitted, staff cannot support the request.

2. It is understood that the subject property/project will not generate >100 peak-hour trips (min. requirement in the AMC for a traffic study), however due to known congestion near the site, your AMC waiver request, and the general proximity to other high trip generating facilities, a traffic study will need to be prepared for this site. The traffic study will determine if turn lanes are necessary due to adjacent traffic and geometrics of Market St.

3. Sidewalk will be required the full extent of the property. There is a possibility that a request for 'payment in lieu of' could be approved for the portion of sidewalk north of the Wal-Mart crossing.

<b>Fire Review</b>	Jim Eden (816) 969-1303	Assistant Chief Jim.Eden@cityofls.net	Corrections
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1. All issues pertaining to life safety and property protection from the hazards of fire, explosion or dangerous conditions in new and existing buildings, structures and premises, and to the safety to fire fighters and emergency responders during emergency operations, shall be in accordance with the 2018 International Fire Code.

2. Site Plan 2 Alternate was not reviewed. To be considered, include a full set of plans as a separate submittal.

3. IFC 903.3.7 - Fire department connections. The location of fire department connections shall be approved by the fire code official. Connections shall be a 4 inch Storz type fitting and located within 100 feet of a fire hydrant, or as

approved by the code official.

Action required- Show the location of the FDC on the home improvement store.

4. IFC 503.2.3 - Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities.

Action required- All fire access lanes shall be heavy duty asphalt capable of supporting 75,000-pounds.

5. IFC 503.3 - Where required by the fire code official, approved signs or other approved notices or markings that include the words NO PARKING—FIRE LANE shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. The means by which fire lanes are designated shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.

Action required- The fire lane along the west side of the home improvement store shall be posted Fire Lane- No Parking.