

AN ORDINANCE APPROVING A REZONING FROM DISTRICT PI TO DISTRICT CP-2 AND PRELIMINARY DEVELOPMENT PLAN LOCATED AT 1410 NE DOUGLAS STREET, PROPOSED OAKVIEW STORAGE DEVELOPMENT PHASE II IN ACCORDANCE WITH THE PROVISIONS OF UNIFIED DEVELOPMENT ORDINANCE, NO. 5209, FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2018-033 submitted by Oakview Capital Partners, LLC, requesting approval of a rezoning from District PI (Planned Industrial) to District CP-2 (Planned Community Commercial) and preliminary development plan on land located at 1410 NE Douglas Street was referred to the Planning Commission to hold a public hearing; and,

WHEREAS, the Unified Development Ordinance provides for the approval of a rezoning and preliminary development plan by the City following public hearings by the Planning Commission and City Council; and,

WHEREAS, after due public notice in the manner prescribed by law, the Planning Commission held a public hearing for the consideration of the preliminary development plan on May 8, 2018, and rendered a report to the City Council recommending that the rezoning and preliminary development plan be approved; and,

WHEREAS, after due public notice in the manner prescribed by law, the City Council held a public hearing on June 7, 2018, and rendered a decision to approve the rezoning and preliminary development plan for said property.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LEE'S SUMMIT, MISSOURI, as follows:

SECTION 1. That a rezoning and preliminary development plan is hereby approved on the following described property:

Part of Lot 2, Minor Plat, "POLYTAINERS ADDITION LOTS 1 & 2" (a replat of Lot 1, Lee's Summit North Industrial Park, First Plat, a subdivision in Lee's Summit, Jackson County Missouri) and right-of-way for Northeast Douglas Street and Northwest Victoria Drive, in the Northeast One-Quarter of Section 31, Township 48, and Range 31, being more particularly described as follows:

Commencing at the Northwest corner of the said Northeast One-Quarter; thence South 88 degrees 04 minutes 20 seconds East(South 89 degrees 56 minutes 58 seconds East, Platted), along the North line of the said Northeast One-Quarter a distance of 1310.14 feet; thence South 01 degrees 47 minutes 43 seconds West a distance of 237.67 feet to the point of Beginning; thence continuing South 01 degrees 47 minutes 43 seconds West a distance of 642.20 feet; thence North 88 degrees 03 minutes 31 seconds West a distance of 363.40 feet; thence North 01 degrees 54 minutes 05 seconds East(North 00 degrees 03 minutes 02 seconds East, Platted), along the West line of said Lot 2 and its Southerly extension a distance of 124.22 feet to a point of curvature; thence along a curve to the left, having an initial tangent bearing of North 69 degrees 47 minutes 53 seconds East, a radius of 115.00 feet, a central angle of 33

degrees 18 minutes 24 seconds and an arc length of 66.85 feet; thence North 36 degrees 29 minutes 29 seconds East a distance of 39.14 feet to a point of curvature; thence along a curve to the left, tangent to the previous course and having a radius of 115.00 feet, a central angle of 34 degrees 12 minutes 47 seconds and an arc length of 68.67 feet; thence North 02 degrees 16 minutes 42 seconds East a distance of 379.85 feet; thence South 88 degrees 04 minutes 14 seconds East a distance of 265.76 feet, said point being the Point of Beginning, and containing 4.3134 acres, more or less.

SECTION 2. That the following conditions of approval apply:

1. A modification shall be granted to the minimum number of parking spaces for a restaurant use, to allow Lot 2 to have 55 parking spaces versus 56.
2. A modification shall be granted to the minimum 20' parking lot setback from the right-of-way, to allow an 18' setback along NE Douglas Street on Lots 2 and 3.
3. A modification shall be granted to the minimum 3-inch caliper size for shade and ornamental trees, to allow 2.5-inch and 2.0-inch caliper sizes for shade and ornamental trees, respectively, on Lots 2, 3 and 4.
4. A modification shall be granted to the minimum 8-foot height for evergreen trees, to allow an evergreen tree height of 5-feet at the time of planting on Lots 2, 3 and 4.
5. An application to vacate the excess NE Douglas Street right-of-way shall be submitted and approved prior to the issuance of any building permit.
6. The Developer shall execute a mutually satisfactory development agreement with the City, which addresses, at a minimum, the road improvements recommended in the Transportation Impact Analysis form dated May 2, 2018. No building permits shall be issued for any structures in the development until written proof is provided to the City that the development agreement has been recorded in the Jackson County Records' Office.

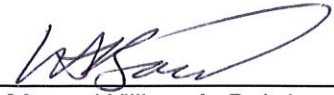
SECTION 3. That development shall be in accordance with the preliminary development plan, date stamped April 24, 2018, and elevations date stamped March 9, 2018, appended hereto and made a part hereof.

SECTION 4. Nonseverability. All provisions of this ordinance are so essentially and inseparably connected with, and so dependent upon, each other that no such provision would be enacted without all others. If a court of competent jurisdiction enters a final judgment on the merits that is not subject to appeal and that declares any provision or part of this ordinance void, unconstitutional, or unenforceable, then this ordinance, in its collective entirety, is invalid and shall have no legal effect as of the date of such judgment.

SECTION 5. That failure to comply with all of the provisions contained in this ordinance shall constitute violations of both this ordinance and the City's Unified Development Ordinance, enacted by Ordinance No. 5209 and amended from time to time.

SECTION 6. That this ordinance shall be in full force and effect from and after the date of its passage and adoption, and approval by the Mayor.

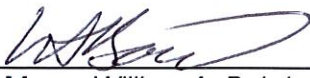
PASSED by the City Council of the City of Lee's Summit, Missouri, this 28th day of June, 2018.


Mayor William A. Baird

ATTEST:


City Clerk Trisha Fowler Arcuri

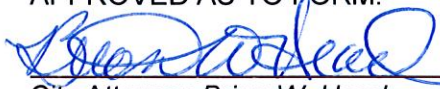
APPROVED by the Mayor of said city this 28th day of June, 2018.


Mayor William A. Baird

ATTEST:


City Clerk Trisha Fowler Arcuri

APPROVED AS TO FORM:


City Attorney Brian W. Head

City of Lee's Summit

Development Services Department

June 1, 2018

TO: City Council

PREPARED BY: Christina Stanton, AICP, Senior Planner

CHECKED BY: Hector Soto, Jr. AICP, Current Planning Manager

RE: **Continued PUBLIC HEARING – Appl. #PL2018-033 – REZONING from PI to CP-2 and PRELIMINARY DEVELOPMENT PLAN – Oakview Storage Development Phase II, 1410 NE Douglas St.; Oakview Capital Partners, LLC, applicant**

Commentary

This application is for the rezoning of 3.28 acres from PI (Planned Industrial) to CP-2 (Planned Community Commercial) and preliminary development plan for the development of three (3) 1-story retail/restaurant buildings. This lot is currently vacant and was previously part of the Polyainers lot.

The plan also depicts future adjacent development to the north and west that are not part of this application and are shown for illustrative purposes only. The development shown to the west is the 4-story, climate controlled, 114,448 square foot indoor storage facility (Appl. #PL2017-205) that was recently approved by the City Council. The development shown to the north is a future hotel project expected to only require staff approval through the final development plan process, provided the development complies with all Unified Development Ordinance (UDO) requirements.

The applicant requests the following modifications: (1) a reduction, by one, from the required number of parking spaces for Lot 2 from 56 to 55 for a restaurant use; (2) a reduction, by 2 feet, from the required 20' parking setback along NE Douglas Street; (3) a reduction, by 0.5 inches, from the required 3-inch caliper for the shade trees; (4) a reduction, by 1 inch, from the required 3-inch caliper for the ornamental trees; and (5) a reduction, by 3 feet, from the required minimum height of 8 feet for the evergreen trees. Staff supports the requested modifications.

It should be noted and re-stated that Lots 1 and 5 as shown on the plan are for illustrative purposes only and are not included within the boundaries of this application. Approval of this application does not constitute any approval for Lots 1 and 5.

Recommendation

Staff recommends **APPROVAL** of the rezoning and preliminary development plan, subject to the following:

1. A modification shall be granted to the minimum number of parking spaces for a restaurant use, to allow Lot 2 to have 55 parking spaces versus 56.
2. A modification shall be granted to the minimum 20' parking lot setback from the right-of-way, to allow an 18' setback along NE Douglas Street on Lots 2 and 3.
3. A modification shall be granted to the minimum 3-inch caliper size for shade and ornamental trees, to allow 2.5-inch and 2.0-inch caliper sizes for shade and ornamental trees, respectively, on Lots 2, 3 and 4.

4. A modification shall be granted to the minimum 8-foot height for evergreen trees, to allow an evergreen tree height of 5 feet at the time of planting on Lots 2, 3 and 4.
5. An application to vacate the excess NE Douglas St right-of-way shall be submitted and approved prior to the issuance of any building permit.
6. **The Developer shall execute a mutually satisfactory development agreement with the City, which addresses, at a minimum, the road improvements recommended in the Transportation Impact Analysis form dated May 2, 2018. No building permits shall be issued for any structures in the development until written proof is provided to the City that the development agreement has been recorded in the Jackson County Records' Office. (Added by Staff at Planning Commission)**

Zoning and Land Use Information

Location: 1410 NE Douglas Street (Lot 2, *Polytainers Addition*, Lots 1 & 2)

Current Zoning: PI (Planned Industrial District)

Proposed Zoning: CP-2 (Planned Community Commercial)

Surrounding zoning and use:

North: CP-2—Saint Luke's East Hospital

South (across NW Victoria Drive): PI—Office, Warehousing/Storage, Manufacturing

East (across NE Douglas Street): CP-2—Theatre and Retail

West: PI—Office/Warehouse, Manufacturing

Site Characteristics. The property is vacant undeveloped property with shared access from NE Victoria Drive through the adjacent Polytainers development.

Description and Character of Surrounding Area. The property is located along the NE Douglas St corridor. NE Douglas Street is primarily commercial in nature between I-470 to the north and NE Tudor Rd to the south, though Saint Luke's East Hospital is located to the immediate north of the subject property. NE Victoria Drive east of NE Douglas St serves as an entryway to an industrial area.

Project Information

Current Use: vacant undeveloped property

Proposed Use: three (3) 1-story retail/restaurant buildings

Land Area: 142,876.8 square feet (3.28 acres)

Building Area: 4,000 sq. ft.—Lot 2
3,000 sq. ft.—Lot 3
+ 2,104 sq. ft.—Lot 4
9,104 sq. ft. Total

Number of Buildings: 3

Number of Stories: 1

FAR: 0.56

Public Notification

Neighborhood meeting conducted: n/a

Newspaper notification published: April 7, 2018

Radius notices mailed to properties within 185 feet: April 3, 2018

Process

Procedure: The Planning Commission makes a recommendation to the City Council on the proposed rezoning and preliminary development plan. The City Council takes final action on the rezoning and preliminary development plan.

Duration of Validity: A preliminary development plan approval by the City Council shall not be valid for a period longer than twenty-four (24) months from the date of such approval, unless within such period a final development plan application is submitted. The City Council may grant one extension not exceeding twelve (12) months upon written request.

Unified Development Ordinance

Applicable Section(s)	Description
4.240, 4.250, 4.260	Rezoning
4.300, 4.310, 4.320	Preliminary Development Plan

Comprehensive Plan

Focus Areas	Goals, Objectives and Policies
Overall Area Land Use	Objective 1.1 Objective 1.4
Economic Development	Objective 2.1 Objective 2.2 Objective 2.3
Commercial Development	Objective 4.1 Objective 4.3

Background

- September 16, 1959 – The Polytainers property and surrounding was annexed into the City of Lee's Summit.
- March 27, 1962 – The City adopted Zoning Ordinance #715. The subject property was identified as R-1 (Single-Family Residential) under this zoning ordinance.
- October 21, 1980 – The City Council approved a rezoning (Appl. #1980-014) from R-1 to M-2 (Heavy Industrial) by Ord. #2151.
- March 22, 1989 – The minor plat (Appl. #1989-136) of *Lee's Summit North Industrial Park, First Plat* was recorded at the Jackson County Recorder of Deeds Office by Instrument #1989I0902903.

- March 12, 1990 – The Planning Commission approved the preliminary plat (Appl. #1990-134) of *Lee's Summit North Industrial Park, Lots 1-12*.
- November 1, 2001 – The Unified Development Ordinance (UDO) became effective and changed District M-1 (Light Industrial) to District PI (Planned Industrial).
- March 21, 2016 – The minor plat (Appl. #PL2016-002) of *Polytainers Addition, Lots 1 & 2* was recorded at the Jackson County Recorder of Deeds Office by Instrument #2016E0023636.
- December 14, 2017 – The City Council approved a special use permit (Appl. #PL2017-205) for an indoor storage facility located at 1410 NE Douglas St., for a time period of 25 years, by Ord. #8301. No preliminary development plan was required because the applicant agreed to meet all ordinance requirements and no modifications were requested.

Analysis of the Rezoning

Surrounding Uses. The site is located at 1410 NE Douglas Street, directly in front of the Polytainers site. The properties to the west and south are primarily office/warehouse and manufacturing. Property to the north is comprised of the Saint Luke's East Hospital. Property to the east, across NE Douglas Street, is commercial/retail.

Comprehensive Plan. The comprehensive plan shows this property as industrial. Saint Luke's property to the north is shown as commercial (office/retail) and property across NE Douglas Street is shown as retail. While this area was not shown as commercial in the comprehensive plan such a land use would be supported immediately adjacent to NE Douglas Street as proposed.

Analysis of the Preliminary Development Plan

This application is for the rezoning of 3.28 acres from PI (Planned Industrial) to CP-2 (Planned Community Commercial) and the preliminary development plan for the development of 3 retail/restaurant 1-story buildings. This preliminary development plan does not include the westernmost lot (Lot 1), which contains the climate controlled storage facility that was previously approved by special use permit (Appl. #PL2017-205). This development plan also does not include the northernmost lot (Lot 5), which is shown for reference as a hotel. Both Lots 1 and 5 are zoned PI and no preliminary development plan is required for either since the developer has stated they are not requesting any modifications for either lot.

Parking. Modification requested. **Staff supports the requested modification.**

- Required – Under Article 12 of the UDO parking for restaurant users is required at a ratio of 14 spaces per 1,000 square feet of gross floor area.
- Proposed – The applicant has proposed these 3 lots to be developed as either retail or restaurant pad sites. If developed as retail, no modifications are needed for the parking; however, if developed as a restaurant, Lot 2 is one space short of the required number of parking spaces.

Parking Requirements Per Use				
Lot	Bldg. Sq. Ft.	Parking Provided	Retail Parking Required (5/1,000)	Restaurant Parking Required (14/1,000)
2	4,000	55	20	56
3	3,000	42	15	42

4	2,104	30	11	30
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- Recommendation – Staff is supportive of the requested modification to the parking requirement. Lot 2 is shown as a restaurant with drive-through service. Restaurant industry data indicates that 60-70% of transactions for restaurants with a drive-through come through the drive-through lane, which reduces the parking demand at said facilities. Should the actual restaurant user not require construction of a drive-through lane, the space gained will accommodate the construction of additional parking to satisfy the minimum parking requirement.

Parking Setback. Modification requested. **Staff supports the requested modification.**

- Required – Section 12.120.B.1 of the UDO requires a 20' setback from any public right-of-way or private street edge of pavement for all parking lots.
- Proposed – Most of the proposed development meets the required 20' setback. However, there is an approximately 110' long area along Lots 2 and 3 that is only set back 18' from the NE Douglas St right-of-way.
- Recommendation – Staff supports the requested 2' modification to the required 20' parking lot setback. The need for a modification along this short section of parking lot is attributed to a jog in the right-of-way alignment along NE Douglas St associated with an adjacent existing right-turn lane. While a portion of the parking lot will be set back only 18' from the right-of-way line, the parking lot will maintain a significant 38' of separation from the street curb.

Landscaping, Caliper Size. Modification requested. **Staff supports the requested modifications.**

- Required – Section 14.050.A.4 of the UDO requires a minimum of 3 inch caliper, measured at a point 6 inches above the ground or top of the root ball, at planting.
- Proposed – The applicant has requested two modifications to this requirement: (1) a minimum 2.5-inch caliper for shade trees; and (2) a minimum 2-inch caliper for ornamental trees. As depicted, some of these are shown on Lots 1 and 5 which are not actually part of this preliminary development plan but are only shown for reference.
- Recommendation – Staff supports the 2.5-inch caliper for the shade trees and 2.0-inch caliper for ornamental trees. Best practices for landscaping indicate that the proposed smaller sizes of trees are more adaptable and have a higher rate of survival than larger trees. Staff intends to include changes to the minimum tree size requirements as part of a future UDO amendment. This modification shall only apply to Lots 2, 3 and 4.

Landscaping, Height. Modification requested. **Staff supports the requested modification.**

- Required – Section 14.050.A.5 of the UDO requires a minimum height of 8 feet at planting for evergreen trees.
- Proposed – The applicant has requested a modification of 3' to allow for a minimum height of 5' for evergreen trees. However, the applicant has mistakenly placed 47 of the 60 evergreen trees on Lot 1, which is not part of this preliminary development plan. Again, Lots 1 and 5 are only shown for reference.
- Recommendation – Staff supports the requested modification of 3' to allow for a minimum height of 5' at planting for the evergreen trees on Lots 2, 3, and 4. As is the case in the previous modification request above, best practices for landscaping indicate that the

proposed shorter (smaller) evergreen trees are more adaptable and have a higher rate of survival than larger trees. Staff intends to include changes to the minimum tree size requirements as part of a future UDO amendment. This modification shall only apply to Lots 2, 3 and 4.

Code and Ordinance Requirements

The items in the box below are specific to this development and must be satisfactorily addressed in order to bring the application into compliance with the Codes and Ordinances of the City.

Fire

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 of fire fighters and emergency responders during emergency operations, shall be in accordance with the 2012 International Fire Code.
2. Final hydrant and FDC placement will be determined on the final development plan.

Engineering

3. All required engineering plans and studies, including water lines, sanitary sewers, storm drainage, streets and erosion and sediment control shall be submitted along with the final development plan. All public infrastructure must be substantially complete, prior to the issuance of any certificates of occupancy.
4. All Engineering Plan Review and Inspection Fees shall be paid prior to approval of the associated engineering plans and prior to the issuance of any infrastructure permits or the start of construction (excluding land disturbance permit).
5. A Land Disturbance Permit shall be obtained from the City if ground breaking will take place prior to the issuance of an infrastructure permit, building permit, or prior to the approval of the final development plan/engineering plans.
6. All permanent off-site drainage easements or agreements, in a form acceptable to the City, shall be executed and recorded with the Jackson County Recorder of Deeds prior to the approval of the final development plan.
7. Any cut and/or fill operations, which cause public infrastructure to exceed the maximum/minimum depths of cover shall be mitigated by relocating the infrastructure vertically and/or horizontally to meet the specifications contained within the City's Design & Construction Manual.
8. The west underground detention basin and the southwest underground detention basin shall be constructed during the first phase of the development, and prior to any other construction activities on the project site.
9. The north underground detention basin shall be constructed when Lot 5 is developed.

Planning

10. Revise the Landscape Plan to remove any requested modifications from Lots 1 and 5.

JJ/cs

Attachments:

1. Transportation Impact Analysis prepared by Michael Park, dated May 2, 2018 – 2 pages
2. Traffic Impact Study prepared by Priority Engineers, Inc., dated March 16, 2018 – 19 pages
3. Rezoning Exhibit, date stamped April 24, 2018 — 1 page
4. Site Plan, date stamped April 24, 2018 – 1 page
5. Site Plan with Contours, date stamped April 24, 2018 – 1 page
6. Utility Plan, date stamped April 24, 2018 – 1 page
7. Site Details, date stamped April 24, 2018 – 1 page
8. Landscape Plan, date stamped April 24, 2018 – 1 page
9. Elevations, date stamped March 9, 2018 – 4 pages
10. Location Map

#PL2018-033 --REZONING & PRELIM. DEVEL. PLAN
1410 NE Douglas Street
Oakview Capital Partners, LLC, applicant

