

LS Memorandum

City of Lee's Summit

To: [Planning Commission]

From: [Development Services Department]

C: [File]

Date: [October 7, 2022]

**[Continued Appl. #PL2022-216 - PRELIMINARY DEVELOPMENT PLAN - Macadoodles,
1499 SW Market St; KC Blitz, applicant]**

This application was continued from the September 8, 2022, Planning Commission meeting following presentations by the applicant and staff, public testimony and discussion by the Planning Commission. The primary topic of concern and discussion was related to staff's recommendation that the applicant construct an off-site road improvement composed of a median along SW Persels Rd at the intersection with SW Market St. The median would change the intersection from full access to a right-in/right-out. The applicant's preference was to not construct the median. A number of business owners along SW Market St south of SW Persels Rd provided testimony expressing their opinions that construction of the median limiting access at the nearby intersection would negatively impact their businesses. Staff's recommendation for the median was based on the traffic study indicating that a signal was warranted at the intersection of SW Persels Rd/SW Market St. However, the proximity of a new signalized intersection to two existing signalized intersections along SW Persels Rd would result in operational issues, thus the median provides an alternate method to address an identified existing operational deficiency at the intersection. The Planning Commission continued the public hearing with direction that the applicant and staff further evaluate the intersection and improvement options.

The applicant's traffic engineer performed new traffic counts for the peak hours on September 21, 2022, to determine any changes to area traffic since the opening of the new East Trails Middle School along SE Bailey Rd (SW Persels Rd becomes SE Bailey Rd east of M-291 Hwy). The original traffic counts were taken in February of 2022, prior to the school's opening this fall. Compared to the original counts, the new counts found lower traffic volumes during the morning and higher traffic volumes during the afternoon. With the updated traffic count information, the applicant's traffic engineer now recommends that a median be constructed at the intersection of SW Market St and SW Persels Rd to convert the intersection to right-in/right-out only. The applicant has agreed to construct the median as recommended in the updated traffic study.

LS Memorandum

The updated recommended conditions of approval on the subject application are as follows:

1. A modification shall be granted to the minimum 20' parking lot setback from right-of-way, to allow a 4'-4" parking lot setback along the site's M-291 Hwy frontage.
2. A minimum 24' pavement width (excluding curb and gutter) shall be provided for the two-way drive aisle located south of the proposed drive-through facility. ~~To meet this requirement, a modification shall be granted to the minimum 20' parking lot setback from the public right-of-way, to allow a 7' parking lot setback along SW Market St.~~ **(Amended by staff at the September 8, 2022, Planning Commission meeting.)**
3. Development shall be in accordance with the preliminary development plan dated July 12, 2022, except as otherwise conditioned for approval.
4. The developer shall execute a mutually satisfactory development agreement with the City, which addresses, at a minimum, the traffic-related improvements included in the Transportation Impact Analysis (TIA) dated October 5, 2022. No permits shall be issued for the on-site drive-through-related improvements until written proof is provided to the City that the development agreement has been recorded in the Jackson County Records' Office. Additionally, no permits shall be issued for the on-site drive-through-related improvements until such time as the required off-site median improvement referenced in the TIA is substantially complete or a form of security as approved by the City Attorney for the purpose of providing for and securing the actual construction and installation of the required median is provided to the City.