



LEE'S SUMMIT
MISSOURI
Development Services Department

Development Services Staff Report

File Number	PL2022-296 – PRELIMINARY DEVELOPMENT PLAN – Market Street Center Lot 2
Applicant Location	Lee's Summit Retail Partners, LLC, 3511 SW Market St
Planning Commission Date Heard by	October 13, 2022 Planning Commission and City Council
Analyst Checked By	C. Shannon McGuire Hector Soto, Jr., AICP, Senior Planner Kent Monter, PE, Development Engineering Manager

Public Notification

Pre-application held: July 26, 2022
Neighborhood meeting conducted: September 28, 2022
Newspaper notification published on: September 24, 2022
Radius notices mailed to properties within 300 feet on: September 22, 2022
Site notice posted on: September 26, 2022

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Attachments

Preliminary Development Plan, dated September 13, 2022 – 14 pages
Modification request letter, dated September 13, 2022 – 1 page
Location Map

1. Project Data and Facts

Project Data	
Applicant/Status	Lee's Summit Retail Partners, LLC
Applicant's Representative	Dan Carr
Location of Property	3511 SW Market St
Size of Property	2.58 acres (112,481 sq. ft.)
Number of Lots	1 Lot
Building Area	15,200 sq. ft.
FAR (Floor Area Ratio)	0.14 –
Parking Spaces – Required	61 – total spaces required
Parking Spaces – Proposed	90 – total spaces proposed
Zoning	CP-2 (Planned Community Commercial District)
Comprehensive Plan Designation	Commercial
Procedure	The Planning Commission makes a recommendation to the City Council on the proposed preliminary development plan. The City Council takes final action on the preliminary development plan in the form of an ordinance. Duration of Validity: 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.

Current Land Use

The subject 2.58-acre property is currently undeveloped vacant ground.

Description of Applicant's Request

The applicant proposes a preliminary development plan to construct a single freestanding building on the subject site. The proposed use for the building is a hardware store. As elevations for the proposed building were not provided with the previous preliminary development plan application (PL2021-406), development of this site requires a preliminary development plan under separate application.

2. Land Use

Description and Character of Surrounding Area

The properties surrounding the subject site are zoned CP-2 with the exception of MO 291 Highway to the east. Firestone is located to the west and Walmart is to the north across SW Market St. South of the property is QuikTrip and Bank of the West.

Adjacent Land Uses and Zoning

North (across SW Market St):	Walmart / CP-2
South:	QuikTrip & Bank of the West / CP-2
East:	MO 291 Highway
West:	Firestone / CP-2

Site Characteristics

The property sits along the west side of the MO 291 Hwy corridor. The property is bounded by SW Market St to the north and west. The south boundary is an interior property line shared with QuikTrip and Bank of the West. Overall, the site primarily slopes from west to east with a fairly significant north / south drainage ditch.

Special Considerations

This site is located in the M-150 Corridor Development Overlay (CDO) District.

3. Project Proposal**Site Design**

Land Use	
Impervious Coverage:	69%
Pervious:	31%
TOTAL	100%

Parking

Proposed		Required	
Total parking spaces proposed:	90	Total parking spaces required:	61
Accessible spaces proposed:	4	Accessible spaces required:	3
Parking Reduction requested?	No	Off-site Parking requested?	No

Structure(s) Design

Number and Proposed Use of Buildings
1 – Hardware Store
Building Height
22' 8"
Building Size
15,200 sq. ft.
Number of Stories
1 Story
Floor Area Ratio
0.14

Setbacks (Perimeter)

Yard	Required Minimum	Proposed
Front	15' (Building) / 20' (Parking)	155' (Building) / 20' (Parking)
Side	10' (Building) / 6' (Parking)	41' (Building) / 6' (Parking)
Rear	20' (Building) / 6' (Parking)	50' (Building) / 6' (Parking)

4. Unified Development Ordinance (UDO)

Section	Description
2.260,2.300	Preliminary development plan
4.210	Zoning Districts
5.510	M-150 CDO design standards

The subject property is zoned CP-2 and located within the M-150 Corridor Development Overlay (CDO) District. The CP-2 was established to provide a location for a full-range of retail and office development serving the general needs of the community. The intent of the CP-2 District is to promote a streetscape that encourages buildings to be moved forward adjacent to the front yard setback line or adjacent to the required landscape improvements. This site design improves the benefits derived from the required landscaping and the overall image of the commercial corridor.

The purpose of the CDO is to facilitate the development of property in the M-150 corridor in accordance with the M-150 Sustainable Corridor Vision and Framework Plan (M-150 Corridor Plan) with the highest possible levels of community and building design consistent with the healthy economic development and redevelopment of the plan area.

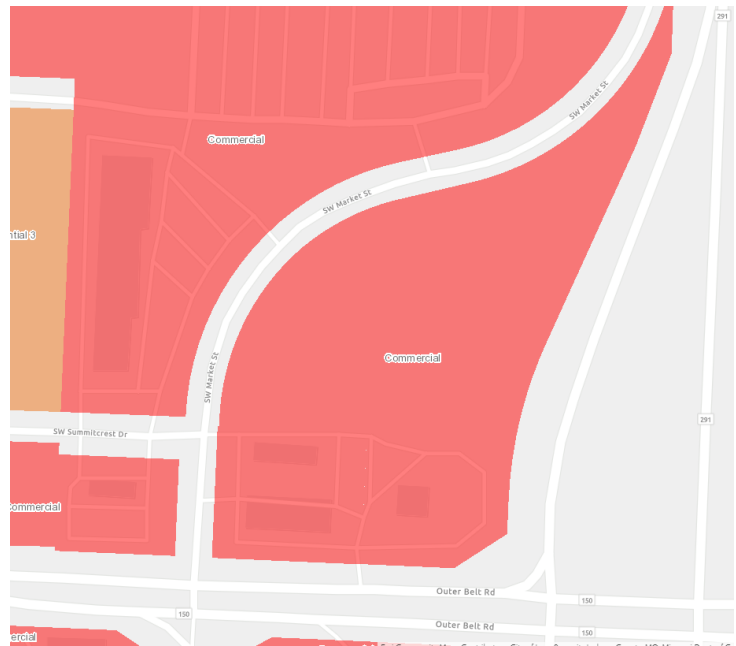
5. Comprehensive Plan

Focus Areas	Goals, Objectives & Policies
Resilient Economy	Goal 3.3. A

The 2021 Ignite Comprehensive Plan land use map identifies the subject site's future recommended land use as Commercial. An objective established of the Comprehensive Plan is to increase private sector investment in Lee's Summit by stimulating continued economic development investment and reinvestment by the private sector in Lee's Summit.

Maintaining a diverse and valuable tax base to foster a positive return on investment as the community grows so the community continues to enjoy the finest quality services and infrastructure is an additional objective set out by the adopted Comprehensive Plan.

If approved, the proposed PDP will meet the above goals and objectives of the Comprehensive Plan with the continued investment into the economic development and growth of the City. The proposed development will aid in creating a strong, high-quality commercial base that provides diversified, accessible, and convenient services to meet the changing needs of the community.



6. Analysis

Background and History

- August 29, 1972 – The subject property and surrounding area were annexed into the City by special election.
- September 6, 2001 – The City Council amended comprehensive zoning Ordinance No. 715, subdivision Ordinance No. 850, Chapters 27 and 33 of the Code of Ordinances for the City of Lee's Summit, Missouri, and enacted the Unified Development Ordinance amending the subject property's zoning from C-1 to CP-2. The UDO went into effect on November 1, 2001.
- February 1, 2022 – The City Council approved the PDP for Market Street Center by Ord. #9328.
- May 19, 2022 – The City Council approved the FP for *Market Street Center, Lot 1-2 & Tract A*, by Ord. #9415.

Compatibility

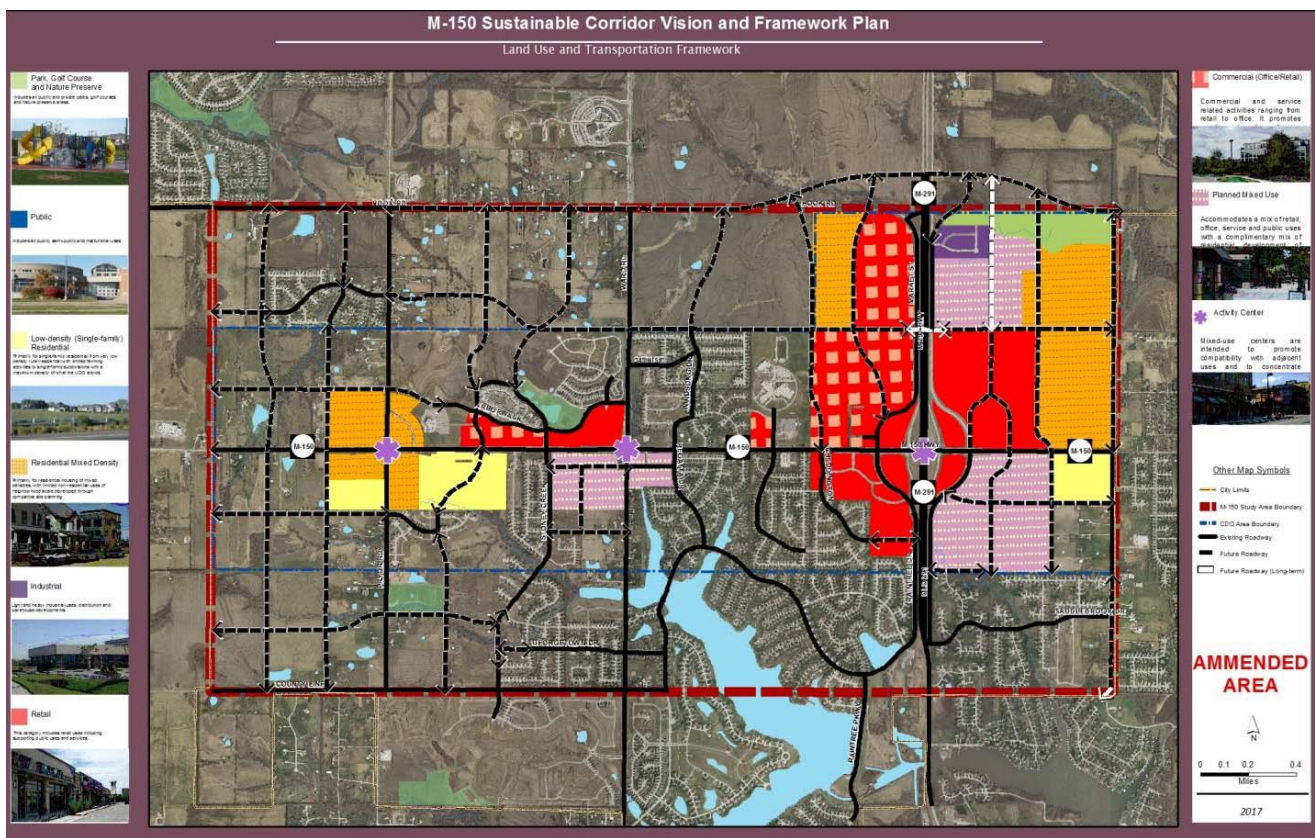
The property is located on the east side of SW Market St approximately 650 feet north of the intersection at MO 150 Highway. The site sits adjacent to a bank (Bank of the West) with a drive-through facility and a QuikTrip to the south, a multi-tenant strip center (Summit Crest Plaza) to the west, Walmart to the north and MO 291 Highway to the east. All adjoining properties are zoned CP-2. The proposed use (retail) is a compatible use for the area and is permitted by right under the property's existing CP-2 zoning. The proposed building materials and architecture are compatible with the commercial development in this area. The proposed building exteriors are composed of standing seam metal panel, EIFS, split face CMU, cast stone and glass.



M-150 CDO design standards

The subject property is located within the boundaries of the M-150 Corridor Development Overlay (CDO) District. In an effort to promote sustainable development within the M-150 Corridor, the overlay district encourages the integration of water and energy conservation techniques in site planning and building design by establishing minimum sustainability requirements. To address these requirements the developer has proposed to incorporate the following features:

1. Energy-efficient materials, including low-E glass, TPO roofing and LED lighting
2. Shared Parking
3. Drip irrigation system for landscaped areas
4. TPO cool



The CDO design standards require at least 25 percent of all walls facing a public street contain windows or doorways. The glazing shall be effectively clear, and shall not exceed 40 percent reflectance. Divided-light windows are encouraged. Materials that create noticeable glare or which restrict the ability of the public to view the inside of a structure from the outside are generally prohibited, but may be allowed in limited locations in structures intended for financial or other uses with documentable safety concerns. As proposed, the wall facing SW Market Street does not meet this standard. The applicant has requested a modification. Additional analysis of the modification request is provided below.

Adverse Impacts

The proposed development will not detrimentally impact the surrounding area. The proposed project develops a long-vacant and highly visible property along the MO 291 Hwy and MO 150 corridors. Stormwater management will be handled via a detention basin located south of the subject site.

Public Services

The proposed development will not impede the normal and orderly development and improvement of the surrounding property. The surrounding properties are fully built out. The proposed development will tie into the existing public infrastructure. The site has direct access from SW Market St which has sufficient capacity to accommodate the traffic volumes for the proposed use.

Modifications

Transparency and glazing. Staff does not support the requested modification.

- Required – At least 25 percent of all walls facing a public street shall contain windows or doorways. Materials that create noticeable glare or which restrict the ability of the public to view the inside of a structure from the outside are generally prohibited, but may be allowed in limited locations in structures intended for financial or other uses with documentable safety concerns.
- Proposed – 15 percent of the wall facing a public street shall contain windows or doorways.
- Recommendation – The purpose of the CDO is to facilitate the development of property in the corridor with the highest possible levels of community and building design consistent with the healthy economic development and redevelopment of the plan area. As such, elevated design standards were adopted to enhance the architectural characteristics of buildings in the overlay district. By establishing minimum standard for windows or doorways on walls facing a public street, the CDO is attempting to establish a more inviting, pedestrian friendly environment. The applicant has failed to provide a compelling reason for justifying the modification request. Nor have they addressed how the requested modification meets the intent of the CDO design standards. For these reasons staff does not support the modification request. A condition of approval has been included requiring the applicant to meet the CDO standards.

Recommendation

With the conditions of approval below, the application meets the requirements of the UDO and Design and Construction Manual (DCM).

7. Recommended Conditions of Approval

Site Specific

1. Development shall meet the minimum transparency and glazing standards as outlined in Sec. 5.510. - M-150 CDO design standards of the UDO.
2. Development shall be in accordance with the preliminary development plan dated September 13, 2022.

Standard Conditions of Approval

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 site development permits or the start of construction (excluding land disturbance permit).
5. All subdivision-related public improvements must have a Certificate of Final Acceptance prior to approval of the final plat, unless security is provided in the manner set forth in the City's Unified Development Ordinance (UDO) Section 7.340. If security is provided, building permits may be issued upon issuance of a Certificate of Substantial Completion of the public infrastructure as outlined in Article 3, Division V, Sections 3.540 and 3.550 and Article 3, Division IV, Section 3.475 of the UDO, respectively.
6. A Land Disturbance Permit shall be obtained from the City if groundbreaking will take place prior to the issuance of a site development permit, building permit, or prior to the approval of the Final Development Plan / Engineering Plans.
7. Private parking lots shall follow Article 8 of the Unified Development Ordinance for pavement thickness and base requirements.
8. 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 and Construction Manual.
9. 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.
10. IFC 105.6.20 - A Hazardous materials permit is required for the using, dispensing, transporting, handling, and/or storing of extremely hazardous substances. "Extremely Hazardous Substances (EHS) Facilities" are defined as facilities subject to the provisions of Superfund Amendments and Reauthorization Act of 1986 (SARA TITLE III), Section 302, for storing, dispensing, using, or handling of listed chemicals in excess of their threshold planning quantities (TPQ). See amended Section 5001.4 of the 2018 International Fire Code.