



LEE'S SUMMIT
MISSOURI
Development Services Department

Development Services Staff Report

File Number	PL2023-011
File Name	REZONING from CP-2 to PMIX – Discovery Park – Zone 1
Applicant	Intrinsic Development, LLC, applicant
Property Address	Approximately 39.42 acres located at the northwest corner of NE Colbern Rd. and NE Douglas St.
Planning Commission Date	June 8, 2023
Heard by	Planning Commission and City Council
Analyst	Hector Soto, Jr., AICP, Senior Planner
Checked By	Dawn Bell, Project Manager Aimee Nassif, AICP, Deputy Director of Development Services Sue Pyles, PE, Development Engineering Manager

Public Notification

Pre-application held: January 7, 2022; and October 4, 2022
Neighborhood meeting conducted: May 3, 2023
Newspaper notification published on: May 20, 2023
Radius notices mailed to properties within 300 feet on: May 18, 2023
Site posted notice on: May 19, 2023

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Attachments

Transportation Impact Analysis prepared by Susan Barry, P.E., dated May 30, 2023 – 4 pages

Traffic Impact Study prepared by Kimley Horn, dated January 19, 2023 – 675 pages

Rezoning & Preliminary Development Plan, revision date May 16, 2023 – 25 pages

Design Guidelines, upload date April 25, 2023 – 29 pages

Modification memo submitted by applicant, dated April 4, 2023

Macro Stormwater report prepared by Olsson, sealed April 3, 2023 – 298 pages

Stream Buffer Waiver, signed by George M. Binger III May 26, 2023 – 1 page

Sanitary Sewer System Capacity Analysis prepared by Olsson, sealed May 4, 2023-46 pages

Neighborhood Meeting Memo, dated May 3, 2023

Location Map

1. Project Data and Facts

Project Data	
Applicant/Status	Intrinsic Development, LLC / Developer's representative
Applicant's Representative	Brian Maener
Location of Property	Approximately 39.42 acres located at the northwest corner of NW Colbern Rd. and NE Douglas St.
Size of Property	Lot 1 - 2.09 acres Lot 2 - 2.37 acres Lot 3 - 2.01 acres Lot 4 - 1.67 acres Lot 5 - 1.8 acres Lot 6 - 0.7 acres Lot 7 - 1.21 acres Lot 8 - 1.61 acres Lot 9 - 5.59 acres Lot 10 - 3.74 acres Lot 11 - 1.26 acres Lot 12 - 2.22 acres Lot 13 - 1.13 acres Tract A - 7.9 acres Tract B - 3.81 acres ±39.42 total acres
Number of Lots	13 lots (6 commercial, 5 mixed use, 2 multi-family residential) 2 common area tracts
Number of Residential Units	Lot 4 – 46 Apt. Units Lot 5 – 40 Apt. Units Lot 8 – 46 Apt. Units Lot 9 – 124 Apt. Units 8 Brownstones

	Lot 10 – 153 Apt. Units 8 Brownstones Lot 11 – 80 Apt. Units <u>Lot 12 – 80 Apt. Units</u> 585 total units
Density (or FAR)	Lot 1 - 0.28 Lot 2 - 0.60 Lot 3 - 0.92 Lot 4 - 0.96 Lot 5 - 0.53 Lot 6 - 0.26 Lot 7 - 0.22 Lot 8 - 0.99 Lot 9 - 0.99 Lot 10 - 1.60 Lot 11 - 0.83 Lot 12 - 1.31 <u>Lot 13 - 0.07</u> 0.62 total FAR
Zoning (Existing)	CP-2 (Planned Community Commercial District)
Zoning (Proposed)	PMIX (Planned Mixed Use District)
Comprehensive Plan Designation	Mixed Use
Procedure	<p>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 in the form of an ordinance.</p> <p><i>Duration of Validity:</i> Rezoning approval by the City Council shall be valid upon approval and has no expiration.</p> <p>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.</p>

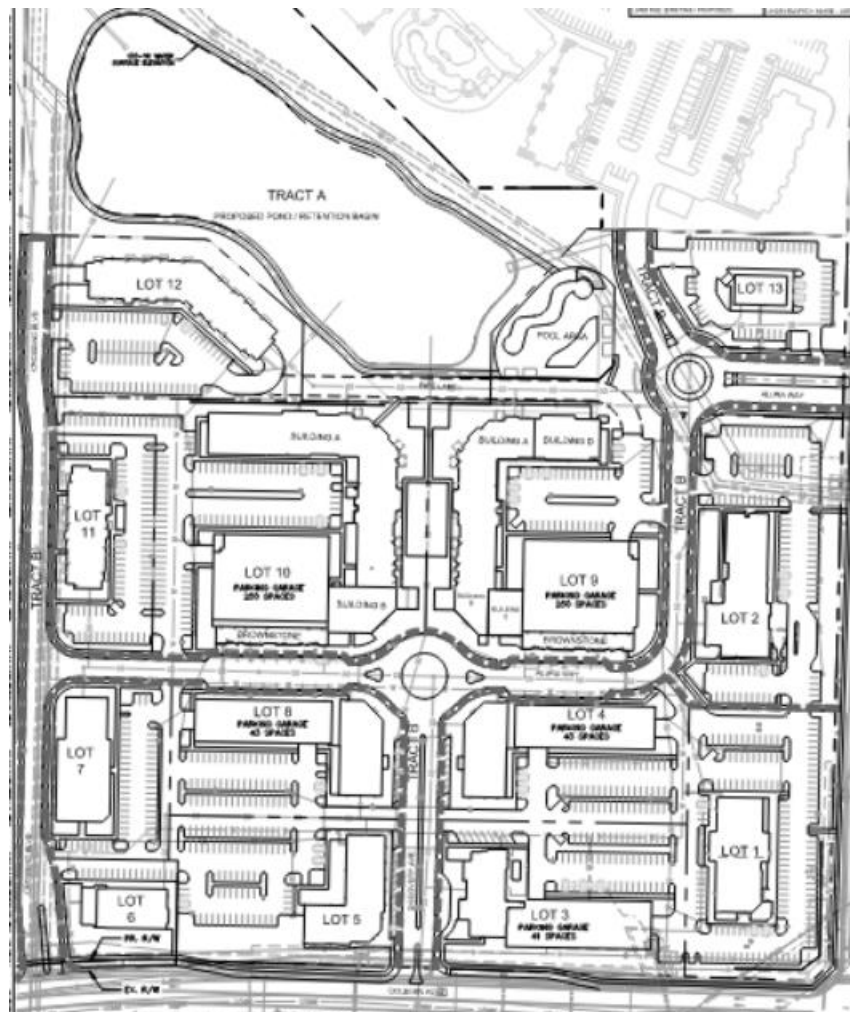
The subject 40-acre property is currently unplatted, undeveloped vacant ground located at the NW corner of NE Lee's Summit Rd and NE Colbern Rd. The property has been historically utilized for agricultural purposes.



Description of Applicant's Request

The applicant proposes a rezoning from CP-2 to PMIX and preliminary development plan (PDP) for a 299,639 sq. ft. mixed use development on 38.81 acres located at the northwest corner of NE Douglas St and NE Colbern Rd. The proposed development has both a vertical and horizontal mix of uses that include apartments, offices, retail, service and hotels. From an architectural perspective, buildings will range from 1 to 4 stories. Materials include brick, cement fiberboard, aluminum accenting and storefront glazing.

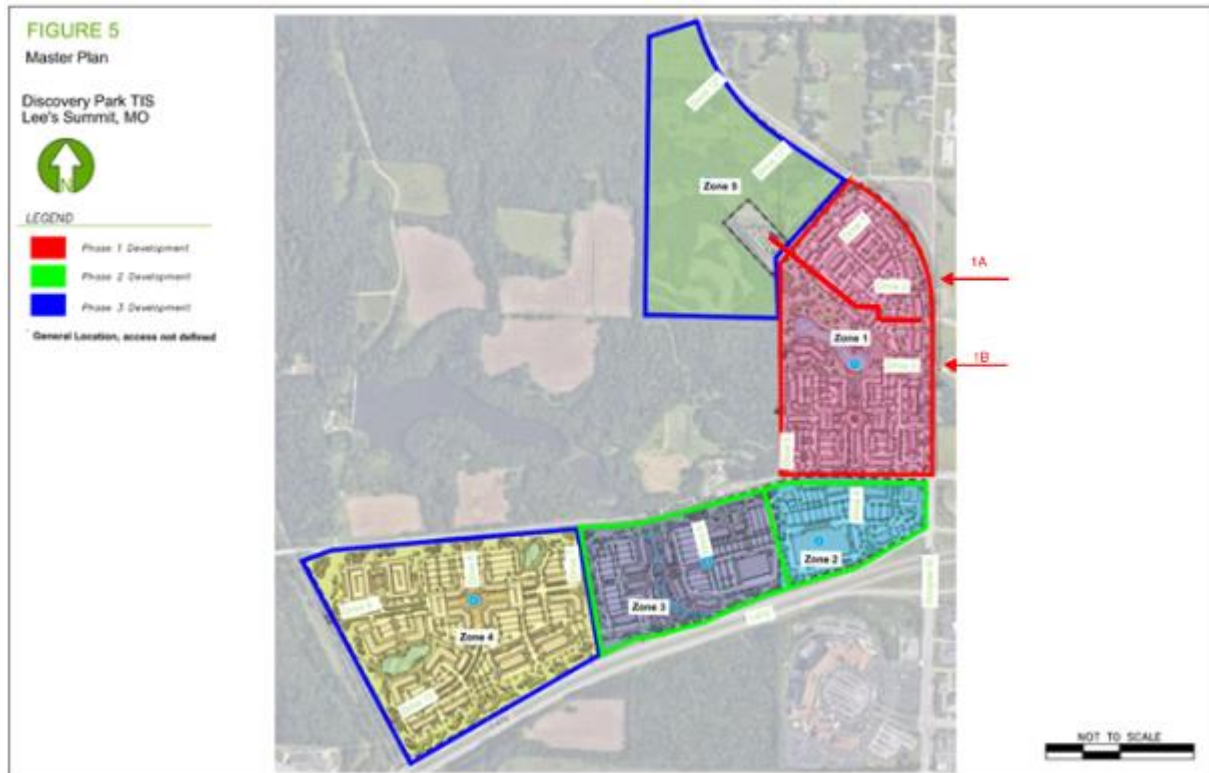
The applicant requests a modification to the separation requirement between residential uses and an outdoor exercise area for a pet daycare. Staff has reviewed this request and is supportive as described in Section 6 of this report.



The current application is for the property shown above, however the applicant does intend to develop properties to the north and south at a future date. Separate applications for rezoning and preliminary development will be submitted as needed for the property to the south bounded by NE Douglas St to the east, NE Main St to the west, NE Colbern Rd to the north and I-470 to the south. The abutting property to the north has an approved preliminary development plan for an apartment development from 2019 that is still valid.

Project Zones/Phases

The applicant has broken the proposed and future development into Zones and Phases. The current project is contained within a portion of 'Zone 1' (in red below), which is located to the south of the project known as Aria. Future PDP applications will be brought forward for future 'Zones'. It is broken down this way in the Traffic Impact Study and road improvements will also be done in conjunction with the phases as outlined in the TIS. For intent and purpose of this report, Zone 1A is the previously approved Aria site and Zone 1B is the subject site.



2. Land Use

Description and Character of Surrounding Area

The surrounding property to the north is currently unplatted, vacant and undeveloped. However, the property to the north is zoned RP-4 with a PDP for a multi-family development approved on July 16, 2019. The property to the south of the subject site is unplatted and zoned R-1 with a residential home on the property. This property, along with the property to the north, is also owned by the same ownership group. The single-family home will be removed during the next phase of the project, which will come forward under a separate PDP application. Located east of the project site is the City of Lee's Summit Airport. West of the site is owned by Unity Village and outside the City limits.

Adjacent Land Uses and Zoning

North:	Vacant/RP-4
South:	Single-family home/R-1 (intended to be developed in the future by same Developer)
East:	City of Lee's Summit Airport/AZ
West:	Unity Village

Site Characteristics

The site is an undeveloped lot. There is a stream near the north property boundary, flowing from SE to NW.

Special Considerations

None

3. Project Proposal**Site Design**

Land Use	
Impervious Coverage:	51%
Pervious:	49%
TOTAL	100%

Parking

Proposed		Required	
Total parking spaces proposed:	1583	Total parking spaces required:	1524
Accessible spaces proposed:	31	Accessible spaces required:	26
Parking Reduction requested?	No	Off-site Parking requested?	No

Structure(s) Design

Lot #	Use	Square Footage	FAR/Density	Height
1	Restaurant/Retail/Office	25,000	0.28	2 stories
2	Hotel	61,500	0.60	4 stories
3	Hotel	80,300	0.92	4 stories
4	Retail/Office/Residential/ Parking Garage	69,900	0.96	3 stories
5	Retail/Office/Residential	41,400	0.53	3 stories

6	Animal Hospital	7,984	0.26	1 story
7	Pet Daycare	11,425	0.22	1 story
8	Retail/Office/Residential/ Garage	69,900	0.99	3 stories
9	Commercial/Residential	240,600	0.99	4 stories
10	Restaurant/Residential	260,800	1.6	4 stories
11	Residential	45,200	0.83	4 stories
12	Residential	126,500	1.31	4 stories
13	Restaurant	3,600	0.07	1 story

Amenities

A swimming pool area with cabanas is proposed at the northeast corner of the project site. The pool area is bordered by Lot 13 to the east, Lot 9 to the south and includes landscaping as a buffer from the commercial lot to the east. Pedestrian connectivity is included throughout the development with a series of sidewalks, walking trails, and a centralized green space area.

4. Unified Development Ordinance (UDO)

Section	Description
2.240,2.250,2.260	Rezoning
2.040,2.260,2.300,2.320	Preliminary Development Plans
4.240	Zoning Districts (PMIX)
2.320	Modifications

The intent of the PMIX zoning district is to permit a mixture of uses which, with proper design and planning, will be compatible with each other and with surrounding uses or zoning districts and will encourage a mix of uses, in a cohesive manner in response to market demands.

The proposed rezoning to PMIX and associated development encompasses a vertical and horizontal mixture of different land uses that would not otherwise be permitted to be located within the same zoning district. Uses include the following: hotels; stand-alone retail/service uses; stand-alone apartments; and apartments above retail/service/office.

5. Comprehensive Plan

Focus Areas	Goals, Objectives & Policies
Strong Neighborhoods and Housing Choices	<p>Goal: Maintain thriving, quality neighborhoods that connect a diversity of residents throughout the community.</p> <p>Objective: Change overall housing mix to 65% Residential Category 1, 20% Residential Category 2, 15% Residential Category 3.</p> <p>Objective: Increase business activity by designing mutually supportive neighborhoods.</p>
Resilient Economy	<p>Objective: Diversify Lee's Summit economy.</p> <p>Objective: Increase business retention and grow business activity.</p> <p>Objective: Maintain a diverse and valuable tax base.</p>
Land Use and Community Design	<p>Objective: Plan for purposeful growth, revitalization and redevelopment.</p>

The Ignite Comprehensive Plan identifies Mixed Use as the recommended future land use category for the subject property. According to the Ignite Comprehensive Plan, the "[Mixed Use] land use designation is intended to accommodate in low-rise buildings a mix of retail, office, service and public uses with a complementary mix of residential development of varying densities...." The proposed development's characteristics of 1- to 4-story buildings housing a mix of retail, office, service, hotels and apartments are in line with the intent of the Mixed Use land use category as defined under the Ignite Plan.

A number of objectives identified in the Ignite Comprehensive Plan center around the importance of diverse and mutually supportive neighborhoods achieved through purposeful growth. The proposed mix of higher density residential (apartments) and commercial development brings together complementary land uses that serve and support one another in a more compact development pattern that is appropriate for a commercial node at the intersection of I-470 and NE Douglas St.

6. Analysis

Background and History

- September 15, 1959 – The subject property was part of a 9,757-acre annexation into the City by Ordinance No. 584.
- July 18, 2019 – The City Council approved a rezoning (PL2019-075) from AG to CP-2 and conceptual plan on the subject property by Ordinance No. 8674.

Compatibility

The site is generally located at the northwest quadrant of the I-470/NE Douglas St interchange. The general character of existing development surrounding the interchange is a mix of public, semi-public and commercial uses. The northeast quadrant is developed with the municipal airport on property that is zoned AZ (Airport

Zone). The southeast quadrant is developed with a mix of office, retail and service uses on property that is zoned CP-2. The southwest quadrant is developed with the Saint Luke's Hospital campus on property that is zoned CP-2. As previously stated, there is an approved plan for a 485-unit apartment development to the immediate north of the subject project site, known as Aria. The proposed development is compatible with the nature of existing commercial development in the area, and is a continued phase of the overall future Discovery Park Master Planned area.

The proposed development is not expected to negatively affect the aesthetics of the subject project area and or neighboring properties. The developer has submitted design guidelines that will govern architecture and establish a cohesive theme that will carry through and complement future development of the property located south of NE Colbern Rd, north of I-470, east of NE Douglas St and west of NE Main St that will be considered in the future under separate application. Approved materials for the development include brick, cement fiberboard, aluminum and storefront glazing.



Figure 1 - Typical retail/office building



Figure 2 - Typical hotel



Figure 3 - Typical apartments over commercial

Adverse Impacts

The proposed development is not expected to seriously injure the appropriate use of, or detrimentally affect, neighboring property. The northeast quadrant of the I-470/NE Douglas St interchange is the remaining developable assemblage of property in the area. The applicant will pursue development of the remaining acreage located south of NE Colbern Rd, between NE Main St and NE Douglas St under separate application. Said remaining acreage will be a phased continuation of the subject Discovery Park development.

The subject development is not expected to create excessive storm water runoff for the area. A regional retention basin will be constructed from an existing pond at the north end of the project site to serve all thirteen (13) lots.

The proposed development site is located west of the municipal airport, approximately ¼ mile from the southern limits of the north-south runway. As such, it should be noted that any development within 1 mile from an airport should expect to periodically experience aircraft-related noise and vibration from the normal operation of the adjacent airport.

Infrastructure

The proposed preliminary development plan is not expected to impede the normal and orderly development and improvement of the surrounding property. Sanitary sewer service will connect to an existing main that crosses the northern section of the property. An existing sanitary sewer force main along the west side of the property will be relocated to maintain proper separation from structures. Water service will connect to a water main that will be relocated to the east side of the property.

The applicant has requested to enclose a portion of the stream buffer within this site and that request has been reviewed and approved by the City Engineer. In addition, the applicant will be expanding the stream buffer area offsite to the north in order to offset any wildlife habitats being impacted. The proposed retention basin will provide peak flow attenuation and provide water quality, as required. By routing the offsite drainage through the permanent pool of water, the approximately 680 feet of travel length will provide an

opportunity for suspended solids and floatables to settle out or be collected and disposed of by the development's maintenance program. Including the offsite drainage in the controlled release rate for the basin also reduces the chance for scour or erosion in the downstream channel.

The additional water quality and release rate control would not have been required had the stream buffer been preserved. As an added measure, the applicant has also proposed additional water quality features on individual lots throughout the development. These features will be reviewed as a part of each Final Development Plan submitted.

Modifications

Pet Motel or Training with Outdoor Exercise Area Separation. Staff supports this modification request.

- Required – A pet motel or training facility with an outdoor exercise area shall be set back a minimum 200 feet from the property line of a residential use or residential district. (UDO Section 6.410)
- Proposed – The developer has provided approximately 120 feet of separation from a pet daycare with outdoor exercise area on Lot 7 from the nearest apartment building located on Lot 8.
- Recommended – The intent of this requirement is to prevent noise and visual disturbance to residents of adjacent properties. This is a unique project due to the entire community being master planned and with this service being made available in convenient proximity to the residents of the community who will serve as a target market. In addition, this lot is separated by an internal drive aisle and parking areas separate these two lots and the outdoor area will be fully enclosed.

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. A modification shall be granted to the minimum 200 foot separation between a pet motel or training with outdoor exercise area to a residential use, to allow a 120 foot separation.
2. Development shall be in accordance with the preliminary development plan with a revision date of May 16, 2023.
3. Development shall be in accordance with the design guidelines prepared by the developer with an upload date of April 25, 2023.
4. Comply with the TIA dated, May 31, 2023, prepared by Susan Barry, P.E., City Traffic Engineer.
5. All items in the "Comments" section of the approved Design and Construction Manual Design Modification Request signed by the City Engineer dated 5/26/23 shall be required with each associated Final Development Plan submitted.
6. Submit an updated landscape plan identifying Lot 6 in the southwest corner of the development with submittal of the final development plan.

Standard Conditions of Approval

7. All 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.
8. 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).
9. All permanent off-site easements, in a form acceptable to the City, shall be executed and recorded with the Jackson County Recorder of Deeds prior to the issuance of a Certificate of Substantial Completion or approval of the final plat. A certified copy shall be submitted to the City for verification.
10. Certain aspects of the development plan will be further reviewed during the Final Development Plan phase of the project. This includes detailed aspects of the design to help ensure that the plan meets the design criteria and specifications contained in the Design and Construction Manual.
11. Private parking lots shall follow Article 8 of the Unified Development Ordinance for pavement thickness and base requirements.
12. 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.
13. Submittal of a geotechnical report to the City for the reclaimed pond site shall be required prior to the issuance of any building permit on the affected lots.
14. A development agreement between the City and the developer shall be made to provide adequate sanitary sewer service for this phase of the development, as well as the ultimate build-out. Possible scenarios were presented in the "Sanitary Sewer System Capacity Analysis: Discovery Park" dated May 4, 2023.
15. 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.
16. IFC 503.3 Marking. 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.

Fire lanes may be marked in one or a combination of methods as approved by the fire code official. Curbs.

All curbs and curb ends shall be painted red with four inch (4") white lettering stating "FIRE LANE—NO PARKING". Wording may not be spaced more than fifteen feet (15') apart. Where no curb exists or a rolled curb is installed, a 6-inch (6") wide painted red stripe applied to the concrete or asphalt with four inch (4") white lettering stating "FIRE LANE—NO PARKING". Signs. In areas where fire lanes are required, but no continuous curb is available, one of the following methods shall be used to indicate the fire lane. Option 1: A sign twelve inches (12") wide and eighteen inches (18") in height shall be mounted on a metal post set in concrete a minimum of depth of eighteen inches (18") set back one foot (1') in from the edge of the roadway with the bottom of the sign being seven feet (7') from finished grade. Signs shall face oncoming traffic. Spacing of signs shall not exceed fifty feet (50') between signs. Signs shall be reflective material with a white color background with symbols, letters and border in red color. "FIRE LANE—NO PARKING". Option 2: A sign twelve inches (12") wide and eighteen inches (18") in height shall be mounted on the side of a structure or other permanent fixture approved by the Fire Code Official. The bottom of the sign being seven feet (7') from finished grade. Spacing of signs shall not exceed fifty feet (50') between signs. Signs shall be reflective material with a white color background with symbols, letters and border in red color. "FIRE LANE—NO PARKING".

17. IFC 507.1 - An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction.

Work with Water Utilities to determine if adequate fire flow is available per IFC Table B105.1(2). A 50% reduction is allowed for an automatic sprinkler system.

18. IFC 507.5.1 - Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 300 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official.

The building on Lot 9 does not meet the requirement. Provide hydrants or adjust spacing to meet requirements. Provide hydrants along the north side of NE Colbern Road.

19. All exterior mechanical equipment, whether roof mounted or ground mounted, shall be entirely screened from view. Roof mounted equipment shall be screened by the parapet equal to the height of the mechanical equipment. Ground mounted equipment shall be screened by masonry wall or landscaping equal to the height of the units.

20. Accessible parking signs shall meet the requirements set forth in the **Manual on Uniform Traffic Devices (R7-8)**. Each accessible parking space shall be identified by a sign, mounted on a pole or other structure, located 60 inches (5 feet) above the ground measured from the bottom of the sign, at the head of the parking space.

21. Sign permits shall be obtained prior to installation of any signs through the Development Services Department. All signs proposed must comply with the sign requirements as outlined in the sign section of the Unified Development Ordinance.

22. A final plat shall be approved and recorded prior to issuance of any building permits.