



LEE'S SUMMIT
MISSOURI
Development Services Department

Development Services Staff Report

File Number	PL2024-157
File Name	REZONING from R-1 to PMIX – Discovery Crossing, Lots 1-9
Applicant	Intrinsic Development, LLC, applicant
Property Address	1810 NE Douglas St and 101 NW Colbern Rd
Planning Commission Date	September 12, 2024
Heard by	Planning Commission and City Council
Analyst	Hector Soto, Jr., AICP, Senior Planner

Public Notification

Pre-application held: March 5, 2024
Neighborhood meeting conducted: July 17, 2024
Newspaper notification published on: August 24, 2024
Radius notices mailed to properties within 300 feet on: August 28, 2024
Site posted notice on: August 22, 2024

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Attachments

Transportation Impact Analysis prepared by Erin Ralovo, P.E., dated August 28, 2024 – 3 pages
Traffic Impact Study prepared by McCurdy Engineers, dated July 24, 2024 – 63 pages
Rezoning & Preliminary Development Plan, revision date July 26, 2023 – 10 pages
Landscape Plan, revision date July 30, 2024 – 4 pages
Design Guidelines, upload date June 20, 2024 – 29 pages

Architectural Renderings, upload date June 20, 2024 – 20 pages

Preliminary Stormwater Management & Drainage Report prepared by OWN, sealed June 20, 2024 – 13 pages

Sanitary Sewer Demand Statement prepared by OWN, sealed June 20, 2024 – 5 pages

Neighborhood Meeting Minutes, dated July 18, 2024

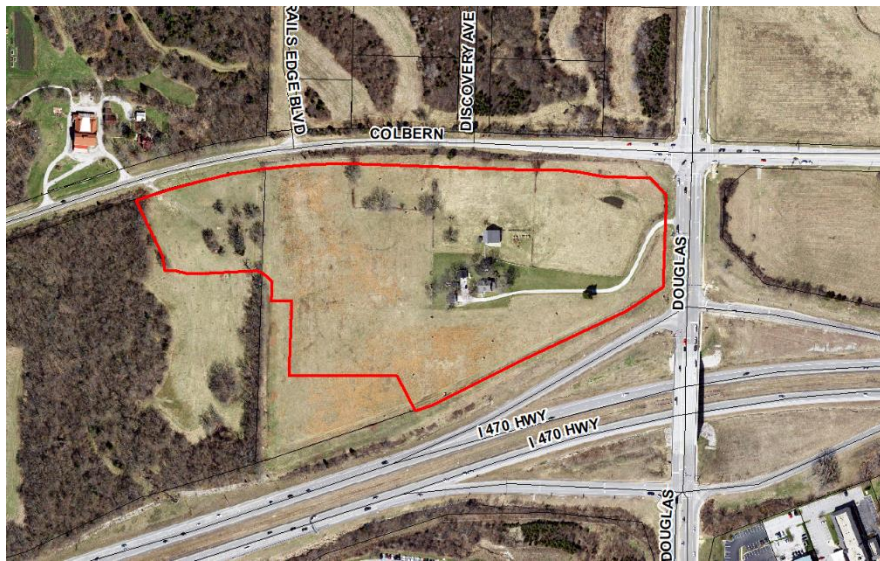
Location Map

1. Project Data and Facts

Project Data	
Applicant/Status	Intrinsic Development, LLC / Developer
Applicant's Representative	Brian Maener
Location of Property	1810 NE Douglas St and 101 NW Colbern Rd
Size of Property	Lot 1 – 2.08 acres (90,605 sq. ft.) Lot 2 – 1.07 acres (46,706 sq. ft.) Lot 3 – 0.67 acres (29,122 sq. ft.) Lot 4 – 1.56 acres (67,828 sq. ft.) Lot 5 – 1.64 acres (71,550 sq. ft.) Lot 6 – 1.74 acres (75,794 sq. ft.) Lot 7 – 2.08 acres (90,672 sq. ft.) Lot 8 – 2.29 acres (99,675 sq. ft.) Lot 9 – 1.90 acres (82,792 sq. ft.) Tract A – 2.45 acres (106,675 sq. ft.) <u>Tract B – 0.44 acres (19,128 sq. ft.)</u> ±17.91 total acres (780,261 sq. ft.)
Number of Lots	9 lots and 2 common area tracts
Building Area	Lot 1 – 7,000 sq. ft. Lot 2 – 2,400 sq. ft. Lot 3 – 900 sq. ft. Lot 4 – 12,250 sq. ft. Lot 5 – 12,250 sq. ft. Lot 6 – 7,500 sq. ft. Lot 7 – 20,500 sq. ft. Lot 8 – 11,850 sq. ft. <u>Lot 9 – 10,000 sq. ft.</u> 84,650 total sq. ft
Floor Area Ratio (FAR)	Lot 1 – 0.08 Lot 2 – 0.05 Lot 3 – 0.03 Lot 4 – 0.18 Lot 5 – 0.17 Lot 6 – 0.10 Lot 7 – 0.23 Lot 8 – 0.12

	<u>Lot 9 – 0.12</u> 0.11 total FAR
Zoning (Existing)	R-1 (Single-family Residential 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>Duration of Validity: 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>

Current Land Use



The subject approximately 18-acre project area is the former site of a farm with a single-family residence. The residence has since been relocated outside of the city limits.

Description of Applicant's Request

The applicant proposes a rezoning from R-1 to PMIX and preliminary development plan (PDP) for an 84,650 sq. ft. retail/commercial development on 17.91 acres located at the southwest corner of NE Douglas St and NE Colbern Rd. From an architectural perspective, buildings will be 1-story structures with exterior materials consisting of brick, cement fiberboard, aluminum accenting and storefront glazing.

The applicant requests a modification to the parking lot setback requirement from the public right-of-way along I-470. Staff supports the requested modification and additional information on this is provided later in this report.

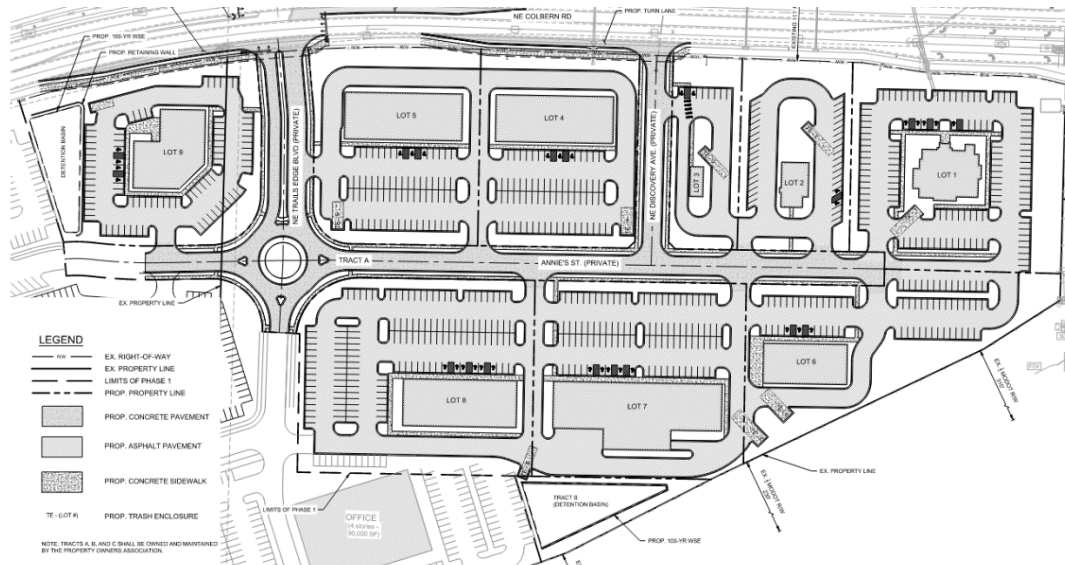


Figure 1 - Site Plan

The current application is only for the property shown above, which is referred to as Zone 2 in the Conceptual Discovery Park Master Plan included further below. However, the applicant intends to ultimately develop the remaining 115 acres to the west bounded by NE Colbern Rd on the north and NE Main St on the west under separate future applications. The subject project area is depicted in teal in the master plan below. The adjacent property to the north (depicted in red) has an approved preliminary development plan for the initial Discovery Park phase and is in the beginning stages of construction.

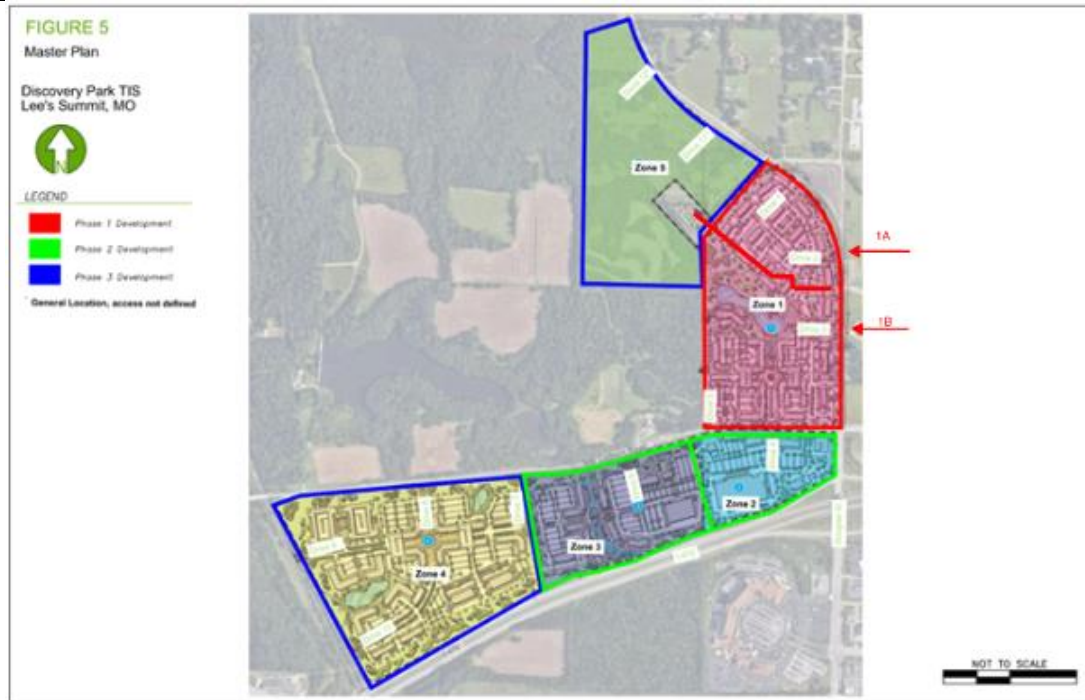


Figure 2 - Conceptual Discovery Park Master Plan

2. Land Use

Description and Character of Surrounding Area

The adjacent property to the north is currently being developed as the first phase of the overall Discovery Park project. The initial phase is a mixed-use residential/commercial development known as The Village at Discovery Park. The property to the west is vacant, undeveloped land that will house future phases of the Discovery Park development. The property to the east across NE Douglas St is undevelopable City-owned property located within the airport's runway protection zone (RPZ).

Adjacent Land Uses and Zoning

North (across NE Douglas St):	The Village at Discovery Park/PMIX
South:	I-470
East:	City of Lee's Summit Airport/AZ (Airport Zone)
West:	Undeveloped acreage (future Discovery Park)/PMIX

Site Characteristics

The subject property is the former site of a farm with a single-family residence. The residence no longer exists. The site has frontage along NE Colbern Rd, NE Douglas St and I-470 along the north, east and south, respectively. Vehicular access is only allowed along NE Colbern Rd. The property generally slopes to the north and to the south from its high point in the middle of the parcel.

Special Considerations

None

3. Project Proposal

Site Design

Land Use	
Impervious Coverage:	68%
Pervious:	32%
TOTAL	100%

Parking

Proposed		Required	
Total parking spaces proposed:	739	Total parking spaces required:	706
Accessible spaces proposed:	33	Accessible spaces required:	15
Parking Reduction requested?	No	Off-site Parking requested?	No

Structure(s) Design

Lot #	Use	Square Footage	FAR/Density	Height
1	Restaurant	7,000	0.08	1 story
2	Restaurant	2,400	0.05	1 story
3	Restaurant, Drive-through	900	0.03	1 story
4	Retail/Restaurant	12,250	0.18	1 story
5	Retail/Restaurant	12,250	0.17	1 story
6	Retail/Restaurant	7,500	0.10	1 story
7	Grocer/Retail	20,500	0.23	1 story
8	Retail/Restaurant	11,850	0.12	1 story
9	Retail/Restaurant	10,000	0.12	1 story

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 proposed rezoning to PMIX is consistent with the existing PMIX zoning of the initial phase of the overall Discovery Park development (i.e. The Village at Discovery Park) located to the immediate north and is consistent with the existing PMIX zoning of the approximately 115 acres of undeveloped land located to the immediate west intended to house subsequent phases of the Discovery Park development.

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. Although the land uses in this specific phase of Discovery Park will be limited to retail and service uses, staff believes the proposed PMIX zoning to be appropriate at the macro level because this phase is one piece of the larger Discovery Park puzzle that will encompass a vertical and horizontal mixture of different land uses that would not otherwise be permitted to be located within the same zoning district. Uses within the overall Discovery Park project area include the following: hotels; stand-alone retail/service uses; multi-tenant commercial buildings; stand-alone apartments; and apartments located above ground-floor retail/service/office space.

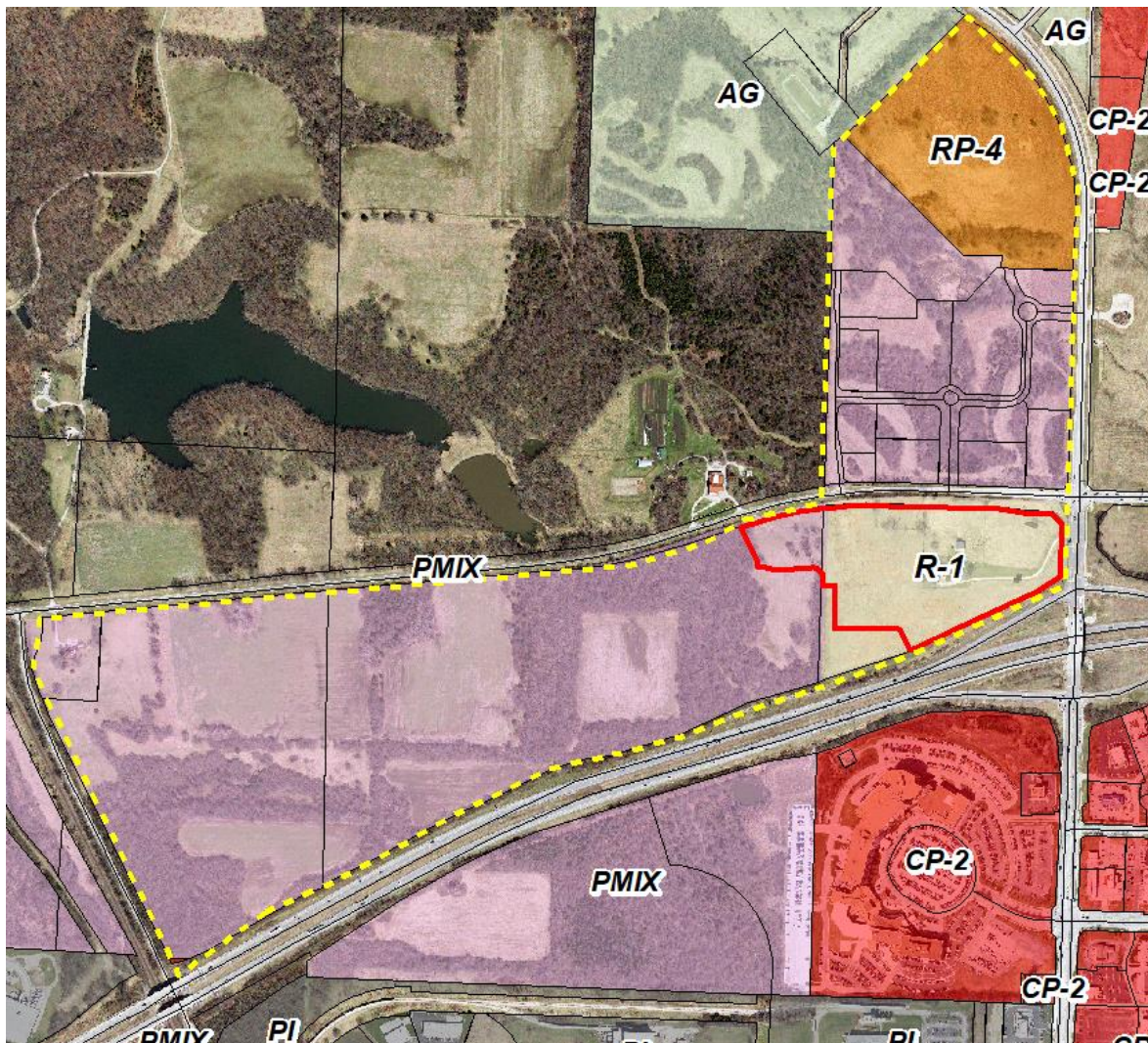


Figure 3 - Existing Zoning -- Overall Discovery Park Boundary (shown in dashed yellow; subject phase outlined in red)

Neighborhood Meeting

The applicant hosted a neighborhood meeting on July 17, 2024, at 6:00 pm at the Discovery Park field office. One (1) member of the public attended the meeting.

Questions/topics of discussion included:

- Number of proposed residential units and buildings for this phase and Discovery Park phases; and
- Notification of future Discovery Park residential tenants of the proximity of the airport and noise associated with airport activity.

5. Comprehensive Plan

Focus Areas	Goals, Objectives & Policies
Strong Neighborhoods and Housing Choices	Objective: Increase business activity by designing mutually supportive neighborhoods.
Resilient Economy	Objective: Diversify Lee's Summit economy. Objective: Increase business retention and grow business activity. Objective: Maintain a diverse and valuable tax base.
Land Use and Community Design	Objective: Plan for purposeful growth, revitalization and redevelopment.

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-story buildings housing a mix of retail and services uses complements the retail/service, office, hotel and apartments uses that make up the previously approved first phase of Discovery Park to the north, while also providing retail and service opportunities to support commercial activity at the I-470/NE Douglas St interchange.

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 larger Discovery Park development as a whole proposes a mix of higher density residential (apartments) and commercial development that brings together complementary land uses that serve and support one another in a more compact development pattern, while also providing a range of land uses that are appropriate for a commercial node at the intersection of I-470 and NE Douglas St to support area travelers and residents.

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.
- December 15, 2011 – The City Council approved an annexation of approximately 313 acres from Unity Village by Ordinance No. 7130. Approximately 1.85 acres of the proposed Lot 9 of the subject application were included in the annexation.
- December 20, 2012 – The City Council approved an application (Appl. #PL2012-124) establishing PMIX zoning on the 313 acres annexed from Unity Village in the previous year by Ordinance No. 7270.
- July 18, 2019 – The City Council approved a rezoning (Appl. #PL2019-075) for the northwest corner of NE Colbern Rd and NE Douglas St (located north across NE Colbern Rd from the subject property) from AG (Agricultural) to RP-4 (Planned Apartment Residential) and CP-2 (Planned Community Commercial), preliminary development plan for a 22.5-acre apartment development (Aria Apartments) and conceptual plan for a 39.4-acre commercial development (Summit Village North) on the subject property by Ordinance No. 8674.
- July 25, 2023 – The City Council approved a rezoning (Appl. #PL2023-011) from CP-2 to PMIX and preliminary development plan for the 39.4-acre mixed use Discovery Park – Zone 1 at the northwest corner of NE Colbern Rd and NE Douglas St, located north across NE Colbern Rd from the subject property.

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. 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. As previously referenced, a rezoning and preliminary development plan for the initial Discovery Park phase was approved in 2023 to the immediate north. To the north of that is the site of an associated approved plan for a 485-unit apartment development known as Aria.

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, which were previously presented and approved as part of the preliminary development plan for the initial Discovery Park phase and are unchanged with this application, that will govern architecture and establish a cohesive theme that will carry through and complement the 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(s) for the Discover Park Master Planned area. Approved materials for the development include brick, cement fiberboard, aluminum and storefront glazing. The development's design aesthetics also extend to landscaping with a tree-lined internal street network that will help to define, activate and bring a pedestrian-friendly environment to the sidewalks that will be located on both sides of all internal streets. The varieties of landscape material will be finalized at the final development plan stage, with the goal of a mix of plant materials that will provide year-round visual interest.



Figure 4 - Typical multi-tenant retail/office building



Figure 5 - Typical stand-alone commercial building



Figure 6 - Typical stand-alone restaurant building

Adverse Impacts

The proposed development will not seriously injure the appropriate use of, or detrimentally affect, neighboring property. The northwest quadrant of the I-470/NE Douglas St interchange is the remaining developable assemblage of property in the area. The subject application constitutes the second phase of the Discovery Park master plan, the remaining acreage of which constitutes the rest of the area located south of NE Colbern Rd between NE Main St and NE Douglas St and will be considered under future separate application(s).

The subject development is not expected to create excessive storm water runoff for the area. Two (2) detention basins located at the south and east ends of the subject phase will serve the development.

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. Staff has communicated this fact with the applicant throughout the application process, particularly as it relates to awareness for future tenants and residents of the overall Discovery Park development, which has been acknowledged by the applicant. The applicant does not believe noise concerns will be an issue within the Discovery Park development. The proposed buildings will be fully insulated, with multi-story buildings within the overall development having sound underlayment installed between floors to help mitigate noise concerns.

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 8" main installed as part of the infrastructure improvements for the first phase of Discovery Park on the north side NW/NE Colbern Rd. Water service will connect to a 12" main located along the south side of NW/NE Colbern Rd.

From a road infrastructure standpoint, the abutting NW/NE Colbern Rd widening project is nearing completion and will have sufficient capacity to support continued development along said road corridor. The subject development will be served by two access points along NW/NE Colbern Rd. The western access will be a signalized full-access intersection. The eastern access will be right-in/right-out. The developer will be responsible for construction of an eastbound right-turn lane at the west entrance; a westbound left-turn lane at the west entrance; and an eastbound right-turn lane at the east entrance.

The UDO requires construction of sidewalks along both sides of all non-residential streets at the time the adjacent property is developed. Sidewalks will be constructed on both sides of the development's internal private street system. In terms of public streets, the proposed development has frontage along NW/NE Colbern Rd and NE Douglas St. Sidewalk will be constructed along the development's NW/NE Colbern Rd frontage as part of this development. As a non-residential street, sidewalk construction is also required along the development's NE Douglas St frontage. However, in this case, staff recommends that the developer make payment in lieu of constructing the required sidewalk, as allowed under UDO Section 7.370, due to the fact that pedestrians going to/coming from the south along NE Douglas St can only cross over I-470 by using the sidewalk along the east side the NE Douglas St overpass; the overpass is not designed to accommodate a sidewalk on both sides of the structure. Without the ability to extend pedestrian facilities farther south over the interstate, construction of a sidewalk along the subject property's NE Douglas St frontage provides no

benefit to the immediate area. In accordance with UDO Section 7.370.C.4, collected monies in lieu of sidewalk construction shall be used to construct sidewalk in the same address grid quadrant as the property from where the payment was collected (the NE address quadrant) if it is not used to construct sidewalk adjacent to said property. The request for payment in lieu of construction occurs at the platting stage. Requests are submitted to the Director of Development Services for their consideration based on criteria outlined under UDO Section 7.370.C.1, of which practical barriers that obstruct sidewalk connectivity due to limited space or freeway crossings is one criterion.

Modifications

The applicant is seeking a modification to UDO Section 8.620 pertaining to the required 20' parking lot setback. Staff has reviewed the request and supports the requested modification for the reasons identified below.

- Required – minimum 20' setback from the right-of-way
- Proposed – 5.77' setback from the I-470 right-of-way
- Recommended – The area with proposed reduced parking lot setbacks are along the westbound I-470 on-ramp where there is an abundance of right-of-way width that provides ample separation between the parking lot boundaries and the on-ramp lanes travel lanes. More specifically, the parking lot boundaries will maintain between approximately 60' (on the east end of the development) and 100' (near the mid-point of the development) of separation to the abutting I-470 on-ramp, compared to approximately 35' of separation between a parking lot boundary and the nearest edge of street pavement along a typical collector or arterial street. The proposed parking lot with reduced setbacks along the south project boundary will maintain greater separation from the adjacent on-ramp travel lanes than a typical commercial site. Staff supports the modification request.

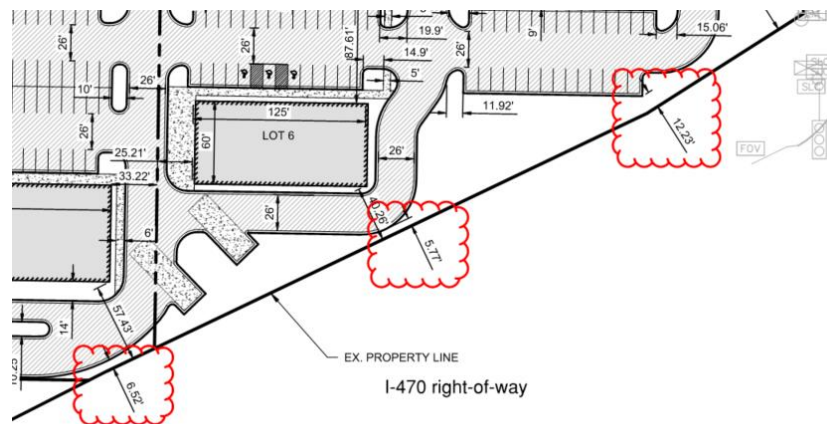


Figure 7 - Proposed reduced parking lot setback area.

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 20' parking lot setback from the right-of-way, to allow a minimum 5.77' parking lot setback along the I-470 right-of-way.
2. Development shall be in accordance with the preliminary development plan with a revision date of July 26, 2024; landscape plan with a revision date of July 30, 2024; architectural renderings uploaded June 20, 2024; and design guidelines prepared by the developer uploaded June 20, 2024.
3. The development standards (e.g. setbacks, building heights, lot sizes, etc.) and range of allowable land uses that will govern the subject PMIX development shall be the established development standards and allowable land uses of the CP-2 zoning district.
4. Development shall be in accordance with the recommended road improvements included in the TIA dated, August 28, 2024, prepared by Erin Ralovo, P.E., Senior Staff Engineer.

Standard Conditions of Approval

5. 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.
6. 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).
7. 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.
8. 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 ensure that the plan meets the design criteria and specifications contained in the Design and Construction Manual.
9. Private parking lots shall be constructed in accordance with Article 8 of the Unified Development Ordinance for pavement thickness and base requirements.
10. 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.
11. 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 buildings on Lots 7 and 8 exceed 300 feet to a hydrant measured from the most exterior portion of the building.

12. IIFC 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.

The distance to a hydrant exceeds 100 feet on Lots: 1,2,3,4,5,6,7,8 and 9.

13. 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.

All fire lanes shall be designed and built to support 75,000-pounds.

14. 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.

15. 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.

16. 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.

17. 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.

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