



LEE'S SUMMIT
MISSOURI
Development Services Department

Development Services Staff Report

File Number	PL2022-357
File Name	REZONING from RP-2 to CP-2 and PRELIMINARY DEVELOPMENT PLAN - Take 5 Oil Change
Applicant	Driven Assets, LLC,
Location	400 NE M-291 Hwy
Planning Commission Date	September 26, 2023
Heard by	Planning Commission and City Council
Analyst	C. Shannon McGuire, Senior Planner

Public Notification

Pre-application held: August 30, 2022
Neighborhood meeting conducted: June 7, 2023
Newspaper notification published on: October 7, 2023
Radius notices mailed to properties within 300 feet on: October 5, 2023
Site notice posted on: October 6, 2023

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Attachments

Transportation Impact Analysis by Erin Ralovo, PE, dated October 6, 2023 – 2 pages
Stormwater Management Summary by High Tide Consultants LLC., dated October 7, 2022, revised September 8, 2023 – 68 pages
Preliminary Development Plan, dated September 8, 2023 – 12 pages
Rezoning Exhibit, dated September 8, 2023 – 1 page
Location Map

1. Project Data and Facts

Project Data	
Applicant/Status	Driven Assets, LLC /Developer
Applicant's Representative	Todd Minnis
Location of Property	400 NE M-291 Hwy.
Size of Property	1.73 acres (75,218 sq. ft.)
Number of Lots	1 Lot
Building Area	1,415 sq. ft.
Building Height	19' 10"
Number of Buildings	1
FAR (Floor Area Ratio)	0.065
Parking Spaces – Required	10
Parking Spaces – Proposed	10
Zoning (existing)	RP-2 (Planned Two-Family Residential District)
Zoning (proposed)	CP-2 (Planned Community Commercial)
Comprehensive Plan Designation	Activity Center, Downtown
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 preliminary development plan in the form of an ordinance.</p> <p>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.</p>

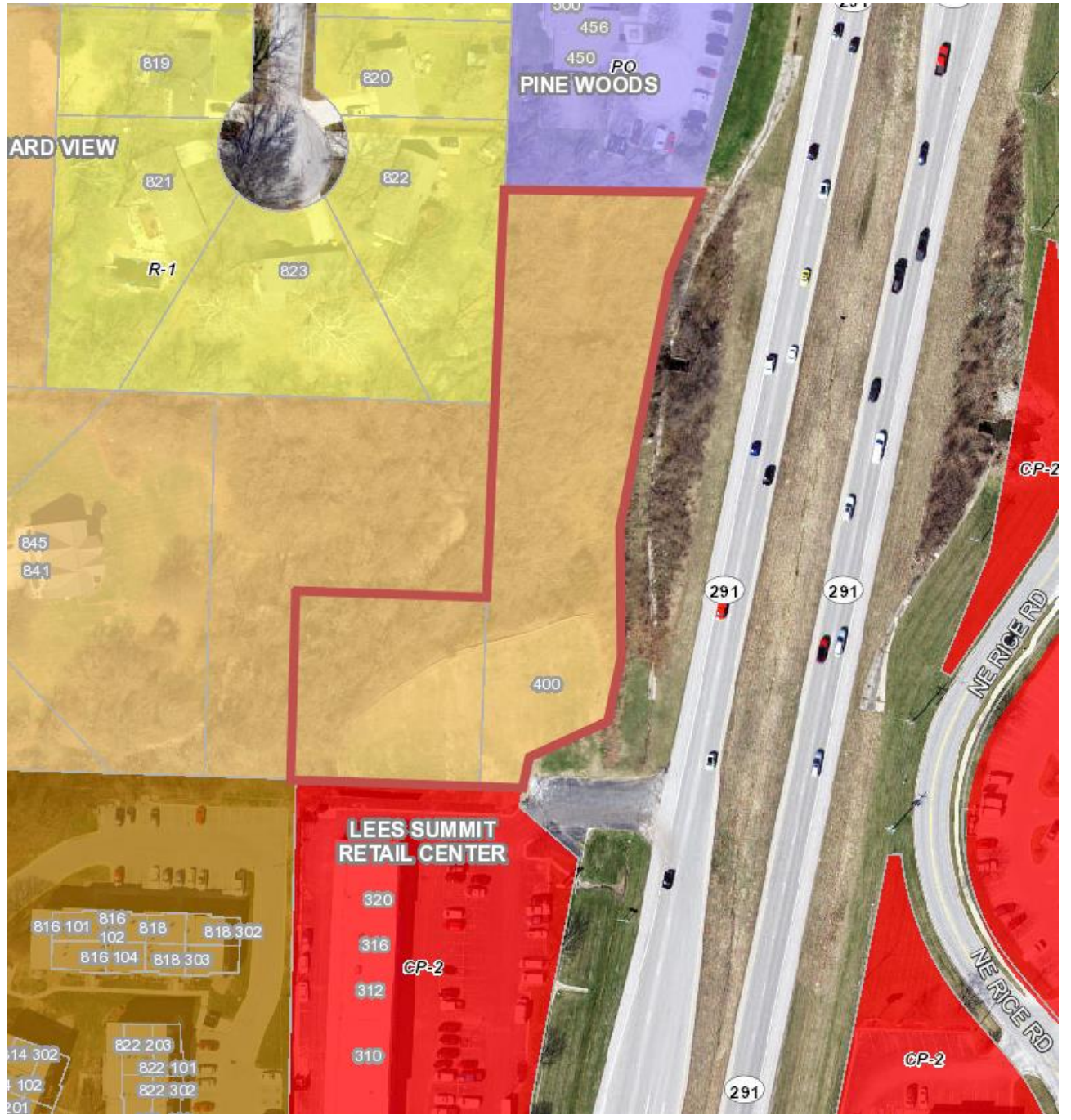
Current Land Use
The subject 1.73-acre property is currently undeveloped vacant ground located at 400 NE M-291 Hwy.

Description of Applicant's Request
<p>The applicant seeks approval of a rezoning from RP-2 to CP-2 and approval of a preliminary development plan (PDP) to construct a 1,415 sq. ft. oil change facility. From an architectural perspective, the exterior materials will include EIFS/stucco, cultured stone and glass.</p> <p>The applicant is seeking a modification to the design of the required landscaping buffer.</p>

2. Land Use

Description and Character of Surrounding Area

North of the property is the PO zoned Pine Woods Office development. The CP-2 zoned Lee's Summit Retail Center commercial strip center is south of the property. East, across M-291 Hwy is zoned CP-2. The properties to the west are zoned RP-2 and R-1.



Adjacent Land Uses and Zoning

North:	Office / PO
South:	Lee's Summit Retail Center / CP-2
East (across M-291 Hwy):	HyVee & UMB Bank / CP-2
West:	HOA Common Ground / RP-2 Single Family / R-1

Site Characteristics

The southern portion of the undeveloped subject site is relatively flat and has been cleared of overgrowth in preparation for development. The remaining property is covered in heavy mature tree growth with a significant grade change, dropping nearly 28' to a creek.



Special Considerations
None

2. Project Proposal

Site Design

Land Use	
Impervious Coverage:	13.88%
Pervious:	86.12%
TOTAL	100%

Parking

Proposed		Required	
Total parking spaces proposed:	9 standard stalls 1 Van accessible ADA stall	Total parking spaces required:	10
Accessible spaces proposed:	1	Accessible spaces required:	1
Parking Reduction requested?	No	Off-site Parking requested?	No

Structure(s) Design

Number and Proposed Use of Buildings
1 / oil change facility
Building Height
19' 10"
Building Size
1,415 sq. ft.
Number of Stories
1 story
Floor Area Ratio
0.065 – proposed total FAR (0.55 max in the CP-2 zoning district)

Setbacks (Perimeter)

Yard	Required Minimum	Proposed
Front	15' (Building) / 20' (Parking)	41' 9" (Building) / 54' 3" (Parking)
Side	10' (Building) / 6' (Parking)	45' 3" (Building) / 123' 6" (Parking)
Rear	20' (Building) / 6' (Parking)	124' 2" (Building) / 85' 9" (Parking)

4. Unified Development Ordinance (UDO)

Section	Description
2.240, 2.250, 2.60	Rezoning
2.260,2.300	Preliminary Development Plan
4.190	Zoning Districts

Unified Development Ordinance

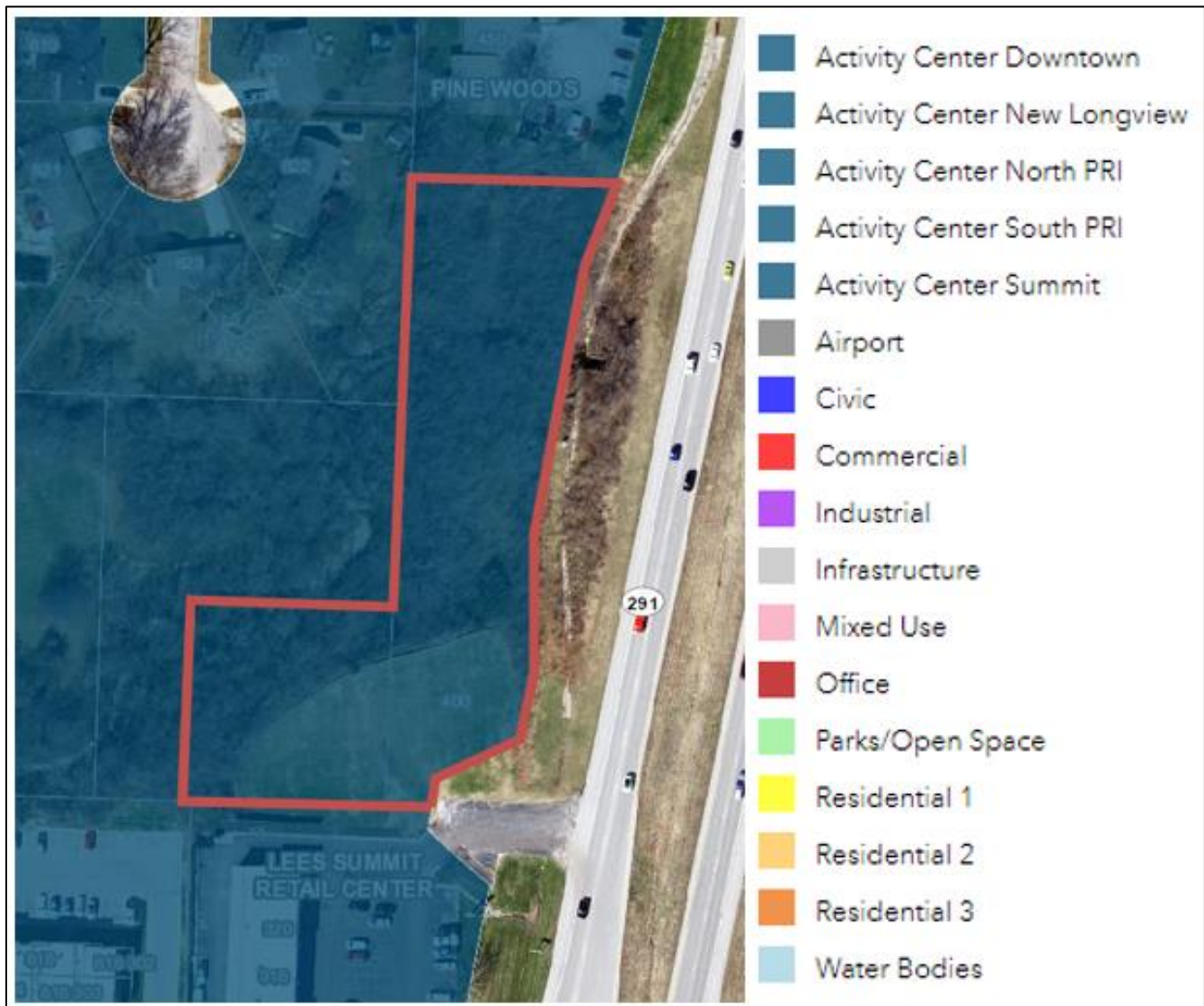
The intent of the CP-2 Community Commercial District is to provide a location for a full-range of retail and office development serving the general needs of the community. Should the subject rezoning and PDP be approved, the proposed oil change facility project will meet the UDO requirements by providing a needed service to the community.

The proposed use is consistent and compatible with uses in the surrounding CP-2 zoned properties in the immediate area.

Neighborhood Meeting
<p>The applicant hosted a neighborhood meeting on August 2, 2023. One (1) member of the public attended.</p> <p>The applicant reported that the attendee had questions which included stormwater, current comp plan designation and the location of the existing utilities.</p>

5. Comprehensive Plan

Focus Areas	Goals, Objectives & Policies
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 & Community Design	<p>Objective: Plan for purposeful growth, revitalization and redevelopment.</p>



The 2021 Ignite! Comprehensive Plan land use map identifies the subject site’s future recommended land use as Activity Center Downtown. The proposed use is in harmony with the existing land use designation.

To guide future development the Comprehensive Plan establishes a set of Land Use Principles. One of these principles is to ensure there is a transition in the land use patterns and intensity of uses to make sure they are compatible and complementary in order to maintain the community character. The proposed PDP is meeting this goal by providing that transition and buffering from the high intensity use and noise of M-291 Hwy to the east from the residential on the west of the subject site.

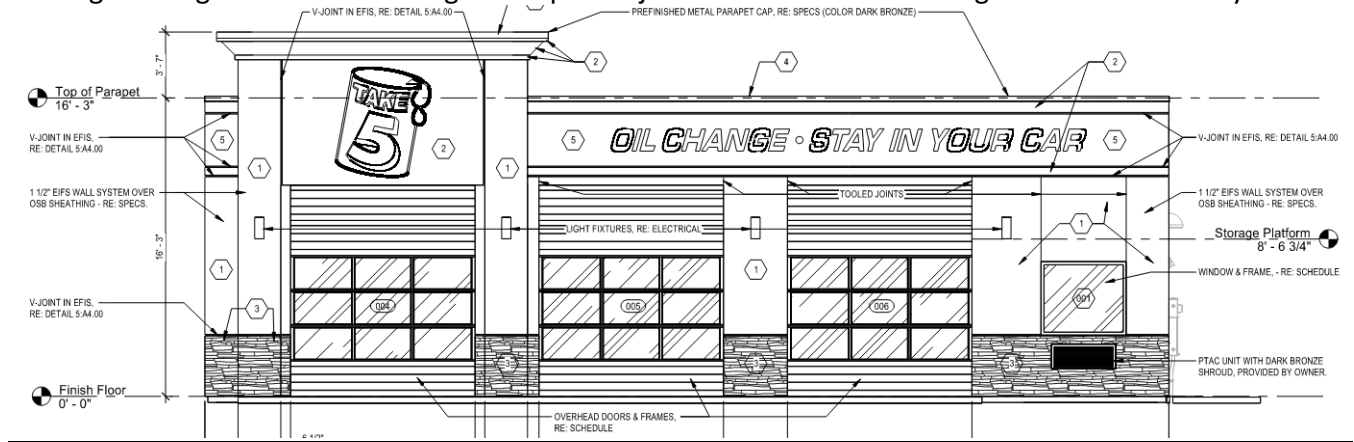
6. Analysis

Background and History

- June 27, 1956 – The subject property was annexed into the City of Lee’s Summit by Ordinance No. 484.

Compatibility

The building materials utilized in the design of the proposed building include a combination of EFIS/stucco, cultured stone, glass. The proposed building materials are compatible with the design and construction of existing buildings in the surrounding development just to the south and throughout the community.



Adverse Impacts

The proposed development will not detrimentally impact the surrounding area. The proposed project develops a long-vacant property and the proposed use and development standards of the subject application are substantially similar to the surrounding commercial.

The development is not expected to create an excessive amount of stormwater runoff. Stormwater detention will be employed for stormwater management.

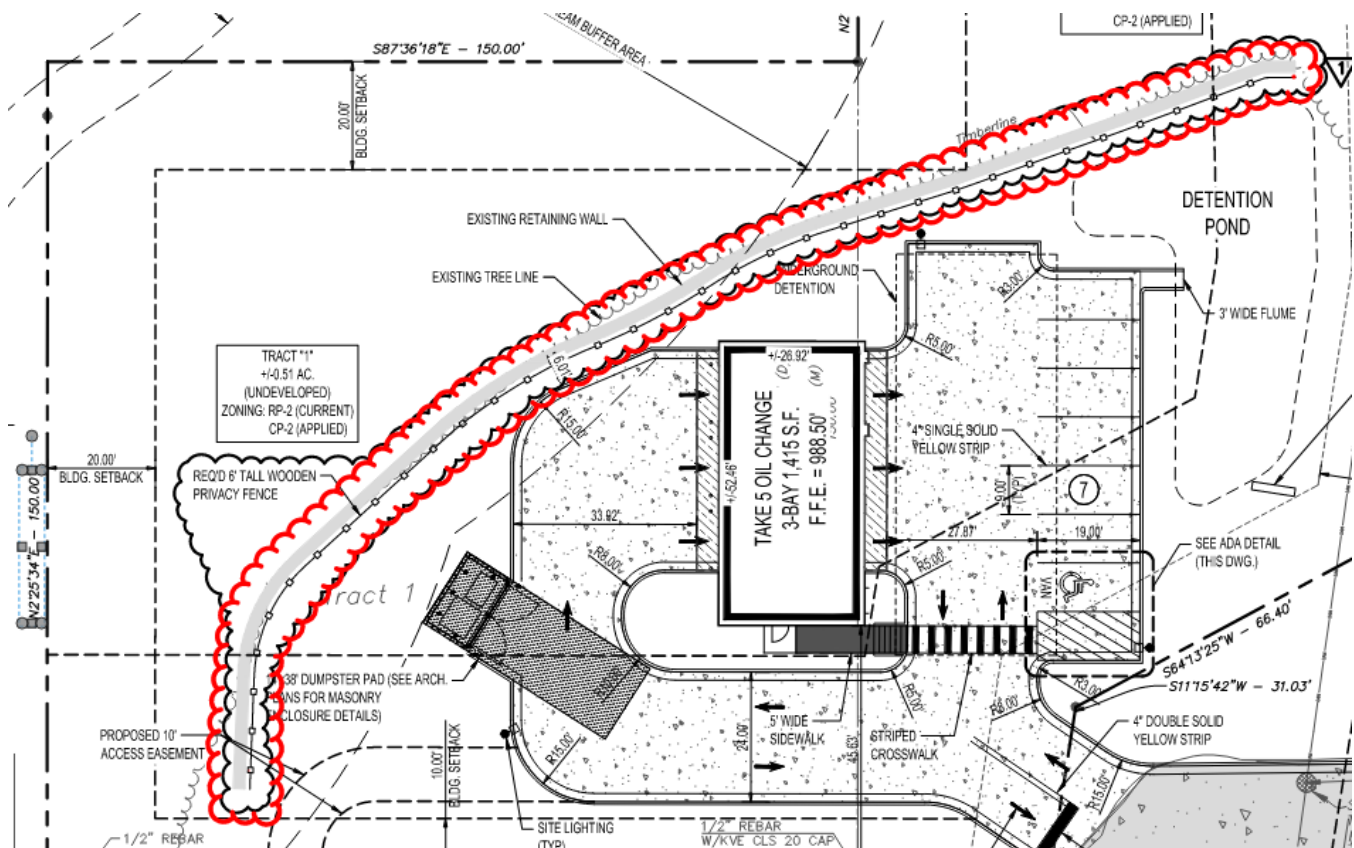
Public Services

The proposed development will not impede the normal and orderly development and improvement of the surrounding property. Water and sanitary sewer for the proposed development will utilize existing public water and sewer lines that are on or adjacent to the property.

Modification Requests

The applicant has requested a modification to UDO Sec. 8.900. - Required typical impact screens.

- Required – A 100 percent opaque screen between land uses that are dissimilar in character. When the proposed plan is in a commercially zoned district and adjacent to a residentially zoned district, both of the following shall be installed within the 20-foot buffer yard: (1) a six-foot high masonry wall or opaque vinyl fence, (2) and low impact screening shall be planted on both sides of the wall or the fence.
- Proposed – The applicant has proposed to install the required six-foot high masonry wall or opaque vinyl fence adjacent to the existing retaining wall.
- Recommendation – The existing vegetation along the western boundary of the subject property is heavy and mature. The existing vegetation provides a dense buffer that will continue to provide a thick screen between the existing and proposed uses. Additionally, the subject property has a nearly 28’ grade change from the location of the proposed building and the property line. Given this grade change the installation of a 6’ fence would be ineffective and maintenance would be problematic. For these reasons staff finds the requested modification to be reasonable.



Recommendation

With the conditions of approval below, the application meets the goals of the Ignite! Comprehensive Plan, and requirements of the UDO and Design and Construction Manual (DCM).

7. Recommended Conditions of Approval

Site Specific

- 1. A modification shall be granted to allow the required six-foot high masonry wall or opaque vinyl fence for the high impact buffer requirement be installed adjacent to the retaining wall in the location as depicted on the site plan sheet C-1 dated September 8, 2023.
- 2. Development shall be in accordance with the preliminary development plan dated September 8, 2023, and the elevations dated August 11, 2020.

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. 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.
8. Private parking lots shall follow Article 8 of the Unified Development Ordinance for pavement thickness and base requirements.
9. 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.
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 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.
12. A plat shall be approved and recorded prior to any building permits being issued.