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|  | City of Lee's Summit Department: Development Services Memorandum | |
| | To: | City Council |
| | From: | Hector Soto, Jr., AICP, Planning Manager |
| | Date: | February 24, 2020 |
| | Re: | Appl. #PL2019-413 – PRELIMINARY DEVELOPMENT PLAN – Culver's, 1275 SE Oldham Pkwy |

The Planning Commission held a public hearing on the application referenced above on February 13, 2020. The plans submitted to the City and presented to the Planning Commission reflected the provision of a 6' vinyl fence with masonry columns and landscaping along the south property line in compliance with the UDO requirement for a high-impact landscape buffer/screen between the proposed commercial development and the abutting single-family residential subdivision to the south.

City staff conveyed to the applicant that existing commercial development abutting residential along the SE Oldham Pkwy corridor between SE Hamblen Rd and SE Ranson Rd was approved to have solid wood fencing with masonry columns versus a solid masonry wall or vinyl fencing with masonry columns as required by the UDO. The City Council approved modifications allowing wood fencing in deference to the preference for said fence material by the affected residents. In that vein, City staff suggested that the applicant obtain feedback regarding preferred fence material from the abutting residents. During the course of the public hearing, the applicant testified that the abutting residents expressed a preference for the high-impact landscape buffer/screen to continue the use of wood fencing with masonry columns. The use of wood fencing requires a modification to the UDO. The Planning Commission added the necessary modification request to the original list of three (3) recommended conditions of approval contained in the staff report, to read as follows:

1. A modification shall be granted to the high-impact landscape buffer/screen requirement, to allow a 6' tall opaque wood fence with masonry columns to be constructed on the south property line. ***(Added by the Planning Commission.)***
2. Preliminary development plan approval shall only be for Lot 3 (Culver's site) and Tract A. Development of Lot 4 shall require preliminary development plan approval under separate application.
3. 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). No building permits shall be issued for any structure in the development until written proof is provided to the City that the development agreement has been recorded in the Jackson County Recorders' Office. All public improvements shall be substantially complete prior to any occupancy.
4. To comply with the requirements of the UDO, a 5' sidewalk shall be constructed along the development's SE Oldham Pkwy frontage.