

City of Lee's Summit

Development Services Department

August 24, 2018

TO: Planning Commission
PREPARED BY: C. Shannon McGuire, Planner
CHECKED BY: Hector Soto, Jr., AICP, Current Planning Manager
RE: **CONTINUED PUBLIC HEARING – Appl. #PL2018-100 – PRELIMINARY DEVELOPMENT PLAN – Reece Nichols, 222 SW Main St & 207 SW Market St; Engineering Solutions, LLC, applicant**

Commentary

The applicant proposes a two-story 10,700 square foot commercial building at 222 SW Main Street (Lot 2) and a surface parking lot on the abutting parcel at 207 SW Market Street (Lot 1). The proposed use on Lot 2 is a Reece Nichols real estate office. The new building is proposed on the former City Hall lot adjacent to the Historical Museum. The overall architectural design is consistent with the character and style of downtown. Proposed building materials include brick, glass and EIFS.

The applicant proposes to construct the building in a manner to facilitate the possible future development of a roof top event space and/or a roof top deck. The type of use and scope of work for any development of the roof area will determine the appropriate approval process for said improvements at that time.

The applicant proposes to construct 58 new parking spaces. The spaces consist of four standard and 2 accessible spaces on Lot 2 located at the rear of the proposed building; a 46-space surface parking lot located on Lot 1 along SW Market St; and six (6) on-street parallel spaces on SW Market St.

Staff does not support the proposed surface parking lot located on Lot 1 and recommends removal of this component from the preliminary development plan. From a land use and zoning perspective, a parking lot is an allowed use by right in the Central Business District (CBD). However, a surface parking lot is not the highest and best use of the property. The proposed parking lot is an underutilization of a commercially viable property in the CBD that could hinder the property's long-term redevelopment. From a parking perspective, the City's 2016 Downtown Parking Study indicates that there is sufficient existing public parking in the area to serve the proposed use's parking demand, thereby making the surface parking lot unnecessary.

The applicant requests modifications to the maximum floor area ratio (FAR) and minimum landscaping requirements. Staff supports these requested modifications.

The applicant requests an additional modification to allow a reduced setback for the proposed surface parking lot on Lot 1. Staff recommends that the surface parking lot on Lot 1 be removed and not be approved as part of the preliminary development plan. Should the City Council choose to approve the parking lot on Lot 1, a parking lot setback modification will be required.

- 10,700 square foot building
- 1.12 proposed overall FAR (Lot 2) – 1.0 maximum allowed FAR
- 43 parking spaces required – 46 parking spaces provided on Lot 1
6 parking spaces provided on Lot 2
6 new on street parking spaces (SW Market St.)
58 total parking spaces proposed

Recommendation

Staff recommends **APPROVAL** of the preliminary development plan, subject to the following:

1. A modification shall be granted to the maximum allowable 1.0 FAR in the CBD, to allow 1.12 FAR on Lot 2.
2. A modification shall be granted to the landscaping requirements of Article 14, to allow no landscaping for the development.
3. The proposed surface parking lot on Lot 1 (207 SW Market St) shall be removed and not be approved as part of the preliminary development plan.

Zoning and Land Use Information

Location: **Location:** 222 SW Main St. (Real estate office) – Lot 2
207 SW Market St. (Parking lot) – Lot 1

Zoning: CBD (Central Business District)

Surrounding zoning and use:

North: CBD (Central Business District) — Historical museum

South: CBD (Central Business District) — multi-tenant commercial/retail

East (across SW Main St): CBD (Central Business District) — Amtrak station

West (across SW Market St): CBD (Central Business District) — Bridge Space co-work space

Site Characteristics. The undeveloped property is surrounded by existing commercial in the Central Business District. The former City Hall was located at 207 SE Market Street (Lot 1).

Description and Character of Surrounding Area. The subject property is located within the Central Business District and is within the boundaries of the Lee's Summit Downtown Historical District. The surrounding buildings consist of 1 and 2 story brick buildings built between 1887 and 1950.

Project Information

Current Use: vacant, undeveloped property

Proposed Use: Real estate office (Lot 2) and parking lot (Lot 1)

Land Area: 9,576.23 sq. ft. (0.22 acres) – Lot 2

21,376.14 sq. ft. (0.49 acres) – Lot 1

Building Area: 10,700 sq. ft.

Public Notification

Neighborhood meeting conducted: August 21, 2018

Newspaper notification published: July 28, 2018

Radius notices mailed to properties within 185 feet: August 8, 2018

Process

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.

Duration of Validity: Preliminary development plan approval by the City Council shall not be valid for a period longer than twenty-four 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.

Unified Development Ordinance

Applicable Section(s)	Description
4.300, 4.310, 4.320	Preliminary Development Plan
5.200	Zoning District Regulations
12.090, 12.100, 12.120	Parking Lot Regulations
14.090, 14.100, 14.110, 14.120	Landscaping Regulations

Comprehensive Plan

Focus Areas	Goals, Objectives and Policies
Economic Development	Objective 2.2 Objective 2.3
Overall Area Land Use	Objective 1.1 Objective 1.2 Objective 1.4
Commercial Development	Objective 4.1 Objective 4.2 Objective 4.3

Background

- October 1, 2007 – The City executed a real estate sales contract to sell the property at 207 SW Market Street and a portion of the property at 220 SW Main Street (now 222 SW Main Street) to Tustin, LLC.
- October 16, 2007 – The City Hall addition at 207 SW Market Street was demolished (Building Permit #B0702002).
- February 20, 2008 – The minor plat of *Dahmer Development, Lots 1-3* was recorded by Jackson County (Instrument #2008E0018991).
- May 15, 2008 – The City Council approved a preliminary development plan for Market Street Lofts by Ordinance No. 6628. The PDP expired on August 21, 2011, due to no final development plan being submitted within three (3) years of the preliminary development plan approval.

Analysis of Preliminary Development Plan

Parking. Staff recommends removal of the proposed surface parking lot on Lot 1.

- Proposed – 58 new parking spaces consisting of 6 spaces on Lot 2, a 46-space surface parking lot on Lot 1, and 6 on-street spaces on SW Market St
- Required – 43 parking spaces (based on 4 parking spaces per 1,000 sq. ft. of gross building area)
- Recommended – Staff believes there is sufficient existing public parking available to adequately serve the proposed development without the need to construct the proposed surface parking lot on Lot 1. Parking data maintained by the City supports staff's recommendation of the removal of the proposed parking lot on Lot 1 from the preliminary development plan.

The information in the parking tables below reflects the most recent 2016 Downtown Parking Study inventory and demand. The available public parking capacity tabulated within 300 feet (or 500 feet for non-residential uses) of the proposed development is 60 spaces. Additional public parking may be available for shared use by the proposed development within the noted distance above, but has not been accounted for in the tables. The proposed development requires a minimum of 43 spaces based on the project size, land use, study of public parking supply, parking demand, and UDO provisions for shared parking in the Downtown Area. Taking the available adjacent public parking capacity in conjunction with the additional on-street public parking to be provided in association with the development plan, the proposed development does not necessitate any on-site/private parking to meet the minimum UDO requirements for its non-residential parking demand. In other words, the available parking space capacity exceeds the number of required parking spaces, thereby making the surface parking lot unneeded.

A peak parking space occupancy rate of 75% is considered a desirable benchmark in a central business district. If the available area public parking supply from the two blocks located between Jefferson Street and W. Main Street and between 3rd Street and 2nd Street were allocated to the proposed development to satisfy its minimum parking requirements in the absence of the on-site/private surface parking lot, the overall parking occupancy rate for the aforementioned two blocks would remain below the desired 75% peak occupancy performance measure identified in the Downtown Parking Study. The two blocks have reported parking occupancy rates of 55% (west of Market) and 31% (east of Market). If 37 available parking spaces from the public supply are shared for the private development (calculated as the 43 required spaces less the 6 new on-street parking spaces provided adjacent to the proposed building), the occupancy rates for these same two area blocks would be 67% and 41%, respectively, assuming an equal assignment between the blocks.

The following table shows excess capacity exists on the blocks immediately adjacent to the proposed development:

Downtown On-street Parking Inventory Adjacent to Development

Block Location	Spaces Provided	Peak Occupancy	Excess Capacity
Market Street, east side	3	3	0
Market Street, west side	4	3	+1
3 rd Street, north side	4	2	+2
3 rd Street, south side	7	7	0
Main Street, east side	18	18	0

Main Street, west side	30	16	+14
Total	66	49	+17

In addition to the on-street public parking, there is an additional public parking lot within 500 feet of the proposed development with excess parking. The public parking lot in the area has been summarized on the following table, indicating approximately 43 excess spaces within 500 feet of the subject development.

Downtown Public Parking Lots

Parking Lot	Spaces Provided	Peak Occupancy	Excess Capacity
West Market Street Public Parking Lot (between 2 nd and 3 rd)	66	23	+43
Total	66	23	+43

The information in the tables above illustrates an excess peak capacity of 17 on-street parking spaces plus an excess peak capacity of 43 public parking lot spaces, for a total of 60 parking spaces. Based on this information, the City Traffic Engineer has determined there is adequate public parking (on-street plus off-street) within the required distance to the subject development to support the additional parking demand.

Article 12 of the UDO provides that the requirements for additional parking may be waived in the downtown area if available public parking is located within 500 feet for nonresidential uses. This public parking must have sufficient capacity, as calculated by the City Traffic Engineer, to absorb the required number of spaces and cannot be on the opposite side of the railroad tracks running between SE Main and SW Main Street.

Sufficient capacity is based on a rolling 12 month inventory of public parking spaces in the area. This capacity will be evaluated against the projected demands determined by the City Traffic Engineer, taking into account time-of-day variations in parking demand as calculated by local data or data provided by the Urban Land Institute or Institute of Transportation Engineers.

Parking Lot Setback. Modification requested. **Staff recommends removal of the surface parking lot on Lot 1.**

- Proposed – The applicant proposes to construct the surface parking lot on Lot 1 with an 11’ setback from the public right-of-way along SW Market St.
- Required – All parking lots shall be set back a minimum 20’ from any public right-of-way or private street edge of pavement.
- Recommended – Staff does not recommend approval of the proposed surface parking lot on Lot 1 as addressed above. Should the City Council support and approve the parking lot as proposed, a modification shall be required to the minimum 20’ parking lot setback. The modification shall replace condition of approval #3 in the staff recommendation box and shall read as follows:

- *A modification shall be granted to the 20' minimum parking lot setback from the right-of-way, to allow an 11' parking lot setback on Lot 1 from the SW Market St right-of-way.*

Floor Area Ratio. Modification requested. **Staff supports the requested modification.**

- Required – 1.00 floor area ratio maximum
- Proposed – 1.12 floor area ratio
- Recommendation – Staff supports the modification to the maximum floor area ratio as this is a redevelopment of a downtown block and it conforms to the goals of the Downtown Master Plan to encourage multi-story buildings. It is not uncommon for downtown buildings to exceed the 1.0 maximum floor area ratio. Multi-story buildings in the CBD typically range between 1.0 and 2.0 floor area ratio.

Landscaping. Modification requested. **Staff supports the requested modification.**

- Required – 1 street tree per 30 feet of street frontage plus 1 shrub per 20 feet of street frontage; and 1 tree and 2 shrubs per 5,000 sq. ft. of open yard lot area
- Proposed – No landscaping
- Recommendation – Staff supports the modification to the minimum landscaping requirements. The landscape requirements of the UDO were established to suit suburban style development with generous setbacks filled by large, open landscaped areas. The landscape requirements do not suit dense urban developments with little to no setbacks and open space.

Code and Ordinance Requirements

The items in the box below are specific to this development and must be satisfactorily addressed in order to bring the plan into compliance with the Codes and Ordinances of the City.

Engineering

1. 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.
2. 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 permit).
3. A Land Disturbance Permit shall be obtained from the City if ground breaking will take place prior to the issuance of an infrastructure permit, building permit, or prior to the approval of the Final Development Plan / Engineering Plans.
4. 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.

Fire

5. 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 2012 International Fire Code.

6. IFC 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.
7. IFC 304.3.3 - Dumpsters and containers with an individual capacity of 1.5 cubic yards [40.5 cubic feet (1.15 m³)] or more shall not be stored in buildings or placed within 5 feet (1524 mm) of combustible walls, openings or combustible roof eave lines.

Traffic

8. The design of the on-street parking (e.g. review of sight distance, curb transitions, etc) along SW Market St., of sidewalk (e.g. location and overlap with depicted parking lot design) along the north property line and of driveways along the alley (e.g. turning movements) will be further evaluated during the final development plan review process.

Planning

9. All mechanical equipment and service areas shall be screened in accordance with the site design standards as outlined in Article 7, Section 7.440.E of the Unified Development Ordinance.
10. All exterior lighting shall be in compliance with the lighting standards as outlined in Article 7, Division V of the Unified Development Ordinance.
11. Sign permits shall be obtained prior to installation of any signs through the Development Services Department. All proposed signs must comply with the sign requirements of Article 13 of the UDO.
12. An easement for pedestrian access shall be granted for the sidewalk that runs parallel to SW Market St and the sidewalk that runs adjacent to the north property line of Lot 1.

Attachments:

1. Preliminary Development Plan, date stamped, July 24, 2018 —12 pages
2. Modification Request letter, date stamped, August 23, 2018 – 1 page
3. Location Map