



**LEE'S SUMMIT**  
MISSOURI  
Development Services Department

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## Development Services Staff Report

<b>File Number</b>	PL2022-079
<b>File Name</b>	REZONING from AG to CP-2 and PRELIMINARY DEVELOPMENT PLAN – Whataburger
<b>Applicant</b>	Whatabrands, Inc
<b>Property Address</b>	204 SW M-150 Hwy
<b>Planning Commission Date</b>	April 28, 2022
<b>Heard by</b>	Planning Commission and City Council
<b>Analyst</b>	C. Shannon McGuire, Planner
<b>Checked By</b>	Hector Soto, Jr., AICP, Senior Planner Kent Monter, PE, Development Engineering Manager

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### Public Notification

Pre-application held: February 8, 2022  
Neighborhood meeting conducted: February 28, 2022  
Newspaper notification published on: April 9, 2022  
Radius notices mailed to properties within 300 feet on: April 8, 2022  
Site posted notice on: April 7, 2022

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### Attachments

Transportation Impact Analysis by Brad Cooley, P.E., dated April 19, 2022 - 3 pages  
Traffic Impact Study by CBB Transportation dated February 10, 2022 – 20 pages  
Stormwater Report by MS Consultants, Inc., dated February 2022, revised March 2022 – 5 pages  
Preliminary Development Plan, dated September 13, 2021, revised March 29, 2022 - 19 pages

Elevations, dated February 17, 2022 – 6 pages

Parking Count Justification Letter, dated March 29, 2022 – 1 page

Location Map

## 1. Project Data and Facts

Project Data	
Applicant/Status	Whatabrands, Inc./Developer
Applicant's Representative	Katie Nelson
Location of Property	204 SW M-150 Hwy
Size of Property	±1.45 Acres (63,083 sf)
Existing Zoning	AG (Agricultural District)
Proposed Zoning	CP-2 (Planned Community Commercial)
Number of Lots	1
Building Area	3,751 Sq. Ft
FAR (Floor Area Ratio)	0.06
Parking Spaces – Required	53
Parking Spaces – Proposed	45
Comprehensive Plan Designation	Commercial
Procedure	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.
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.  There is no expiration to an approval for rezoning.

Current Land Use
The property is a vacant piece of land zoned AG (Agricultural District)

Description of Applicant's Request
The applicant seeks a rezoning and preliminary development plan approval to construct a 3,751 sq. ft. fast food restaurant with drive through.

## 2. Land Use

Description and Character of Surrounding Area

The property is located on the north side of MO-150 Highway at the northeast corner of the intersection with SW Hollywood Dr. There are existing commercial uses to the east (Arby's) and south side across the highway. West of the property is the Aldersgate Methodist Church. The property located to the north of the subject property is a vacant, AG-zoned undeveloped property.



**Adjacent Land Uses and Zoning**

<b>North (across SW Summitcrest Dr):</b>	Vacant undeveloped property/AG
<b>South (across MO-150 Hwy):</b>	El Potro and Taco Bell/CP-2
<b>East:</b>	Arby's/CP-2
<b>West:</b>	Aldersgate United Methodist Church/PMIX

**Site Characteristics**



The subject property has an approximately 10-foot drop in elevation from the northwest corner to the southeast corner. Moderately dense overgrown vegetation and trees cover the property. At one time, a single-family home was located in the southwest corner of this property, but was removed sometime between 2009-2010. The property has road frontage on the north, south and west property lines.

**Special Considerations**

This site is located in the M-150 Corridor Development Overlay (CDO) District.

### 3. Project Proposal

#### Site Design

Land Use	
Impervious Coverage:	61.8%
Pervious:	38.2%
<b>TOTAL</b>	<b>100%</b>

#### Parking

Required		Proposed	
Total parking spaces required:	53	Total parking spaces proposed:	45
Accessible spaces required:	3	Accessible spaces proposed:	2
Parking Reduction requested?	Yes	Off-site Parking requested?	No

#### Structure(s) Design

<b>Number and Proposed Use of Buildings</b>
1 building / fast food restaurant with drive through
<b>Building Height</b>
21' 8"
<b>Building area</b>
3,751 sq. ft.
<b>Number of Stories</b>
1 story
<b>Floor Area Ratio</b>
0.06 (0.55 Max in the CP-2 zoning district)

#### Setbacks (Perimeter)

Yard	Required Minimum	Proposed
Front	15' (Building) / 20' (Parking)	49' 6" (Building) / 20' (Parking)
Side	10' (Building) / 6' (Parking)	83' 10" (Building) / 10' 10" (Parking)
Rear	20' (Building) / 6' (Parking)	20' (Building) / 6' (Parking)

## 4. Unified Development Ordinance (UDO)

Section	Description
Sec 2.240	Rezoning; application—Contents and submission requirements
Sec. 2.260	Criteria for considering rezoning, Preliminary Development Plan, and Conceptual Plan Applications
Sec. 2.320	Consideration of preliminary development plans
Sec. 4.190	CP-2 Planned Community Commercial District

### Unified Development Ordinance

The CP-2 Community Commercial District was established to provide a location for a full-range of retail and office development serving the general needs of the community. Should the rezoning request be approved, the proposed fast food restaurant would be a use allowed by right.

## 5. Comprehensive Plan

Focus Areas	Goals, Objectives & Policies
Resilient Economy	Goal 3.3. A

### Comprehensive Plan

The 2021 Ignite Comprehensive Plan land use map identifies the subject site’s future recommended land use as Commercial. An objective established of the Comprehensive Plan is to increase private sector investment in Lee’s Summit by stimulating continued economic development investment and reinvestment by the private sector in Lee’s Summit.

Maintaining a diverse and valuable tax base to foster a positive return on investment as the community grows so the community continues to enjoy the finest quality services and infrastructure is an additional objective set out by the adopted Comprehensive Plan.



If approved, the proposed PDP will meet the above goals and objectives of the Comprehensive Plan with the continued investment into the economic development and growth of the City. The proposed development will aid in creating a strong, high-quality commercial base that provides diversified, accessible, and convenient services to meet the changing needs of the community.



## 6. Analysis

### Background and History

The proposed rezoning and preliminary development plan are for the construction of a new 3,751 sq. ft. fast food restaurant with drive through. The subject property is a vacant, unplatted 1.45-acre lot. At one time, a single-family home was located in the southwest corner of this property, but was removed sometime between 2009-2010.

- December 30, 1964 – The subject property was annexed into the City of Lee’s Summit by Ordinance No. 812.
- October 14, 2009 – Staff administratively issued a demolition permit (Permit # B0901066) to remove a residential structure from the property.

### Compatibility

The property is located on the northeast corner at the intersection of MO 150 Highway and SW Hollywood Drive. East of the subject site is an existing fast food restaurant with a drive-through (Arby’s). South across MO 150 Highway are a sit-down restaurant (El Potro) and a fast food restaurant with a drive-through (Taco Bell). The proposed use is compatible for the area and would be a permitted use by right under the property’s proposed CP-2 zoning.

The proposed building materials and architecture are compatible with the commercial development in this area. The proposed building exteriors are composed of brick veneer, architectural metal panels, aluminum storefront windows and glass.

### M-150 CDO design standards

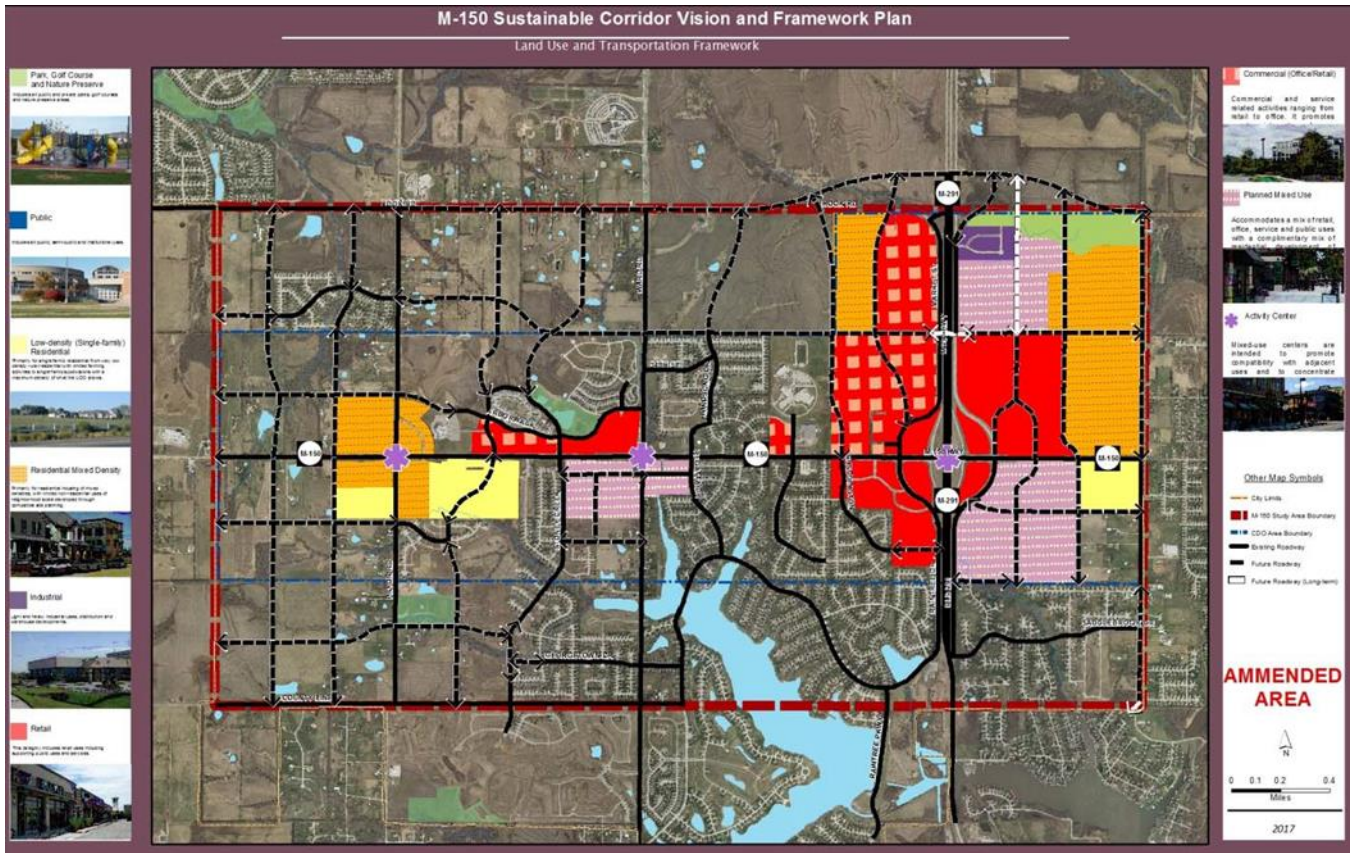
The subject property is located within the boundaries of the M-150 Corridor Development Overlay (CDO) District. In an effort to promote sustainable development within the M-150 Corridor, the overlay district encourages the integration of water and energy conservation techniques in site planning and building design by establishing minimum sustainability requirements. To address these requirements, the developer has proposed to incorporate the following features:

- Cool roof
- Drip irrigation systems for landscaped areas
- Materials that are produced from renewable resources
- Shaded walkways

The developer has further addressed overlay district design requirements by adding landscape screening around the proposed transformer location. In addition to the required public sidewalk along SW Summitcrest Dr., the CDO requires a network of on-site pedestrian walkways with a minimum width of five (5) feet to and between public sidewalks along the perimeter streets adjacent to the development. The applicant has met this requirement by proposing a five (5) foot sidewalk that will provide the required connection between the private and public sidewalks.

The M-150 CDO requires that all roof-mounted mechanical equipment be screened by a parapet wall or similar feature that is an integral part of the building's architectural design. The applicant proposes to meet

the CDO design standard by providing a parapet wall of a height equal to or greater than the height of the mechanical equipment being screened.



**Adverse Impacts**

The proposed development will not detrimentally impact the surrounding area. The proposed project develops a long-vacant and highly visible property along the MO 150 Hwy corridor. Stormwater management will be handled by an onsite underground detention system.

**Public Services**

The proposed development will not impede the normal orderly development and improvement of the surrounding property. The properties to the east, south and west are fully built out.

The proposed development will tie into the existing public infrastructure. The site has direct access from SW Summitcrest Drive, which has sufficient capacity to accommodate the traffic volumes for the proposed use. Vehicular access to/from MO 150 Highway is prohibited.

**Building Materials. Conditional material proposed.**

The applicant has requested the use of architectural metal panels. The UDO restricts building materials to masonry, concrete, stucco, and glass in the CP-2 zoning district. Metal is limited to an incidental role or as other architectural metal siding as approved by the Planning Commission and/or City Council. The proposed architectural metal panels are limited to a minority percentage of the overall façade as outline in the below table:

	Total Façade Area	Proposed Area of Metal	% of the Façade
North Elevation	1,593 Sq. Ft	437 Sq. Ft.	27.4%
South Elevation	1,554 Sq. Ft.	486 Sq. Ft	31.3%
East Elevation	885 Sq. Ft.	197 Sq. Ft.	22.3%
West Elevation	884 Sq. Ft	216 Sq. Ft	24.4%

As the quality of architectural metal building materials has improved, the use of said materials has increased in the areas of commercial and residential construction. This proposed material is consistent with other recently approved developments in the City such as churches, car dealerships and the recently approved Fire Station #4.

**Alternate Parking Plan**

The UDO establishes two methods an applicant may choose from when determining the minimum number of parking stalls required for a proposed use. The first method to determine minimum parking is to use Table 8-1 of the UDO. For a restaurant (fast-food & sit-down) use, Table 8-1 establishes the ratio of 14 parking stalls per 1,000 sq. ft. of gross floor area, or 53 parking stalls for the subject application. Alternatively, the UDO allows for the City Council to consider an Alternate Parking Plan that tailors the number of required parking spaces to the specific conditions of particular development as part of a preliminary development plan. The applicant has chosen to request approval of an alternate parking plan at a parking ratio of 10 per 1,000 sq. ft. of gross floor area.

The evolution of consumer trends has seen a shift from in-person dining to more drive-through and pick-up options. To meet the shifting market demands, the proposed plan includes a double drive-through to serve customers. With this shift, the demand for on-site parking has been reduced and requires fewer parking stalls to be constructed. Additionally, matching the constructed parking stalls to actual market demands has the added benefit of reducing excessive storm water runoff by removing superfluous impervious surfaces. A comparable alternate parking plan was approved during the FDP (#PL2020-380) process for the Whataburger location on NE Douglas St under the same rationale. For these reasons, staff finds the requested alternate parking plan to be reasonable.

**Recommendation**

With the conditions of approval below, the application meets the requirements of the UDO and the Design & Construction Manual (DCM).

**7. Recommended Conditions of Approval**

**Site Specific**

1. Development shall be in accordance with the preliminary development plan dated September 13, 2021, revised March 29, 2022.
2. Development shall be in accordance with the Transportation Impact Analysis by Brad Cooley, P.E., dated April 19, 2022.



## **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. 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.
6. 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.
7. Private parking lots shall follow Article 8 of the Unified Development Ordinance for pavement thickness and base requirements.
8. A final plat shall be approved and recorded prior to any building permits being issued.