



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

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## Development Services Staff Report

<b>File Number</b>	PL2020-180
<b>File Name</b>	Continued PRELIMINARY DEVELOPMENT PLAN – The Goat Brewing Co.
<b>Applicant</b>	Jeremy Kneeland
<b>Property Address</b>	817 NE Rice Rd
<b>Planning Commission Date Heard by</b>	July 23, 2020 Planning Commission and City Council
<b>Analyst</b>	Hector Soto, Jr., AICP, Planning Manager

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### Public Notification

Pre-application held: N/A

Neighborhood meeting conducted: The requirement for an applicant to hold in-person neighborhood meetings pursuant to UDO §2.205 has been suspended during the period of the Emergency Declaration which will end on July 31, 2020, unless earlier terminated or further extended by the Mayor. Pursuant to the Mayor's Emergency Order, Applicants are encouraged to use all available alternative methods of communication to inform neighbors of each pending application and solicit neighbors' input and feedback and provide answers to questions about proposed land development.

Newspaper notification published on: June 20, 2020

Radius notices mailed to properties within 300 feet on: June 22, 2020

Site posted notice on: June 22, 2020

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**Attachments**

Location Map

**1. Project Data and Facts**

<b>Project Data</b>	
<b>Applicant/Status</b>	Jeremy Kneeland / Applicant
<b>Applicant's Representative</b>	N/A
<b>Location of Property</b>	817 NE Rice Rd
<b>Size of Property</b>	± 2.3 acres – overall retail center property
<b>Size of Building</b>	22,150 sq. ft. – existing retail center building
<b>Floor Area Ratio (FAR)</b>	0.22 FAR
<b>Parking Spaces</b>	129 – existing parking spaces
<b>Zoning</b>	CP-2 (Planned Community Commercial)
<b>Comprehensive Plan Designation</b>	Retail
<b>Procedure</b>	<p>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.</p> <p><b>Duration of Validity:</b> 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>

<b>Current Land Use</b>
The property is the site of an existing 22,150 sq. ft. multi-tenant retail strip center.

<b>Description of Applicant's Request</b>
<p>The applicant seeks to occupy the retail center's northernmost tenant space that most recently housed the Fig Tree Café and Bakery. The applicant proposes to operate a microbrewery. The UDO requires a minimum 300' separation between the front entrance of a bar/tavern and a residential zoning district or residential use in any zoning district. The front door of the subject tenant space is located approximately 105' away from the abutting RP-3 (Planned Residential Mixed Use) zoned property to the east. The abutting RP-3 property is developed with four-plexes. No exterior site or exterior building improvements are proposed. The applicant only seeks a modification to the minimum 300' separation requirement as part of this application. A request for modification can only be approved through a preliminary development plan application.</p>

## 2. Land Use

### Description and Character of Surrounding Area

The retail center is located along the North M-291 Hwy commercial corridor. More specifically, the property sits near the southeast corner of the NE Rice Rd/NE Swann Rd intersection. The North M-291 Hwy corridor is characterized by shallow, first-tier commercial development that lines both sides of the corridor. This linear commercial development is primarily bordered by second-tier residential development ranging from single-family residential to apartments. The subject property is bordered by a four-plex development to the east.

### Adjacent Land Uses and Zoning

<b>North:</b>	Bank and general commercial / CP-2
<b>South:</b>	Commercial / CP-2
<b>East:</b>	Residential four-plexes / RP-3
<b>West (across NE Rice Rd and M-291 Hwy):</b>	Retail / CP-2

### Site Characteristics

The site is fully developed with a retail strip center. The center recently underwent a façade remodel. Access to the retail center is provided via three driveways onto NE Rice Rd. The retail center is separated from the abutting four-plex development by the sporadic presence of mature trees along the developments' common property line. There is no fence separating the abutting developments.

### Special Considerations

There are no special or unique site conditions to consider.

## 3. Project Proposal

### Existing Setbacks (Perimeter)

Yard	Building / Parking Required
Front (NE Rice Rd)	160' (Building) / 15' (Parking)
Side (north and south)	12' (Building) / 0' (Parking) – north; 25' (Building) / 0' (Parking) -- east
Rear (east)	35' (Building) / 10' (Parking)

## 4. Unified Development Ordinance (UDO)

Section	Description
2.040,2.260,2.300,2.320	Preliminary Development Plans

6.110,6.120,6.250	Uses Permitted with Conditions
7.060	Modifications

**Unified Development Ordinance**

A bar/tavern is a use permitted by right but with conditions in the CP-2 zoning district. The proposed use is consistent with existing commercial development along the North M-291 Hwy corridor.

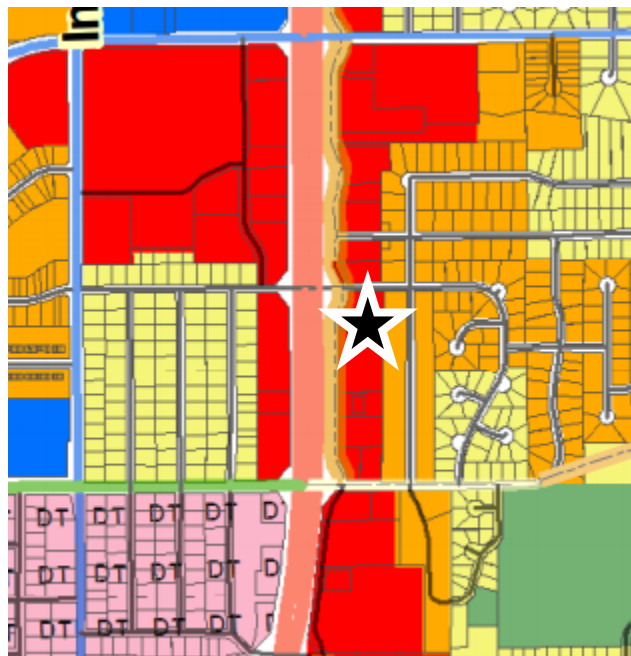
The proposed microbrewery is subject to the use condition of a bar/tavern that the front entrance must be located a minimum distance of 300’ from any residential zoning district or residential use in any zoning district. The applicant is not able to satisfy the minimum distance requirement at this location.

**5. Comprehensive Plan**

Focus Areas	Goals, Objectives & Policies
Overall Area Land Use	Objective 1.4
Commercial Development	Objective 4.1 Objective 4.3

**Comprehensive Plan**

The proposed use is consistent with the retail land use recommended by the Comprehensive Plan for the area. The retail designation is intended to cover all kinds of retail and service uses. Retail and service uses are an appropriate land use designation along a major commercial corridor such as North M-291 Hwy.



## 6. Analysis

### Background

The applicant approached the City in February of this year to locate a microbrewery and tap room in the former location of The Fig Tree Café and Bakery at 817 NE Rice Rd. The prospective in-line tenant space is zoned CP-2 (Planned Community Commercial District). A bar/tavern is a use permitted by right but with conditions in said zoning district. The use condition is that a bar/tavern shall be located a minimum 300 feet from any residential district or use, measured from the front entrance of the bar/tavern. The distance between the proposed microbrewery's front door and adjacent residential to the east is approximately 105 feet, thus the microbrewery is not permitted in that location under the current UDO standard.

The applicant subsequently initiated the process for the City to consider a UDO amendment (Appl. #PL2020-069) proposing a reduction in the separation requirement to residential. The UDO amendment received a recommendation of approval from the Planning Commission on May 28, 2020. However, on June 9, 2020, the City Council remanded the application to the Community and Economic Development Committee (CEDC) for further consideration when it was discovered that the proposed UDO amendment conflicted with other City ordinances. Out of respect of time constraints the applicant is under to enter a lease on the subject property, the applicant was directed to pursue a modification to the UDO's separation requirement via a preliminary development plan application rather than wait on the UDO amendment to navigate a new public hearing process.

### Compatibility

The subject property sits on the east side of the North M-291 Hwy corridor at the southeast corner of NE Rice Rd and NE Swann Rd. The properties fronting the highway in this general area are primarily developed as commercial properties. To the east is residential development. The area immediately behind the retail center is developed with four-plexes. There is a mix of single-family, duplexes and four-plexes in the area further east.

The properties to the north, south and west have the same CP-2 zoning as the subject property. A bar/tavern is a use permitted by right but with conditions on CP-2-zoned property. The residential property immediately to the east is zoned RP-3, with a mix of R-1 (Single-family Residential) and RP-2 (Two-family Residential) further to the east.

The proposed microbrewery will not negatively affect the aesthetics of the subject property or neighboring property. No exterior site or exterior building improvements are proposed as part of this application. The retail center recently underwent a façade remodel.

### Adverse Impacts

Staff does not expect the proposed use to seriously injure the use of or detrimentally affect the neighboring commercial and residential properties. North M-291 Hwy is a corridor that is home to all manner of commercial uses ranging from professional offices to big box retail, including bars and one existing microbrewery.

The proposed use will not create excessive storm water runoff, air pollution, water pollution or other environmental harm. Regarding the potential for noise pollution, the proposed use will occupy the northernmost space in a multi-tenant retail strip center. There is no site or building expansion proposed as part of this application. Should the applicant ever consider an outdoor patio/deck for the proposed microbrewery, the UDO has regulations in place intended to mitigate the impacts of any outdoor space on adjacent residential uses. For example, the UDO requires outdoor patios/decks to be located a minimum 100 linear feet from a residential district. In this case, the only possible location for an outdoor space would be on the front (west) side of the building, meaning that the retail center building itself would sit as a buffer between the outdoor space and the adjacent residential property.

### **Public Services**

Existing public infrastructure and services are available and adequate to meet the demand of the existing retail center.

The proposed microbrewery will not adversely affect the capacity or safety of the portions of the street network serving the site, nor will it present parking problems in the vicinity. Three driveways provide access to the retail center from NE Rice Rd. The existing parking lot provides adequate off-street parking serving the entire retail center.

### **Modifications**

**Bar/Tavern Use Condition.** Modification requested.

- Required – the front entrance of the facility is 300 feet or greater distance from any existing school or church, or residential district (RDR, RLL, R-1, RP-2, RP-3 and RP-4) or residential use in any district (UDO Section 6.250)
- Proposed – approximately 105 foot distance from the front door of the facility to the RP-3 zoned residential property to the east
- Recommended –The existing retail strip center is very characteristic of the type of shallow and linear commercial development that dominates the North M-291 Hwy commercial corridor bounded by US 50 Hwy on the south and I-470 on the north. Commercial development throughout the corridor rarely extends beyond the first-tier properties. These commercial developments immediately transition to residential uses of various types. In this case, the retail strip center is bordered by a four-plex development to the east.

The UDO's distance requirement is incompatible with existing commercial development patterns along North M-291 Hwy. The shallow nature of historic development in the area does not allow the overwhelming majority of existing commercial buildings along the corridor to house a bar/tavern. A similar distance requirement applicable to restaurants that serve alcohol also greatly limits their ability to locate along this corridor. As a major commercial corridor in the city, North M-291 Hwy has the appropriate CP-2 zoning to support a full range of retail and service uses, including bars/taverns, that satisfy the general needs and demands of the community. Staff supports the modification request to allow a reduced separation between the front door of a bar/tavern and the adjacent residential district to the east.

**Public Comments**

The City has not received any public comment on the subject application to date.

**Recommendation**

With the conditions of approval below, the application meets the requirements of the UDO.

**7. Recommended Conditions of Approval**

**Site Specific**

1. A modification shall be granted to the minimum 300' distance requirement between the front door of a bar/tavern and an adjacent residential zoning district or residential use, to allow a separation of approximately 105' between the front door and the adjacent residential zoning district to the east.

**Standard Conditions of Approval**

2. 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.
3. 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.