

# City of Lee's Summit

## Development Services Department

February 8, 2019

TO: Planning Commission  
PREPARED BY: Jennifer Thompson, Planner  
CHECKED BY: Hector Soto, Jr., AICP, Current Planning Manager  
Kent Monter, PE, Development Engineering Manager  
RE: **Appl. #PL2018-121 and Appl. #2018-231 – PRELIMINARY DEVELOPMENT PLAN and SPECIAL USE PERMIT for indoor climate controlled storage facility – Attic Storage of Lee's Summit, 920 NE Deerbrook St.; Strickland Construction Co., applicant**

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### Commentary

The applicant proposes a preliminary development plan and special use permit for an indoor climate controlled storage facility located at 920 NE Deerbrook St., located north of the existing Genesis Fitness Center, at the NE corner of NE Mulberry St. and M-291 Hwy. The property is an infill vacant, platted lot zoned CP-2 (Planned Community Commercial District).

The facility is comprised of one (1) indoor climate controlled building totaling 583 units. The color palette and materials for the proposed building includes brick and stone masonry, in red and browns, and light brown stucco finished wall panels. Spandrel opaque glass, clear glass windows, and metal canopies are also proposed.

The indoor facility is a drive-through facility where the customer can enter the building with their car or truck and unload to a nearby elevator. The anticipated operation hours for the storage facility office are from Monday through Friday, 9 a.m. to 6:00 p.m.; tenants will have 24/7 access, by way of the security gate. In addition, limited office space is proposed on the third floor, consisting of approximately 3,394 sq. ft.

A modification is requested for the floor area ratio (FAR). Staff supports the requested modification.

The applicant requests a 25 year time period for the special use permit. Staff supports the requested time period.

- 101,400 square feet – one (1) building
- 47.6% proposed overall impervious coverage – 80% maximum recommended impervious coverage
- 52.4% proposed overall open area – 20% minimum recommended open area
- 0.92 proposed overall FAR – 0.55 maximum allowed FAR in the CP-2 district
- 16 parking spaces required – 18 parking spaces provided

### Recommendation

Staff recommends **APPROVAL** of the preliminary development plan and special use permit, subject to the following:

1. A modification shall be granted to the maximum allowable 0.55 FAR in the CP-2 district, to allow 0.92 FAR.

2. The pilaster located on the northeast corner of the building shall incorporate more architectural detail, adding depth and interest as it wraps around towards the interior of building.
3. The glass windows on the second and third stories shall be opaque.
4. Development shall be in accordance with the preliminary development plan date stamped January 22, 2019.
5. The special use permit shall be granted for a period of 25 years.

## Zoning and Land Use Information

**Proposed Use:** indoor climate controlled storage facility  
**Current Zoning:** CP-2 (Planned Community Commercial District)  
**Land Area:** 110,740 square feet (2.54 acres)  
**Location:** 920 NE Deerbrook St.– east of NE M-291 Hwy and north of Deerbrook St.  
**Surrounding Zoning and Use:**

- North:** CP-2 (Planned Community Commercial District) – vacant, City owned property
- South:** CP-2 (Planned Community Commercial District) – Genesis Fitness Club
- East:** R-1 (Single-Family Residential District) – *Deerbrook* single-family subdivision
- West (across M-291 Hwy):** CP-2 (Planned Community Commercial District) – existing commercial and office uses

**Site Characteristics.** The property is a platted, undeveloped lot located on a dead end shared driveway. The shared driveway is accessed from Deerbrook Street and the lot has no future potential for access to the north, east, or west. A portion of the lot does have an existing partial parking lot and parking lot lighting constructed at the time the abutting fitness center was developed. A high impact buffer exists to the east consisting of a 6’ vinyl fence, with masonry pilasters and significant landscaping. The site slopes from south to north, with the north portion of the lot dipping down into a deep, treed ravine.

**Description and Character of Surrounding Area.** The proposed development is located north of Deerbrook Street, east of M-291 Hwy. An existing fitness center is located to the immediate south of the proposed development along Deerbrook Street. There is undevelopable land to the immediate north without access to Mulberry Street due to topography impediments, and residential property to the east. The area to the west, across M-291 Hwy., is developed with commercial and office uses.

## Project Information

**Current Use:** undeveloped and vacant property; partial parking lot on south side  
**Number of Lots:** 1  
**Proposed Use:** indoor climate controlled storage facility  
**Land Area:** 110,740 sq. ft. (2.54 acres)  
**Building Area:** 101,400 square feet, 3-story indoor climate-controlled storage building  
**Proposed FAR:** 0.92

**Number of proposed Buildings:** one (1) building  
**Number of proposed Stories:** three (3) story indoor climate controlled building  
**Building Height:** 35'  
**Parking Spaces:** 16 spaces required; 18 spaces proposed

**Public Notification**

**Neighborhood meeting conducted:** January 16, 2019  
**Newspaper notification published:** January 26, 2019  
**Radius notices mailed to properties within 185 feet:** January 25, 2019

**Process**

**Procedure:** The Planning Commission makes a recommendation to the City Council on the proposed preliminary development plan and special use permit. The City Council takes final action on the preliminary development plan and special use permit.  
**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.  
 A special use permit shall be valid for a specific period of time if so stated in the permit.

**Unified Development Ordinance**

Applicable Section(s)	Description
2.300, 2.310, 2.320	Preliminary Development Plan
6.620, 6.630, 6.640, 6.650, 6.1020	Special Use Permit
4.050	Zoning Districts

**Comprehensive Plan**

Focus Areas	Goals, Objectives and Policies
Economic Development	Objective 2.1 Objective 2.2 Objective 2.3
Overall Area Land Use	Objective 1.1 Objective 1.2 Objective 1.3 Objective 1.4
Commercial Development	Objective 4.1 Objective 4.2 Objective 4.3

## Background

- May 1, 1990 – A preliminary plat (Appl. #1990-114) was approved by City Council for *Deerbrook Commercial Park, Lot 3*.
- October 10, 1990 – A final plat was approved for *Deerbrook Commercial Park, Lot 3* (Appl. #1990-115), by Ordinance No. 3452 and recorded at Jackson County Recorder's Office by Instrument #I1004782.
- August 16, 1994 – A rezoning for *Deerbrook Commercial, Lot 3* (Appl. #1994-029) for land located at the northeast corner of M-291 Hwy and Deerbrook from District R-3P to District C-1P, by Ordinance No. 4029.
- November 16, 2006 – A preliminary development plan (Appl. #2006-190) was approved for a fitness center facility and an office building located on *Deerbrook Commercial Park, Lots 3A & 3B*, by Ordinance No. 6302.
- February 5, 2007 – A minor plat was approved for *Deerbrook Commercial Park, Lots 3A & 3B* (Appl. #2006-183) and recorded at Jackson County Recorder's Office by Instrument #2007E0016681.
- February 5, 2007 – A final development plan (Appl. #2006-300) was approved for 24 Hour Fitness facility located on *Deerbrook Commercial Park, Lot 3A*.
- February 8, 2007 – A final development plan (Appl. #2006-291) was approved for an office building located at *Deerbrook Commercial Park, Lot 3B*. This application expired on February 8, 2008.
- December 20, 2018 – The City Council approved the UDO Amendment #1 (#PL2018-089), to allow for indoor climate controlled storage facilities to locate in CP-2 and AZ zoning districts as a special use, by Ordinance No. 8527.

## Analysis of the Preliminary Development Plan

### Floor Area Ratio. Modification Requested

- Proposed – 0.92 floor area ratio (FAR)
- Required – 0.55 floor area ratio (FAR), maximum in the CP-2 (Planned Community Commercial Zoning District)
- Recommended – Staff recommends approval of the modification request to allow the proposed 0.92 FAR. FAR is a zoning tool commonly used to regulate the mass and scale of buildings, but also serves as a measure of density for non-residential developments. From a building mass standpoint, the proposed 35' tall indoor climate-controlled storage building complies with the 40' building height maximum for the CP-2 district. The building also compares favorably with the existing fitness center immediately to the south and previously approved buildings for this site, which have heights and proposed heights of 40' and 39'11", respectively.

As a measure of density, FAR also serves to limit the impact of development on existing infrastructure and adjoining land uses by regulating the intensity of land uses. Storage facilities are low traffic generators and place little demand on the public water and sanitary sewer system relative to their size. So while proposed 0.92 FAR is higher than the maximum allowed 0.55 FAR in the CP-2 district, the storage facility is a low-intensity use that places little burden on existing infrastructure and has negligible impact on surrounding uses.

## **Livable Streets.**

The proposed development includes all Livable Streets elements identified in the City's adopted Comprehensive Plan, associated Greenway Master Plan and Bicycle Transportation Plan attachments, and elements otherwise required by ordinances and standards including, but not limited to, sidewalk, connectivity and accessibility. No exceptions to the Livable Streets Policy adopted by Resolution 10-17 have been proposed.

## **Analysis of Special Use Permit**

**Ordinance Requirements.** Under the Unified Development Ordinance (UDO), a special use permit is required for a Storage Facility – Indoor Climate Controlled Facilities in the CP-2 zoning district. The proposed development is for an indoor climate-controlled facility located in the CP-2 zoning district.

**Storage Facility – Indoor Climate Controlled.** There are four conditions and restrictions listed under this use in Section 6.1190 of the UDO:

1. **All activities shall be carried on inside the structure.** The indoor, climate-controlled storage building is self-contained and all activity is contained within the building. In addition, a high impact buffer is provided along the east property line and includes an existing 6' vinyl fence, with masonry pilasters, and a variety of tree and shrub species.
2. **Four (4) sided architecture shall be required.** The proposed building incorporates four (4) sided architecture.
3. **No outside storage of any kind shall be permitted on the premises.** No outside storage is proposed.
4. **PO (Planned Office District) requirements shall be used for building placement, minimum lot size, height, setbacks, signage and landscaping.** All PO (Planned Office District) criteria have been met.

## **Time Period.**

- Request – The applicant requests a 25 year time period.
- Recommendation – Staff is supportive of the requested time period and recommends a time period of 25 years to be consistent with other approved special use permits for storage facilities.

**Ordinance Criteria.** The criteria enumerated in Section 2.260 as well as the regulations in Section 6.650 addressed above were considered in analyzing this request.

- The lot is zoned CP-2 and is located on a dead end shared driveway. The commercial viability of this property being capable of developing and supporting such uses as restaurants, gas stations, or retail centers, seems unlikely. Besides the limited access, this site has topographic impediments that limit the area for development.
- The adjacent property to the east is zoned R-1. Other surrounding zoning districts are CP-2 to the north, south, and east (across M-291 Hwy). An indoor climate controlled storage facility is allowed in the CP-2 zoning district with a special use permit.
- Along the eastern property line, adjacent to the residential district, an existing high impact buffer consisting of a six-foot vinyl fence with masonry pilasters and existing and proposed landscaping are in place.

- The proposed indoor climate controlled storage facility at this location will not detrimentally affect the appropriate use of neighboring property. The property directly abuts M-291 Hwy, located along a commercial corridor. The area to the north and west are primarily developed with commercial and office uses. The property is adjacent to a single-family subdivision to the east. The east elevation does not have windows and is a solid wall with varying exterior materials and colors. Two overhead doors are located on the east elevation, however the doors close immediately when a car passes through them and all activity will occur indoors.
- The proposed use is not expected to negatively impact traffic and/or parking in the area. Considering the amount of traffic likely generated by the proposed development during peak hours and the existing roadway conditions, capacity and other factors of future growth near the proposed development that provide access, there are no concerns regarding the impact of the proposed development to traffic safety or traffic operations.
- The proposed development will be accessed from an existing shared driveway and parking areas that were planned and built in association with the neighboring business. The shared driveway has access to Deerbrook Street and Deerbrook Street intersects with M-291 Hwy.

In considering all the criteria and regulations, staff finds the use to be appropriate and recommends approval of the special use permit.

### **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. 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.
3. Certain aspects of the development plan, including detention and drainage study, 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.
4. Private parking lots shall follow Article 8 of the Unified Development Ordinance for pavement thickness and base requirements.

#### **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. Standpipes will be required in the stairwells and ground floor entrances. Confirmed at permit review.

#### **Planning**

7. Sign permits shall be obtained prior to installation of any signs through the Development Services Department.
8. All wall-pak lighting shall comply with the lighting standards as set forth in Article 8 of the UDO.
9. If existing parking lot pole lighting is relocated on this site, the parking lot pole lighting shall meet the requirements as set forth in Article 8 of the UDO.
10. The RTU screening material (those views not screened by parapet), shall be of the same color, material as the proposed stucco finished wall panels.
11. Landscaping and general maintenance/compliance shall be required and monitored for the existing high impact buffer along the east property on this site.

Attachments:

1. Transportation Impact Analysis, prepared by City Traffic Engineer, dated February 6, 2019  
2– pages
2. Preliminary Development Plan, date stamped January 22, 2019 – 13 pages
3. Elevations, Floor Plan, Roof Plan – 8 pages
4. Special Use Permit Criteria, Comprehensive Narrative, and Additional Special Conditions Narrative, Modification Requests, and Preliminary Development Plan Criteria provided by Applicant, date stamped January 22, 2019 – 8 pages
5. Preliminary Development Plan Criteria response from applicant
6. Sign in Sheet from the Neighborhood Meeting, submitted by applicant, date stamped January 22, 2019 – 1 page
7. Protest To Application, submitted by neighbor, date stamped February 7, 2019 –1 page
8. Photos of Subject and Surrounding Properties, date stamped January 22, 2019 – 9 pages
9. Location Map