

May 21, 2026

Dan Fernandez, Project Manager
City of Lee's Summit, Missouri
Development Services
220 S.E. Green Street
Lee's Summit, MO 64063

Re: Application Number: PL2026035
Commercial Rezoning with Preliminary Development Plan/Dillon's and
Additional Parcels

Dear Dan :

We represent The Phillips Edison Company concerning the above referenced application. In discussions with staff concerning the application, we are requesting the following modifications/clarifications from the Unified Development Code (this letter is in addition the requested modifications already filed):

Modification Request #1 – Landscape Buffer Requirement

UDO Reference: UDO Sec. 8.890 and Sec. 8.900 – Buffering Requirements

Standard:

High-impact buffering is required along property lines adjacent to RP-4 and AG zoning districts.

Request

Approval of a modification from the high-impact buffering requirements of UDO Sec. 8.890 and Sec. 8.900 along the southern property line adjacent to the AG-zoned property.

Justification

Compliance with Residential Buffering Requirements:

The proposed development complies with the required buffering standards along the north property line adjacent to the RP-4 residential zoning district, where buffering serves its primary purpose of providing separation between commercial and residential land uses.

Existing Land Use Context:

Although the property to the south is zoned AG (Agricultural), it does not function as an active agricultural or residential use. Rather, the parcel contains an existing underground utility facility and associated utility infrastructure. As such, the adjoining property functions more similarly to utility land than to a traditional agricultural use that would typically warrant high-impact buffering.

Limited Functional Benefit of Required Buffering:

Because the adjacent AG-zoned property is not actively used for agricultural or residential purposes, strict application of the high-impact buffering requirement along this property line would provide limited practical benefit in terms of screening or land use compatibility.

Visibility from the Arterial Roadway:

Installation of the required high-impact buffer along the southern property line would hinder visibility of the proposed development, including the fuel station, from the adjacent arterial roadway. Given the orientation of the site, this area is visible to motorists traveling along the corridor, and the required buffer would unnecessarily limit visibility of the development to passing traffic without providing a commensurate buffering benefit to the adjoining property.

Consistency with Ordinance Intent:

The intent of the buffering standards is to mitigate potential visual and operational impacts between incompatible land uses. Given the existing utility character of the adjacent southern parcel, the proposed development does not create the type of adjacency conflict that the high-impact buffer requirement is intended to address.

Landscaping and Site Design:

The proposed landscape plan continues to incorporate perimeter landscaping, street trees, and parking lot landscaping consistent with the overall landscape standards of the UDO. These elements will provide visual softening of the site while maintaining appropriate site design flexibility and roadway visibility. The site will also have up to a 12-foot depression from existing grades along the property boundary near NE Douglas Street, providing topographic screening in addition to the perimeter landscaping.

Minimum Relief Statement:

The requested modification represents the minimum relief necessary to accommodate reasonable site design while maintaining the overall intent of the UDO buffering standards.

Modification Request #2 – Light Pole Height

UDO Reference: UDO Sec. 8.250.D.1 – Lighting Height Limitations

Standard:

All light fixtures on properties within or adjoining residential uses and/or districts shall not exceed 15 feet in height within the perimeter area measured 100 feet from the property line. Outside the perimeter area, the height may increase to 20 feet.

Request

Approval of a modification from the lighting height requirements of UDO Sec. 8.250.D.1 to allow pole heights up to 28 feet, as shown on the photometric plan.

Justification

Operational Lighting Requirements:

Reducing pole heights to the ordinance limit would require a substantially greater number of light poles to achieve the illumination levels necessary for safe vehicle and pedestrian circulation throughout the site. The proposed pole heights allow the site to be lit more efficiently while avoiding unnecessary pole proliferation.

Site Topography:

The proposed site is situated at a lower elevation relative to many of the adjacent residential properties. Finished floor elevations for nearby residences range from 1012.33 to 1041.96, with an average finished floor elevation of 1023.38, while the average grade within the proposed parking area is 1016.5. As a result, the adjacent residential properties are approximately 6.9 feet higher than the proposed parking area, which reduces the apparent height of the proposed light fixtures as viewed from those properties.

Lighting Design and Spill Control:

The photometric plan is designed to direct light downward and provide adequate site illumination while minimizing spillover and glare onto adjacent properties. The use of taller fixtures also allows broader and more uniform light distribution, reducing the need for a larger number of poles near adjoining property lines.

Minimum Relief Statement: The requested modification represents the minimum relief necessary to achieve safe and functional site lighting while minimizing impacts to surrounding properties.

Modification Request #3 – Elevation Materials, Articulation, and Glazing Requirements

UDO Reference

- UDO Sec. 8.080.B and Sec. 15.315.H (Primary Facade Material Requirements)
- UDO Sec. 8.080.B and Sec. 8.050.B.3.a (Wall Articulation)
- UDO Sec. 8.050.B.4.i and Sec. 15.315.G (Commercial Building Fenestration)

Standard

The UDO requires three (3) different Class 1 or Class 2 materials on primary facades, wall articulation at least once every 60 linear feet, and a minimum of 50% clear glass within the designated pedestrian view zone. We believe that our plan meets these requirements. If not, we request the following modifications.

Request

Approval of a comprehensive modification to:

- Allow the two (2) chosen premium variations of Class 1 and Class 2 masonry materials on the rear facade in lieu of three distinct materials.
- Approve the wall articulation for both the front (east) and rear (west) elevations based on the overall architectural scale of the facility rather than strict 60-foot intervals.
- Reduce the required pedestrian view zone glazing on the rear (west) elevation to 0% based on the structural and back-of-house interior use of the building and accept the 31% on the front (east) elevation.

Justification

Class 1 and 2 Materials on the West (Rear) Elevation:

The submitted elevations for the west elevation, which is the rear of the grocery store, utilize two (2) different types of Class 1 and 2 materials, both of which are high-quality ground face CMU products. Per the provided elevations, these two premium masonry materials make up 92% of the rear elevation. Another 6% of the elevation materials are comprised of Class 3 materials consisting of the wainscot and wainscot cap that wrap all four (4) sides of the building, seamlessly connecting the rear to the rest of the building. The remaining 2% of the elevation consists of functional hollow metal doors and metal trim. In total, 92% of the rear of the building consists of Class 1 and Class 2 materials, matching the overall upscale design and color palette established by the front entry elevation of the building and preventing unnecessary visual disruptions.

Wall Articulation Frequency and Building Scale:

The articulation of the east (front) elevation is established working left to right with substantial architectural elements that effectively break down the massive scale of the grocery store:

- **Left Side:** Begins with a structural pilaster and popout that steps a full 12" out horizontally from the main facade and extends 32" vertically above the main roof line.
- **Center-Left Transition:** Continuing to the right, the roof line steps up 16" above the main roof line along with a material change located 55'-6" from the terminal pilaster. This roof line change runs for 103'-2" before hitting the primary entry element.
- **Primary Entry Element:** The main entry element horizontally bumps out a substantial 22'-9 ¾" from the main wall of the building. To emphasize this pedestrian gateway, it utilizes two different parapet heights that are 5'-8" and 10'-4" above the main roof line.
- **Right Side:** The right side of the entry follows the same roof line step as the left, and the remainder of the elevation tracks the main building roof line, transitioning smoothly into the adjacent retail building.

As for the west (rear) elevation, a structural pilaster and popout anchor the left corner at the entry to the truck dock area. The horizontal plane of the wall is intentionally maintained straight down the truck dock for safety and truck movement purposes. However, to break up the massing along this safety-critical wall, the design introduces alternating roof heights running the length of the rear elevation, shifting between the main 24' building height and vertical popups that step up 8" along the rear at roughly 38' intervals. At the truck delivery doors, the building introduces a substantial 40' horizontal plane change, and the pattern continues to the left side of the rear elevation, ending in another popout to match the one on the left side.

Pedestrian View Zone Glazing Constraints:

The front (east) elevation concentrates the building's fenestration where it directly interacts with the public at the entry and exit area of the building along with the checkout area inside the building, with an overall glazing percentage of 11% on the front elevation and with the glazing percentage inside the primary pedestrian view zone at 31%. The remainder of the walls that do not have glazing are for restrooms, the customer service area, the pharmacy storage area, coolers, and freezers.

Conversely, the rear elevation does not contain any glazing because this area on the interior is entirely dedicated to back-of-house operations, including heavy inventory storage, the delivery staging area, employee restrooms, electrical equipment rooms, and the main fire riser. Therefore, glazing is not possible on the rear of the building.

Minimum Relief Statement

The requested modifications represents the minimum relief necessary to accommodate reasonable modifications to the prototypical Dillons elevation and accommodating the interior functions of the grocery store while maintaining the overall intent of the UDO standards.

Revised Plans:

In addition, the revised plans that will be submitted in accordance with our discussions with staff, address the remaining comments on the Applicant Letter dated May 15, 2026. With these submittals, it is our understanding that we will proceed with the Planning Commission meeting on June 11, 2026 and the City Council on July 7, 2026.

If you need anything else, please contact me.

Very truly yours,



Patricia R. Jensen

PRJ/kab

cc: Greg Clough (via e-mail gclough@PHILLIPSEDISON.com)
Tim Goyette (via e-mail tgoyette@phillipsedison.com)
Kassi Foote (via e-mail khamner@PHILLIPSEDISON.com)
Marvin Brown (via e-mail mbrown@pickeringfirm.com)
Michael Rokas (via e-mail michael.rokas@kroger.com)
Marc Breetz (via e-mail MarcB@naosdg.com)
Tom Widmeyer (via e-mail tom.widmeyer@kroger.com)
Jill Giles (via e-mail jill.giles@kroger.com)
Rachelle Biondo (via e-mail rbiondo@rousepc.com)