



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

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## Development Services Staff Report

<b>File Number</b>	PL2023-111
<b>File Name</b>	PRELIMINARY DEVELOPMENT PLAN – Douglas Corner Retail Building
<b>Applicant</b>	Capital Builders, LLC
<b>Property Address</b>	150 NE Tudor Rd
<b>Planning Commission Date</b>	July 13, 2023
<b>Heard by</b>	Planning Commission and City Council
<b>Analyst</b>	C. Shannon McGuire, Planner
<b>Checked By</b>	Sue Pyles, PE, Development Engineering Manager Dawn Bell, Planning Manager Josh Johnson, AICP, Director of Development Services

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### Public Notification

Pre-application held: March 27, 2023

Neighborhood meeting conducted: June 12, 2023

Newspaper notification published on: June 24, 2023

Radius notices mailed to properties within 300 feet on: June 3, 2023

Site posted notice on: June 23, 2023

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### Attachments

Transportation Impact Analysis by Susan Barry, P.E., PTOE, dated June 16, 2023 – 2 pages

Preliminary Development Plan, dated May 10, 2023 – 14 pages

Building Elevations, dated June 26, 2023 – 2 pages

Final Storm Water Drainage Report by HG Consult, Inc, dated May 10,2023 – 37 pages

Location Map

## 1. Project Data and Facts

Project Data	
Applicant/Status	Capital Builders, LLC /Developer
Applicant's Representative	Matt Hendrickson
Location of Property	150 NE Tudor Rd
Size of Property	±1.73 Acres (75,508 sq. ft.)
Number of Lots	1
Building Area	7,792 sq. ft.
FAR	0.10
Zoning	CP-2 (Planned Community Commercial)
Comprehensive Plan Designation	Commercial
Procedure	<p>The Planning Commission makes a recommendation to the City Council on the preliminary development plan. The City Council takes final action on the preliminary development plan in the form of an ordinance.</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>

### Current Land Use

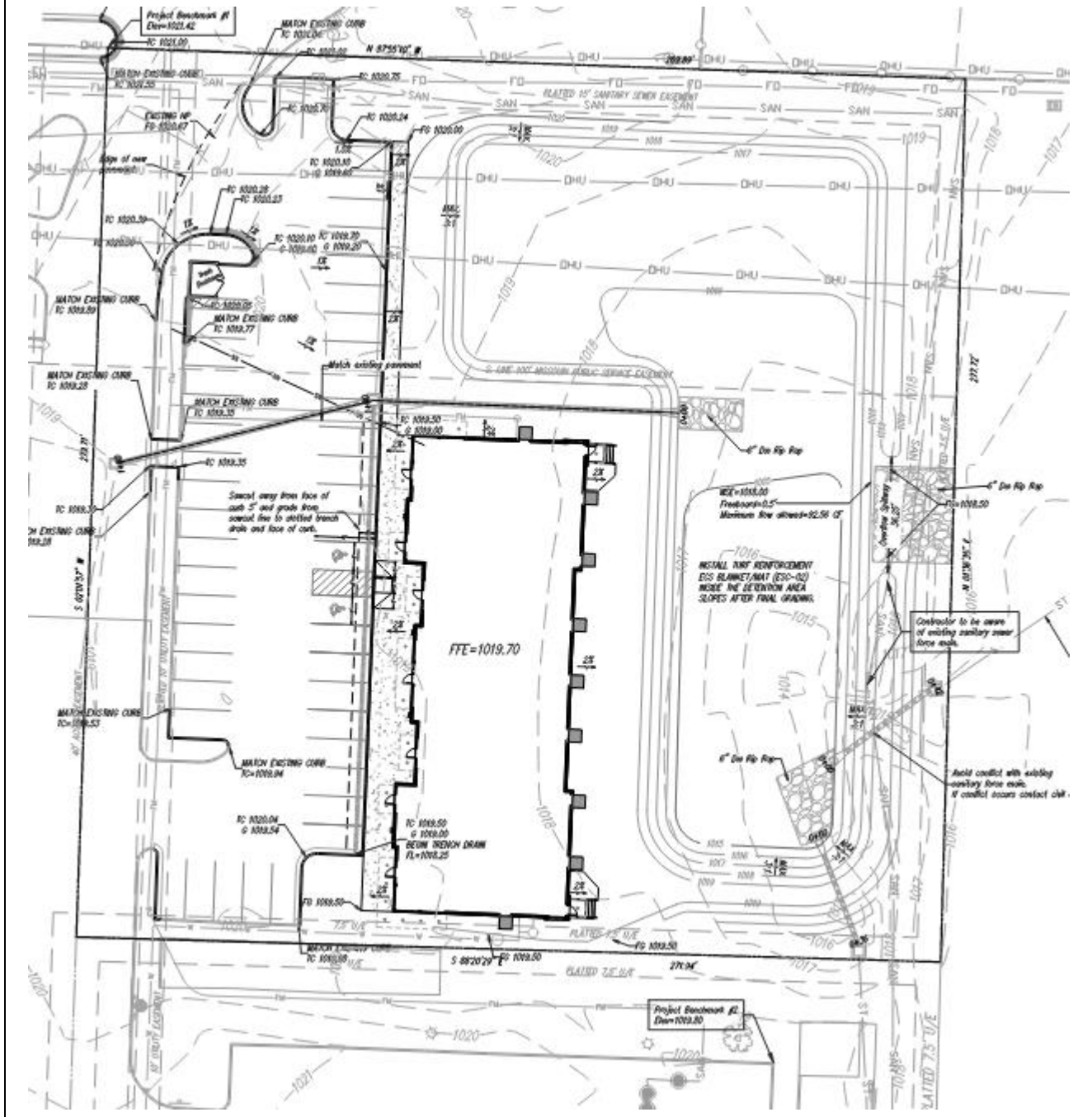
A portion of the proposed site is undeveloped vacant land with existing parking lot on the remaining land.



**Description of Applicant's Request**

This preliminary development plan (PDP) application is for a proposed 7,792 sq. ft. single-story retail building located at 150 NE Tudor Rd. Proposed building materials include architectural metal panels, stucco, composite wood panels and glass store fronts. The applicant has proposed to reuse the existing parking lot in its current location.

The applicant is also requesting a two (2) modifications; a modification to the landscape buffer; and a modification to the required materials for the proposed trash enclosure.



## 2. Land Use

### Description and Character of Surrounding Area

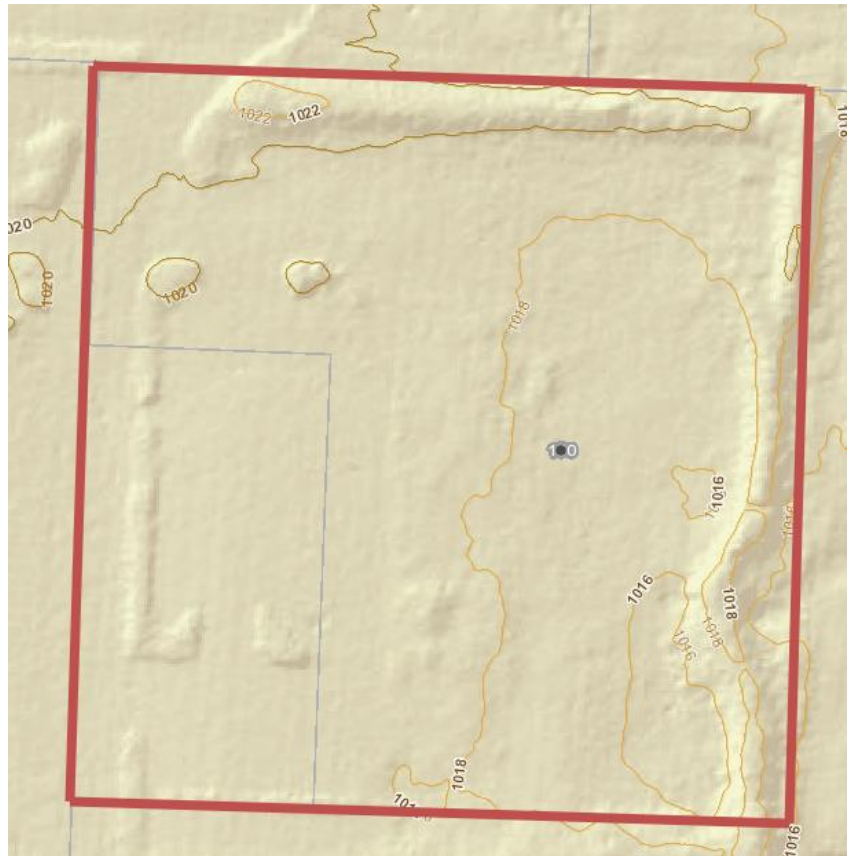
The proposed building is surrounded by commercial uses on the north, west and south. Also, to the north, approximately 83 feet of the proposed development borders a single-family residential subdivision. An existing six (6) foot wooden fence separates the proposed development from the subdivision. The property to the east is a church and is currently zoned PI.

### Adjacent Land Uses and Zoning

<b>North:</b>	CP-2 (Planned Community Commercial District) — Temp Stop gas station R-1 (Single Family Residential District) – Maple Tree subdivision
<b>South:</b>	CP-2 (Planned Community Commercial District) — Schlotzsky’s
<b>East:</b>	PI (Planned Industrial District) — Deerbrook Covenant Church
<b>West:</b>	CP-2 (Planned Community Commercial District) — Various retail/commercial

### Site Characteristics

The 1.73-acre site is a relatively unremarkable commercial lot that generally slopes from northwest to southeast. The majority of the subject property is vacant with the exception of a small existing parking lot adjacent to the western property line.



### Special Considerations

None

### 3. Project Proposal

#### Site Design

Land Use	
Impervious Coverage:	46.0%
Pervious:	54.0%
<b>TOTAL</b>	<b>100%</b>

#### Parking

Proposed		Required	
Total parking spaces proposed:	46	Total parking spaces required:	39
Accessible spaces proposed:	2	Accessible spaces required:	2
Parking Reduction requested?	No	Off-site Parking requested?	No

#### Setbacks (Perimeter) - Building

Yard	Building Required	Building Proposed
Front (West)	15'	98'
Side (North and South)	10' or 0' for interior lot lines	118' - North; and 9.66' - South
Rear (East)	20'	115'

#### Setbacks (Perimeter) - Parking

Yard	Parking Required	Parking Proposed
Front (West)	20'	27'
Side (North and South)	6' – North; and 6' – South	7' – North; and 5.5' – South*
Rear (East)	20'	179'

\*The applicant has proposed to utilize the existing parking lot in its current location.

#### Structure(s) Design

<b>Number and Proposed Use of Buildings (Lot 1)</b>
1 building
<b>Building Height</b>
24' (building height)
<b>Number of Stories</b>
1 story



## 4. Unified Development Ordinance (UDO)

Section	Description
2.040,2.260,2.300,2.320	Preliminary Development Plans
4.190	Zoning Districts (CP-2)
8.890,8.900	Landscaping (Minimum Requirements)
2.320	Modifications

### Unified Development Ordinance

The proposed multi-tenant retail building is a use permitted by right under the existing CP-2 zoning district. The CP-2 District is established to provide a location for a full-range of retail and office development serving the general needs of the community.

The proposed use is consistent and compatible with the abutting commercial developments to the north, south and west and is a lower intensity commercial use than other commercial uses permitted in this district.

## 5. Comprehensive Plan

Focus Areas	Goals, Objectives & Policies
Resilient Economy	Objective: Diversify Lee’s Summit economy. Objective: Increase business retention and grow business activity. Objective: Maintain a diverse and valuable tax base.

### Comprehensive Plan

The 2021 Ignite Comprehensive Plan land use map identifies the subject site’s future recommended land use as Commercial. The proposed multi-tenant retail office is consistent with the commercial land use designation recommended by the Comprehensive Plan.

One objective established in the Comprehensive Plan is to stimulate continued economic development investment by the private sector. The subject application meets this goal by developing a long vacant property in Lee’s Summit.



## 6. Analysis

### Background and History

- November 6, 2003 – The City Council approved the rezoning from PI-1 to CP-2 (Appl. #2003-179) and the preliminary development plan (Appl. #2003-180) for the northeast corner of Tudor and Douglas Street. (Ordinance No. 5640)
- May 6, 2004 – The City Council approved the preliminary development plan (Appl. #2004-018) for Backyard Burger located at 190 NE Tudor Rd. (Ordinance No. 5736)
- February 17, 2005 – The City Council approved the preliminary development plan (Appl. #2004-237) for the redevelopment of the Missouri Gas Energy building located at 100 NE Tudor Rd. (Ordinance No. 5895)
- March 28, 2005 – The final development plan application (Appl. #2005-057) for the Fischer parking lot was approved by the Planning and Development Department.
- April 7, 2006 – The minor plat *Douglas Corner, Lots 1A and 1B* was recorded by Jackson County (Instrument #2006E0006973).
- June 8, 2006 – The City Council approved the final plat application *Douglas Corner, 2<sup>nd</sup> Plat, Lots 3-14 and Tracts A and B* (Appl. #2006-074) by Ordinance No. 6200, which was recorded by Jackson County (Instrument #2006E0063342)
- August 21, 2008 – The City Council approved the preliminary development plan (Appl. #2008-045) for Douglas Corners located at 150 NE Tudor Rd. (Ordinance No. 6669) The approved 10,190 sq. ft. office/retail building was never constructed; therefore, the preliminary development plan became null and void on August 21, 2010.
- October 18, 2018 – The City Council approved the preliminary development plan (Appl. #2018-108) for Douglas Corners located at 150 NE Tudor Rd. (Ordinance No. 8482) The approved 12,468 sq. ft. two-story building with 7,972 sq. ft. of retail on the first floor and four (4) two-bedroom residential apartments on the second floor totaling 4,496 sq. ft.
- November 28, 2018 – A Commercial Final Development Plan (Appl. #2018-213) was filed with the City. The proposed FDP removed the residential apartments on the second floor. Staff determined this was a substantial change from the approved PDP and would require a new PDP. The subject FDP expired on October 23, 2019.

### Compatibility

The proposed building will have a contemporary aesthetic that staff believes to be appropriate for an area with a mix of architectural styles and land uses. The material palette for the building includes: architectural metal panels, stucco, composite wood panels and glass store fronts.



Figure 1 - Renderings of west exterior elevation

### **Adverse Impacts**

The proposed development is not expected to detrimentally impact the surrounding area as the proposed use and development standards are substantially similar to the surrounding commercial uses to the north, south and west.

Stormwater impacts will be mitigated through on-site detention. The detention system will be located along the north and eastern portions of property behind the proposed building. This site meets all lighting, access, and parking requirements of the Unified Development Ordinance.

### **Public and Private Infrastructure Services**

The proposed development will not impede the normal and orderly development and improvement of the surrounding property. The subject site is the remaining undeveloped site located in the area with commercial existing to the north, south and west and residential existing to the north east.

Sanitary sewer service for the site is provided by connection to an existing private force main that connects to an existing 8" main located on the east side of NE Douglas St. Access to water will come from an existing 6" main located on the property south of the subject site that will be extended to the south property line of this lot and relocate an existing fire hydrant. This extended main will now be public from the connection at NE Tudor Rd. to the relocated fire hydrant. A utility easement will be required for this main from the public right-of-way through the fire hydrant.

Stormwater from the proposed development will be managed by an on-site detention system and will be designed to collect the stormwater runoff and direct it to the detention system.

### **Modification Requests**

#### **A. Landscape Buffer**

- **Proposed** – No landscaping buffer.
- **Required** – Buffer/screen between developments of differing land uses adjoining one another or separated from one another by only a street or alley shall comply with Table 14.1 Typical buffers. According to Table 14.1, a high impact screening buffer is required along the northern property line adjacent to the residentially zoned district and a medium impact screening buffer is required adjacent to the PI zoned district on the east property line.
- **Recommended** – Due to the location of an existing sanitary sewer main and utility easements located on the north and east lot lines, the landscaping buffer is unable to be installed as required by the UDO. The applicant proposes to install additional landscaping in the form of trees and shrubs adjacent to the proposed building on the north and east sides. For this reason, staff believes the modification is reasonable and supports the request.

This same modification was granted by Ord. #8284 on October 18, 2018 by City Council for the previously approved preliminary development plan (Appl. #2018-108).



## B. Trash Enclosures

- **Required** – All trash enclosure shall be constructed of masonry walls or steel architecturally designed walls with either a solid steel opaque gate painted to be compatible with the color of the masonry or steel walls and building it is to serve or a steel framed semi-opaque gate with a screen mesh material approved by the Director that provides an appropriate visual barrier.
- **Proposed** – The applicant has requested the use of composite wood panel system for the walls of the trash enclosure.
- **Recommendation** – The applicant has proposed to utilize the same composite wood panel system for the trash enclosure walls that is being proposed as a building material on the elevations of the building. This will provide a cohesive and unified look between the trash enclosure and the principal building. The proposed trash enclosure will be substantially similar to the trash enclosure the Council approved (Appl. #PL2021-390) at 216/218 SE Douglas St. For these reasons, staff believes the modification is reasonable and supports the request.



*Figure 2 – Trash Enclosure at 216/218 SE Douglas St*

### **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.

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 approved developments in the City such as churches, car dealerships and the recently approved Fire Stations.

### **Recommendation**

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

## **7. Recommended Conditions of Approval**

### **Site Specific**

1. A modification shall be granted to the high-impact buffer requirement along the R-1 zoned properties to the north, to allow no landscaping buffer along the north property line.
2. A modification shall be granted to the medium-impact buffer requirement along the PI zoned properties to the east, to allow no landscaping buffer along the east property line.
3. A modification shall be granted to the trash enclosure design requirements to allow for the use of composite wood panel system for the walls of the trash enclosure as depicted on the building elevations dated June 26, 2023.
4. Development shall be in accordance with the preliminary development plan dated May 10, 2023.
5. The use of architectural metal panels shall be allowed as a conditional material as depicted on the building elevations dated June 26, 2023.

### **Standard Conditions of Approval**

6. 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.
7. 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).
8. 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.
9. All permanent off-site easements, in a form acceptable to the City, shall be executed and recorded with the Jackson County Recorder of Deeds prior to the issuance of a Certificate of Substantial Completion or approval of the final plat. A certified copy shall be submitted to the City for verification.
10. Private parking lots shall follow Article 8 of the Unified Development Ordinance for pavement thickness and base requirements.
11. 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.
12. 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.

13. 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.
14. 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 9 of the UDO.