


# City of Lee's Summit

## Development Services

November 11, 2016

TO: City Council  
FROM: Robert G. McKay, AICP, Director   
RE: **PUBLIC HEARING – Appl. #PL2016-165 – REZONING from PI to PMIX and PRELIMINARY DEVELOPMENT PLAN – The Grove, approximately 73 acres located at the northeast and southeast corners of SE M-291 Hwy. and SE Bailey Rd.; Westcott Investment Group, LLC, applicant**

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### Commentary

The applicant proposes to rezone approximately 73 acres, located at the northeast and southeast corners of SE M-291 Highway and SE Bailey Road, from PI (Planned Industrial) to PMIX (Planned Mixed Use) for the development of 2 tracts of land separated by SE Bailey Road consisting of 220,000 sq.ft. of industrial warehousing/light manufacturing; 382,000 sq.ft. of commercial office/warehouse; 95,000 sq.ft. of office; 88,225 sq.ft. of retail; and 378 (option A) – 384 (option B) residential units. The development is proposed in 5 phases, with the first phase to begin summer 2017 and the last phase planned to be completed by summer 2024. The applicant has provided a detailed booklet of design standards including allowable uses, building materials and colors, setbacks, lighting standards, and landscaping requirements that shall be adopted as part of this preliminary development plan. Materials listed include, but are not limited to: fired-clay brick, stone, wood, fiber-cement siding, glass, architectural concrete panels, architectural metal panels, stucco, architectural precast panels, and architectural tilt-up panels.

- 63.7% impervious coverage
- 36.3% open space
- 2,439 parking spaces required; 2,574 parking spaces provided

### Recommendation

Staff recommends **APPROVAL** of the rezoning and preliminary development plan, subject to the following:

1. A modification shall be granted to the minimum caliper size requirement of 3 inches, to allow for 2 inches for the ornamental trees.
2. Parking lot lighting shall not exceed 28' maximum height, measured to the top of the fixture from grade.
3. Development shall be as shown on the preliminary development plan and The Grove's Design Standards, date stamped October 4, 2016, except as otherwise noted.
4. The Developer shall execute a mutually satisfactory development agreement with the City, which addresses, at a minimum, sanitary sewer improvements recommended in the Sanitary Sewer Memorandum dated October 27, 2016, and the road improvements recommended in the Transportation Impact Analysis dated October 18, 2016. No building permits shall be issued for any structure in the development until written proof is provided to the City that the development agreement has been recorded in the Jackson County Records' Office.

## Project Information

**Proposed Use:** Light Manufacturing, Flex (Warehouse/Office), Office, Retail, Residential

**Current Zoning:** PI (Planned Industrial)

**Proposed Zoning:** PMIX (Planned Mixed Use)

**Land Area:**

7.56 acres (329,313.6 square feet)	—Lot 1
10.63 acres (463,042.8 square feet)	—Lot 2
5.83 acres (253,954.8 square feet)	—Lot 3
2.51 acres (109,335.6 square feet)	—Lot 4
4.88 acres (212,572.8 square feet)	—Lot 5
4.58 acres (199,504.8 square feet)	—Lot 6
8.81 acres (383,763.6 square feet)	—Lot 7
6.30 acres (274,428.0 square feet)	—Lot 8
2.59 acres (112,820.4 square feet)	—Lot 9
1.89 acres (82,328.4 square feet)	—Lot 10
9.52 acres (414,691.2 square feet)	—Lot 11
<u>7.63 acres (332,362.8 square feet)</u>	<u>—Tracts A-C</u>
<b>72.73 acres (3,168,119 square feet)</b>	<b>--Total</b>

**Number of Lots:** 11 lots and 3 tracts

**Location:** northeast and southeast corners of SE M-291 Hwy. and SE Bailey Rd.

**Surrounding zoning and use:**

**North:** CP-2 (Planned Community Commercial)—Former Calmar site

**South:** PI—Office, Warehousing/Storage, Manufacturing

**East (across UPRR):** PI—Vacant UPRR and Adessa properties, County Beverage Company

**West (across South M-291 Hwy):** PI and CP-2—Office/Warehouse, Retail

## Background

- December 29, 1951 – The Pfizer property and surrounding, located north of Persels/Bailey, was annexed into the City of Lee's Summit.
- December 29, 1954 – The City's first zoning ordinance (Ord. #421) was adopted. This zoning ordinance placed the zoning designation of C-6 on the subject property located north of Persels/Bailey. District C (Highway Business and Industrial) allowed a variety of uses including wholesale, storage, warehousing, processing, and manufacturing.
- September 16, 1959 – The subject property located south of Persels/Bailey, including the properties located north of SE Thompson Drive, was annexed into the City of Lee's Summit.
- March 27, 1962 – The City adopted Zoning Ordinance #715. The subject property was identified as M-1 (Light Industrial) under this zoning ordinance.
- November 1, 2001 – The Unified Development Ordinance (UDO) became effective and changed District M-1 (Light Industrial) to District PI (Planned Industrial).
- September 13, 2005 – The Planning Commission approved Resolution 05-03 amending the Comprehensive Plan to change the preferred land use from industrial and low-density

residential to planned mixed use on the land located south of U.S. 50 Hwy., on both side of M-291 Hwy., to Persels Road on the west side of M-291 Hwy. and to just south of 16<sup>th</sup> Street on the east side of M-291 Hwy.

- November 9, 2005 – Rezoning (Appl. #2005-369) and preliminary development plan (Appl. #2005-370) applications were filed for the property generally located south of U.S. 50 Hwy. on both side of M-291 Hwy. (City Walk). That application contained a total of 182.25 acres. The Calmar site (called the Retail A site on the City Walk plan) encompassed 24.81 acres with 218,000 sq. ft. of retail building and 12,000 sq. ft. of fast food/retail building. In December 2006, the applications were withdrawn after a motion to approve the City Walk Tax Increment Financing plan failed.
- April 12, 2007 – The City Council approved rezoning (Appl. #2007-016) from PI-1 to CP-2 and preliminary development plan (Appl. #2007-017) for the Shops at Bridgepoint.
- December 22, 2010 – The minor plat (Appl. #2009-097) of *Pfizer Way* was recorded at the Jackson County Recorder of Deeds Office by Instrument #2010E0126141.

## Analysis of Rezoning

**Comprehensive Plan.** The 2005 Lee's Summit Comprehensive Plan shows the area as planned mixed use. This land use designation is intended to accommodate a mix of retail, office, service and public uses with a complimentary mix of residential development of varying densities to provide for the greatest amount of flexibility. The proposed uses fit well with the overall vision of the City's Comprehensive Plan.

**Surrounding Uses.** The surrounding properties are primarily office/warehousing, industrial in nature, with some retail in the vicinity.

**Request.** The applicant proposes to rezone approximately 73 acres from PI to PMIX for the development of 2 tracts of land separated by SE Bailey Road consisting of 220,000 sq.ft. of industrial warehousing/light manufacturing; 382,000 sq.ft. of commercial office/warehouse; 95,000 sq.ft. of office; 88,225 sq.ft. of retail; and 378 (option A) – 384 (option B) residential units. The PMIX District is intended to allow greater flexibility in development standards and allow for a greater mix of uses. As part of the PMIX zoning district designation, the applicant proposes a mix of uses for the property that includes residential, commercial, office, warehousing, and light manufacturing.

**Recommendation.** Staff supports the requested rezoning to PMIX. The proposed uses are compatible with the overall vision of the City's Comprehensive Plan.

## Analysis of Preliminary Development Plan

The preliminary development plan has been analyzed based upon the data shown on the development plan sheets and the modifications requested.

**Minimum Caliper Size.** Modification requested. **Staff supports requested modification.**

- Required – The UDO requires a minimum caliper size of 3 inches for all deciduous trees per Section 14.050.A.4.
- Proposed – The applicant proposes a caliper size of 2-inches for all ornamental trees.
- Recommended – Staff is supportive of the requested modification to the caliper size for the ornamental trees as staff has supported the same or similar modification for several other developments.

**Parking Lot Lighting.** Modification requested. Staff does not support the requested modification.

- Required – The UDO allows for light fixtures on properties adjoining residential uses and/or districts that are separate by an arterial street, and outside the 100' perimeter area, or not adjoining a residential use and/or district a maximum height of 28'.
- Proposed – The applicant proposes a maximum height of 30' for all parking lot lighting.
- Recommended – Staff recommends the maximum height be reduced by 2' to meet the maximum allowed height of 28' in the UDO.

**Monuments, Size and Number.**

- Required – The UDO allows a maximum of 1 freestanding sign per building with a maximum of 72 square feet for the sign face area and 96 square feet for overall structure area. However, the UDO also allows for larger and more signs to be approved as part of a preliminary development plan.
- Proposed – The applicant proposes a total of 23 monument signs (identified in the Design Standards as 4-monuments, 4-single tenant directional, 4-multi-tenant directional, 9-interior directional, 1-gateway, and 1-primary intersection) located throughout the development. The proposed monuments consist of stacked stone bases of varying sizes. The overall structure area of the monument signage is 108 sq. ft., the overall structure area of the tenant directional signage is 140 sq. ft., the overall structure area of the proposed interior directional signage is approximately 57.5 sq. ft., the overall size of the gateway sign is 495 sq. ft. and the overall size of the primary intersection sign is 1,072.5 sq. ft.
- Recommended – Staff is comfortable with the size and general location of the proposed gateway and primary intersection monument signs due to the overall size of the development. However, staff is not supportive of the sizes of the other proposed monument signs located within the development.

**Sanitary Sewer Analysis.** The proposed development is primarily located within the Big Creek Watershed. All sanitary sewer flow from the proposed development will flow through a gravity sewer within the Big Creek Watershed to the Greenwood Pump Station. An initial "Sanitary Sewer Design Memorandum" dated August 31, 2016, was submitted to and reviewed by the City. This memorandum did not address the downstream sanitary sewer capacity concerns with the Big Creek trunk sewer. At the time that the application was presented to the Planning Commission, City staff was aware that a more detailed analysis was "in progress" and that the results of the study would be used to determine what additional work was needed downstream of the proposed project to ensure adequate sewer capacity. City staff had reached an agreement with the applicant on the scope of the study.

A more comprehensive analysis, dated October 27, 2016, has been completed and provided to the City. Staff has completed an initial review and is in general concurrence with the findings that the existing Big Creek gravity sanitary sewer system can safely handle Phase 1 of the proposed development. Future phases of the development will cause various reaches of the sewer system to be over capacity and will require an upgrade to the sanitary sewer system at the applicant's expense. An upsizing agreement may be desired to be considered by the City to ensure that the ultimate build-out may be accommodated. **(Added by Staff.)**

**Development Standards.** The PMIX District is intended to allow greater flexibility in development standards, including allowable uses, building materials and colors, setbacks, lighting standards, landscaping requirements and density. The table below compares the

proposed development standards with that of the zoning districts where the proposed mix of uses would most likely be if they this were not a mixed-use development.

District/Use	Density	Setbacks			Height
		Front	Side	Rear	
RP-4/Apartments	12 units/AC	50' for major streets; 20' for all other streets	10'	30'	50' (4 stories)
Residential (Lots 9 & 11)	Lot 9: 12.74 units/AC Lot 11: 40.34 units/AC	0'	0'	0'	2-5 stories
CP-2/Office/Retail	Max. 0.55 FAR	15' for major streets; 0' other streets is main entry and any display windows face street, otherwise 15'	10'	20'	40' (3 stories)
Office (Lots 8, 10, & 11)	Max. 0.44 FAR	0'	0'	0'	8 stories
PI/warehouse/manufacturing	Max. 1.0 FAR	20'	10'	20'	N/A
Commercial Office/Warehouse (Lots 3, 5, 6, 7, & 8)	Max. 0.44 FAR	0'	0'	0'	No Limit
Light Manufacturing (Lots 1 & 2)	Max. 0.30 FAR	20'	0'	0'	No Limit
Mixed Use (Lots 9 & 11)	Lot 9: 0.43 FAR Lot 11: 1.17 FAR	0'	0'	0'	2-5 stories

### 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. All Engineering Plan Review and Inspection Fees shall be paid prior to approval of the engineering plans and prior to the issuance of any infrastructure permits or the start of construction (excluding land disturbance permit).
3. All subdivision-related public improvements must have a Certificate of Final Acceptance prior to approval of the final plat, unless security is provided in the manner set forth in the City's Unified Development Ordinance (UDO) Section 16.340. If security is provided, building permits may be issued upon issuance of a Certificate of Substantial Completion of the public infrastructure as outlined in Section 1000 of the City's Design & Construction Manual.
4. A Land Disturbance Permit shall be obtained from the City if ground breaking will take place prior to the issuance of any infrastructure permit or prior to the approval of the final development plan/engineering plans.
5. 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 development plan. A certified copy shall be submitted to the City for verification.
6. 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 specification contained within the City's Design & Construction Manual.
7. The "Sanitary Sewer Design Memorandum" dated August 31, 2016 did not address downstream sanitary line over-capacity issues toward the City of Greenwood, Missouri. Staff understands this study is "in-progress", and the results of the study would be used to determine what additional work is needed downstream of the project to ensure there is adequate sewer capacity.
8. Several sanitary sewer manholes are shown with a depth greater than fifteen (15) feet of cover, as measured to the top of the pipe. These depth issues shall be resolved during the engineering plan review, and mitigated by re-designing the sanitary sewer system to meet the maximum depth of cover requirements in the Design & Construction Manual.
9. The sanitary sewer line shall be extended to serve Lots 4 and 6.

#### **Fire**

10. 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 of fire fighters and emergency responders during emergency operations, shall be in accordance with the 2012 International Fire Code.
11. IFC 903.3.7 – Fire department connections (FDC). The location of the fire department connections shall be approved by the fire code official. Connections shall be a 4-inch Storz type fitting and located within 100 feet of a fire hydrant, or as approved by the code official. Action required: Show the location of the FDCs and the hydrant within 100 feet.
12. IFC 507.5.1 – Hydrants. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 300 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official. Actions required: 1) Provide public hydrants on Summit Street east of the roundabout. 2) Provide a public hydrant at the new east entrance of Pfizer. 3) Provide

hydrant coverage for Lot 9. (C104.1 Existing fire hydrants. Existing fire hydrants on public streets are allowed to be considered as available. Existing fire hydrants on adjacent properties shall not be considered available unless fire apparatus access roads extend between properties and easements are established to prevent obstruction of such roads.) 4) Private fire mains require backflow prevention. 5) Avoid locating private hydrants behind parked vehicles. Move them out to the ends of islands or other unobstructed areas.

13. IFC 503.2.1 – Fire apparatus access roads shall have an unobstructed width of not less than 200 feet (6096 mm), exclusive of shoulders, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 13 feet 6 inches (4115 mm). D105.1 Where required. Where the vertical distance between the grade plane and the highest roof surface exceeds 30 feet (9144 mm), approved aerial fire apparatus access roads shall be provided. For purposes of this section, the highest roof surface shall be determined by measurement to the eave of a pitched roof, the intersection of the roof to the exterior wall, or the top of parapet walls, whichever is greater. D105.2 Width. Aerial fire apparatus access roads shall have a minimum unobstructed width of 26 feet (7925 mm), exclusive of shoulders, in the immediate vicinity of the building or portion thereof. D105.3 Proximity to building. At least one of the required access routes meeting this condition shall be located within a minimum of 15 feet (4572 mm) and a maximum of 30 feet (9144 mm) from the building, and shall be positioned parallel to one entire side of the building. The side of the building on which the aerial fire apparatus access road is positioned shall be approved by the fire code official. Action required: How will this condition be met for the multi-story buildings in Lots 9 and 11?
14. IFC 503.3 – Where required by the fire code official, approved signs or other approved notices or markings that include the words NO PARKING—FIRE LANE shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. The means by which fire lanes are designated shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.
15. IFC 503.2.3 – Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities.

#### **Planning and Codes Administration**

16. Landscaping shall meet the requirements of Article 14 of the UDO.
17. Accessible parking signs shall meet the requirements set forth in the **Manual on Uniform Traffic Devices (R7-8)**. Each accessible parking space shall be identified by a sign, mounted on a pole or other structure, located between 36 inches (3 feet) and 60 inches (5 feet) above the ground measured from the bottom of the sign, at the head of the parking space.
18. Sign permits shall be obtained prior to installation of any signs through the Department of Planning and Codes Administration. All proposed signs must comply with the sign requirements of Article 13 of the UDO.

RGM/cs

#### Attachments:

1. Revised Transportation Impact Analysis prepared by Michael Park, dated November 9, 2016 – 6 pages

2. The Grove Traffic Impact Study Report by TranSystems, dated August 2016 – 46 pages
3. Sanitary Sewer Design Memorandum prepared by BHC Rhodes, dated October 27, 2016 – 8 pages
4. Preliminary Development Plan, date stamped October 4, 2016 – 24 pages
  - Cover Sheet – 1 page
  - Site Plan – 3 pages
  - Parking Garage Plan – 1 page
  - Phasing Plan – 1 page
  - Landscape Plan – 2 pages
  - Site Lighting Plan – 2 pages
  - Existing Conditions (Overall) – 1 page
  - Surveyed Information – 2 pages
  - Existing Conditions – 2 pages
  - Utility Plan – 3 pages
  - Grading Plan & Stormwater Management Plan – 2 pages
  - Stormwater Management Calculations – 1 page
  - Off-Site Traffic Improvements – 1 page
  - Elevations – 2 pages
5. The Grove Design Standards, date stamped October 4, 2016 – 38 pages
6. Location Map