



LEE'S SUMMIT
MISSOURI
Development Services Department

Development Services Staff Report

File Number	PL2022-122
File Name	REZONING from PMIX to PI and PRELIMINARY DEVELOPMENT PLAN – LS Industrial
Applicant	LS Industrial, LLC
Location	Approximately 49.85 acres located at the southeast corner of M-291 Hwy and SE Bailey Rd
Planning Commission Date Heard by	May 26, 2022 Planning Commission and City Council
Analyst	Victoria Nelson, Planner Hector Soto, Jr., AICP, Senior Planner
Checked By	Kent Monter, PE, Development Engineering Manager

Public Notification

Pre-application held: October 26, 2021
Neighborhood meeting conducted: May 4, 2022
Newspaper notification published on: April 23, 2022
Radius notices mailed to properties within 300 feet on: April 21, 2022
Site posted notice on: April 22, 2022

Table of Contents

1. Project Data and Facts	2
2. Land Use	3
3. Project Proposal	4
4. Unified Development Ordinance (UDO)	6
5. Comprehensive Plan	6
6. Analysis	7
7. Recommended Conditions of Approval	10

Attachments

Transportation Impact Analysis prepared by Brad Cooley, P.E., dated April 29, 2022 – 4 pages

Rezoning/Site Plan Exhibit and Legal Description, dated April 19, 2022 – 2 pages

Preliminary Development Plan, dated February 25, 2022 – 12 pages

Building Elevations and Rendering, revision date May 16, 2022 – 3 pages

Alternate Parking Plan comparables

Memorandum from GBA, dated May 17, 2022

Neighborhood Meeting Notes, dated May 4, 2022

Location Map

1. Project Data and Facts

Project Data	
Applicant/Status	LS Industrial LLC / Developer
Applicant’s Representative	Gary O’Dell
Location of Property	SE corner of MO 291 HWY and SE Bailey Rd
Size of Property	±49.85 Acres (2,171,545 sq. ft.)
Number of Lots	1
Building Area	201,500 sq. ft. 393,120 sq. ft. 594,620 total sq. ft.
Floor Area Ratio (FAR)	0.27 (1.0 max FAR in PI district)
Zoning (Existing)	PMIX (Planned Mixed Use District)
Zoning (Proposed)	PI (Planned Industrial District)
Comprehensive Plan Designation	Mixed Use
Procedure	<p>The Planning Commission makes a recommendation to the City Council on the proposed rezoning and preliminary development plan. The City Council takes final action on the rezoning and preliminary development plan in the form of an ordinance.</p> <p>Duration of Validity: Rezoning approval by the City Council shall be valid upon approval and has no expiration.</p> <p>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
The entire property in question is a vacant piece of land.

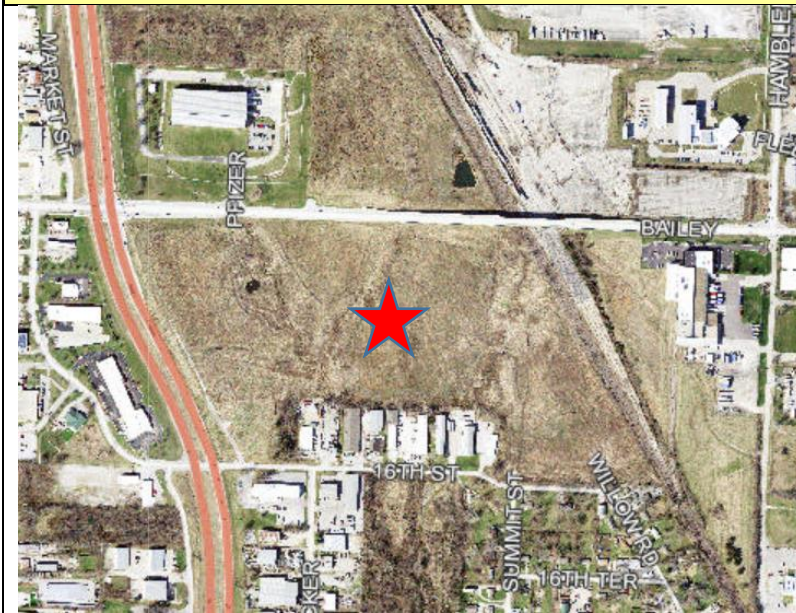
Description of Applicant’s Request

The applicant proposes a rezoning of the subject property from PMIX to PI and a preliminary development plan for the purpose of allowing a manufacturing, production, or a distribution center use on the subject property. A specific user has yet to be determined for the site.

The subject property lies within the boundaries of the previously approved preliminary development plan for The Grove under the existing PMIX zoning. The plan for The Grove showed industrial uses for the subject property located south of SE Bailey Rd. The property is no longer under control of the original developer, but the preliminary development plan for The Grove continues to be a valid plan for the area. With this application, the applicant is amending the plan for the area south of SE Bailey Rd. The plan continues to propose industrial uses for this same subject area, but the street, lot and building layout changes from the original plan. With this change, the applicant requests to rezone the property to a more standard PI zoning district for the industrial uses, and to have a new preliminary development plan for the affected area south of SE Bailey Rd.

2. Land Use

Description and Character of Surrounding Area



The subject property is located east of South MO-291 Hwy, north of SE 16th St, south of SE Bailey Rd and west of the Union Pacific railroad tracks. Bordering the property to the south and past the railroad tracks to the east are industrial uses. Across MO-291 Hwy to the west is a mix of commercial and industrial.

Adjacent Land Uses and Zoning

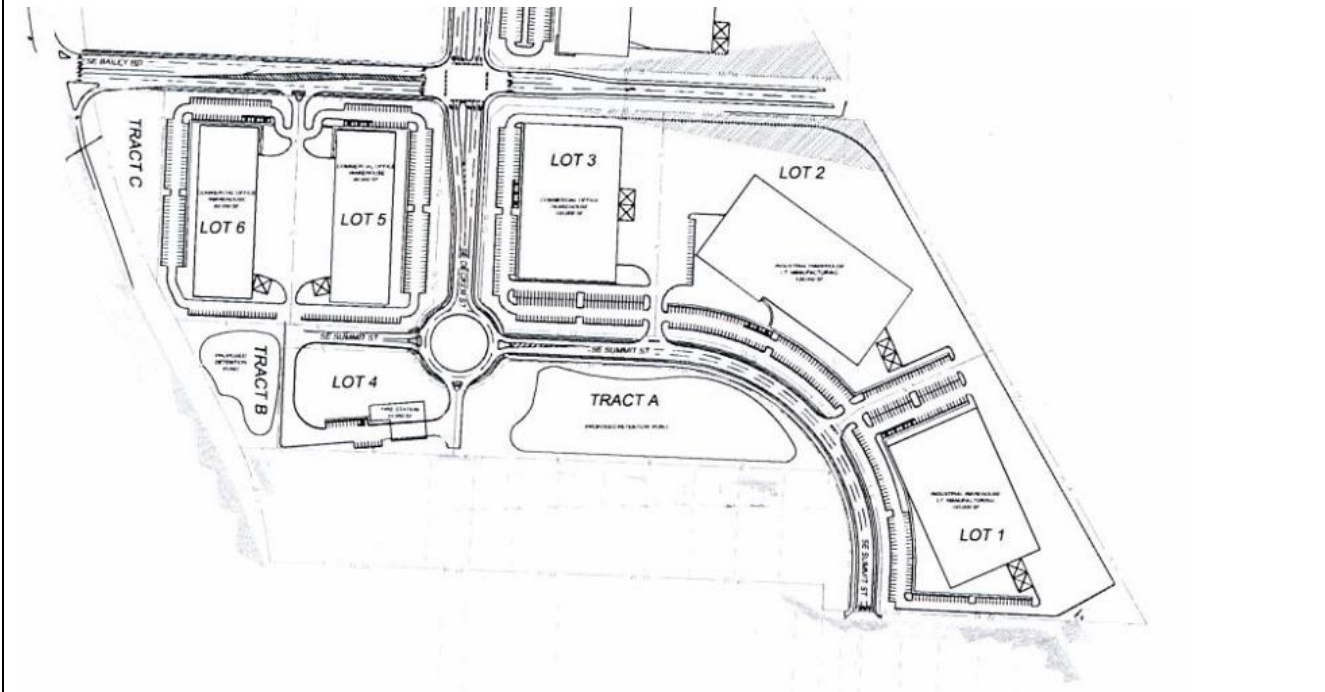
North (across SE Bailey):	Zoetis production facility and vacant ground/ PMIX
South:	Industrial /PI
East (across railroad tracks):	Industrial / PI
West:	MO-291 Hwy

Site Characteristics

The site generally slopes from north to south. The site does have three natural drainageways that converge at the southern property boundary before leaving the site. One of the natural drainageways is considered to be a U.S. Army Corps of Engineers jurisdictional waterway.

Special Considerations

The subject property lies within the boundaries of the EnVision LS development area, which is an overlay intended to target development/redevelopment opportunities around the US 50 Hwy/South M-291 Hwy interchange. More specifically, the subject property lies within the sub-area called *The Grove*, eponymously named after the 85-acre mixed use development that was part of a PMIX rezoning and preliminary development plan. While the UDO adopted design standards to govern the overall EnVision LS area, the UDO specifically had language stating that the 85 acres within the boundaries of The Grove would be governed by the standards approved as part of its own approved development plan rather than the EnVision LS standards. If approved, the subject development’s design standards will be tied to the subject plan. The previously approved layout for the portion of *The Grove* located south of SE Bailey Rd can be seen in the image below for reference.



3. Project Proposal

Site Design

Land Use	
Impervious Coverage:	51.9%
Pervious:	48.1%
TOTAL	100%

Parking for the proposed project

Proposed		Required	
Total parking spaces proposed:	457 ¹	Total parking spaces required:	594 ²
Parking Reduction requested?	Yes	Off-site Parking requested?	No

¹ – Proposed parking under alternate parking plan, which is allowed under the UDO

² – Based on UDO standard for warehouse/distribution use for comparison purposes

The UDO encourages the number of parking spaces serving a site to be established through an Alternate Parking Plan rather than the standard UDO parking table. The reason for this is that it allows for required parking to be determined using more use- and site-specific or industry standard information for a more tailored parking approach.

The applicant has provided documentation of parking standards used for three (3) comparable developments in the metro, as well as the future Lee’s Summit Logistics project at NE Tudor Rd/NE Main St. The information provided indicates that parking for these similar large industrial developments was provided in the range of 0.59 to 0.81 parking spaces per 1,000 sq. ft. of gross floor area. The subject LS Industrial project proposes parking at a ratio of 0.77 parking spaces per 1,000 sq. ft. of gross floor area, which falls within the range of the comparable industrial developments.

Approval of an Alternate Parking Plan doesn’t require a modification, but rather is approved as a component of the preliminary development plan.

Building Setbacks (Perimeter)

Yard	Existing PMIX zoning standard	Proposed PI zoning standard	Proposed Building 1	Proposed Building 2
Front (SE Bailey Rd)	20’ (Building)	20’ (Building)	64’ (Building)	215’ (Building)
Side (west and east)	10’ (Building)	10’ (Building)	80’ (west); 1,678’ (east)	743’ (west); 74’ (east)
Rear (south)	20’ (Building)	20’ (Building)	56’ (Building)	266’ (Building)

Parking Setbacks (Perimeter)

Yard	Parking	Parking Proposed
Front (SE Bailey Rd)	20’	29’
Side (east)	20’	13’ ¹
Side (west)	20’	23’
Rear (south)	6’	23’

¹ – 20’ parking lot setback from railroad right-of-way will be met at the time of final development plan.

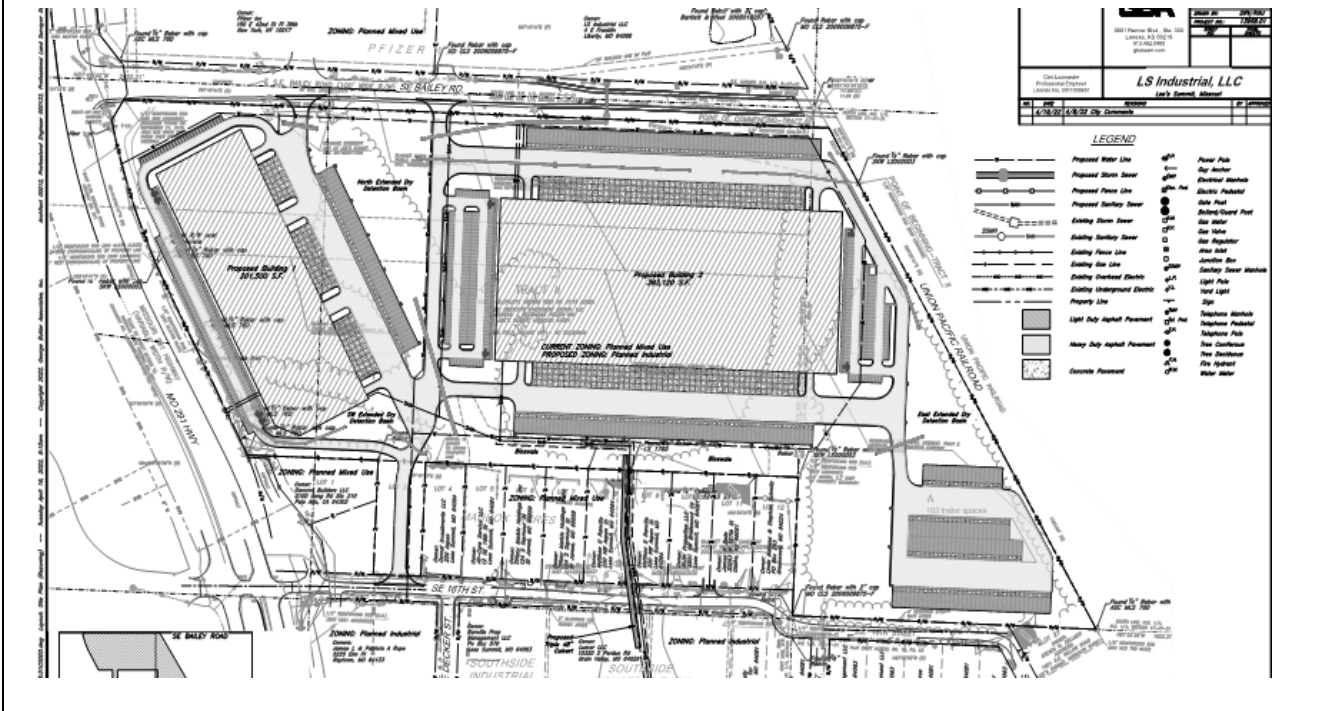
Structure(s) Design

Number and Proposed Use of Buildings
2 proposed buildings

Building Height
48'
Number of Stories
2 story

Proposed layout

Below (shaded in gray) is the layout of the proposed LS Industrial development.



4. Unified Development Ordinance (UDO)

Section	Description
2.240,2.250,2.260	Rezoning
4.080	Zoning District (PI)
2.040,2.260,2.300,2.310,2.320	Preliminary Development Plans

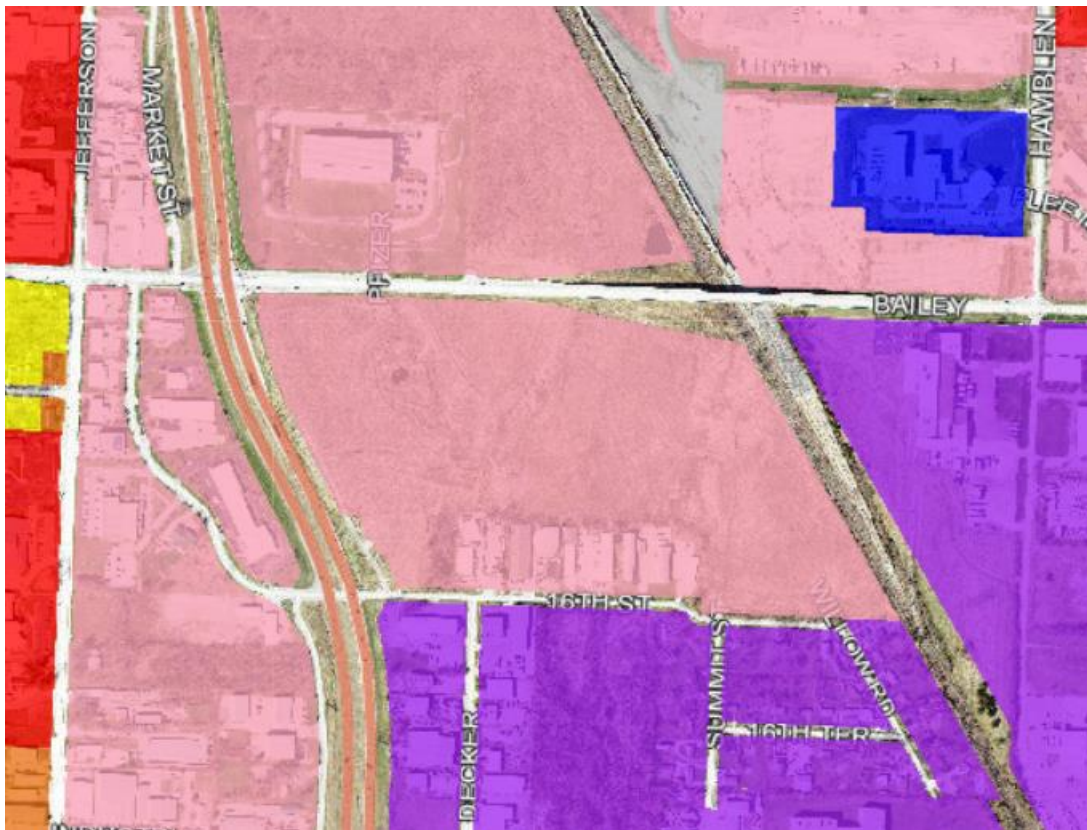
The applicant proposes an industrial development that will be subject to the PI regulations in the UDO and the development standards approved as part of the subject preliminary development plan. Manufacturing, distribution and warehouse uses are allowed by right in the proposed PI zoning district.

5. Comprehensive Plan

Focus Areas	Goals, Objectives & Policies
Resilient Economy	Goal 3.3. A

Comprehensive Plan

The future land use map identifies the area as Mixed-Use. The Mixed-Use category is designed to accommodate low-rise buildings, that can be mix of retail, office, service, and public uses. It also allows for complementary mix of residential development of varying densities to provide for a greater amount of flexibility. The proposed PI zoning will change the current Mixed-Use identification to Industrial, which is consistent with the Industrial use identification to the east and south.



- Industrial
- Infrastructure
- Mixed Use

6. Analysis

Background and History

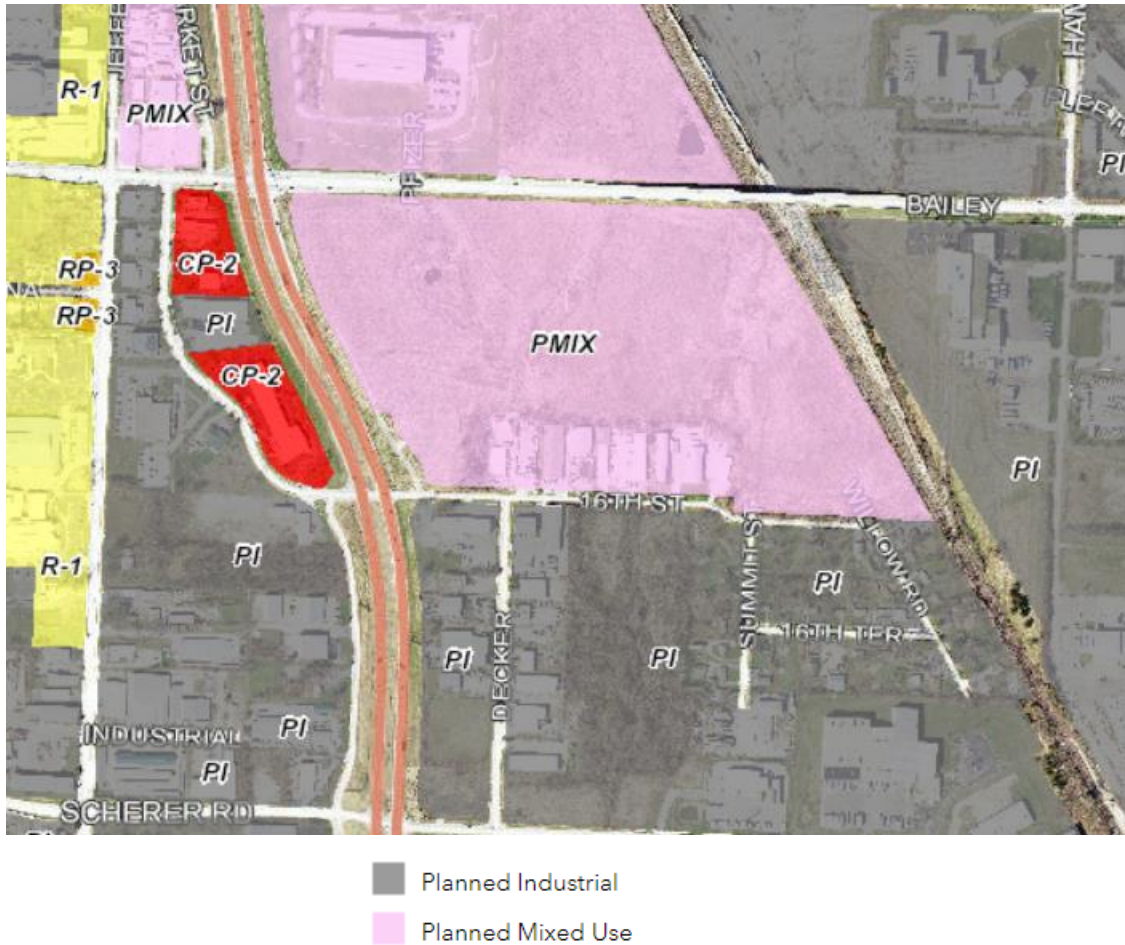
The applicant approached the City seeking to locate an industrial development to house manufacturing, production, or distribution center on the subject 50 acres south of SE Bailey Rd. The proposed industrial development is consistent with the industrial uses shown for the same subject property on the previously approved plan for The Grove.

- December 29, 1951 – The Pfizer property and surrounding, located north of SW Persels Rd/SE Bailey Rd, 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 SW Persels Rd/SE Bailey Rd. 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 SW Persels Rd/SE Bailey Rd , including the properties located north of SE Thompson Drive, was annexed into the City of Lee’s Summit.
- March 27, 1962 – 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 – 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 sides of M-291 Hwy, to SW Persels Road on the west side of M-291 Hwy and to just south of SE 16th 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 sides 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 – 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 – A minor plat (Appl. #2009-097) of *Pfizer Way* was recorded at the Jackson County Recorder of Deeds Office by Instrument #2010E0126141.
- November 3, 2016 – The City Council approved a City-initiated rezoning (Appl. #PL2016-158) from CP-2, PI, and PMIX to PMIX and conceptual development plan for approximately 237 acres generally bounded by Pine Tree Plaza, US 50 Hwy, Adesa property, Jefferson Street (west of M-291 Hwy), SE 16th Street (east of M-29 Hwy), Union Pacific Railroad right-of-way and south M-291 Hwy by Ord. #8013.
- November 27, 2016 – An ordinance approving a preliminary development plan (Appl. #PL2016-165) for *The Grove* on approximately 73 acres zoned Planned Mixed Use (PMIX) located at the northeast and southeast corners of SE M-291 Hwy and SE Bailey Road was deemed approved by Ord. #8021 under Section 3.13(g) and Section 4.4(c) of the Charter of the City of Lee’s Summit, Missouri, First Amended, November, 2007, due the Mayor’s failure to either sign or disapprove the same within ten days of receipt.

Compatibility

The proposed rezoning is compatible with the PI zoning to the south of SE 16th St and east of the railroad tracks. PI zoning also exists across the highway south of SW Persels Rd, between SW Jefferson St and M-291 Hwy.



From an architectural standpoint, the building renderings and elevations show tilt-up concrete construction for most of the building with EIFS clad over the corner offices, along with large windows to allow for a substantial amount of light into the office areas.



Adverse Impacts

The proposed rezoning and preliminary development plan for the industrial development is not expected to injure or detrimentally affect the surrounding properties. The proposed rezoning and type of use will match the zoning and uses to the east, west and south.

The proposed development is not expected to create excessive storm water runoff. The development will be served by three (3) detention ponds that release into a bioswale along the south side of the property that will be piped to the south into Big Creek.

Public Services

The applicant's engineer, GBA, has provided a memo indicating that the impacts of the proposed preliminary development plan for LS Industrial were compared to the impacts and studies previously performed for the site as part of the previously approved plan for The Grove. The memo indicates that the impacts of LS Industrial are comparable or reduced from that of the previous project for the subject property. The proposed development will be able to tie into the surrounding public infrastructure. Public water mains exist adjacent to the site along the east side of M-291 Hwy, as well as along SE 16th St to the south; water for the site will connect at both locations. Stormwater for the development will be detained on-site, then piped south of SE 16th St into Big Creek.

Sanitary sewer service will require a main extension of approximately 1,500' to the south to connect to an existing manhole north of SE Thompson Rd. The applicant is utilizing information provided in a "Sanitary Sewer Design Memorandum" dated August 31, 2016, that was submitted as part of *The Grove* preliminary development plan application and updated on February 28, 2017, as part of *The Grove's* final design/development documents. These memoranda indicated that there was adequate capacity in the receiving sanitary sewer system for the proposed development. Current modeling indicates there is capacity for the first phase of the project. Any subsequent future phase will likely require downstream upgrades to the sanitary sewer system. Staff recommends that future phase information on this project be brought along as early as possible. This will allow for sufficient time for study of the sanitary sewer implications to be completed.

The proposed development will have three access points. Two driveways are proposed along SE Bailey Rd plus one driveway connection to SE 16th St. The adjacent intersection of SE Bailey Rd/M-291 Hwy is a full-access signalized intersection. The adjacent intersection of SE 16th St/M-291 Hwy was recently converted from a full-access un-signalized intersection to a right-in/right-out; the median break along M-291 Hwy that previously allowed full access has been closed. The proposed development will likely generate more than 100 peak hour trips. A traffic impact study was performed for the area in 2016 as part of The Grove development. Since the subject development proposes a similar use and size, the traffic study and previously approved infrastructure upgrades will be required as part of this development. The Transportation Impact Analysis (TIA) completed by staff, and included as an attachment to this staff letter, outlines the specific recommended road improvements necessary to make the development compliant with the Access Management Code and requirement for providing adequate infrastructure. Generally speaking, the recommended road improvements require the construction of additional turn lanes at the intersection of M-291 Hwy and SW Persels Rd/SE Bailey Rd, additional through/turn lane along SE Bailey Rd and construction of a median along SE Bailey Rd.

Recommendation

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

7. Recommended Conditions of Approval

Site Specific

1. An updated sanitary sewer analysis will need to be submitted and approved prior to the approval of any final design / development documents.
2. The applicant shall be required to provide an offsite public sanitary sewer connection to the south at a location to be identified by City staff.
3. Development shall be in accordance with the preliminary development plan dated February 25, 2022, and building elevations with revised dates of May 16, 2022.
4. An Alternate Parking Plan shall be approved for the development as depicted on the preliminary development plan and consistent with the supporting documentation of parking for comparable industrial developments provided to staff with an upload date of May 16, 2022.
5. The Developer shall execute a mutually satisfactory development agreement with the City, which addresses, at a minimum, the road improvements addressed in the City Traffic Engineer's TIA dated April 29, 2022. 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 Recorders' Office.

Standard Conditions of Approval

3. 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.
4. 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).
5. 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 7.340. If security is provided, building permits may be issued upon issuance of a Certificate of Substantial Completion of the public infrastructure as outlined in Article 3, Division V, Sections 3.540 and 3.550 and Article 3, Division IV, Section 3.475 of the UDO, respectively.
6. 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.
7. 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 approval of any off-site plans. A certified copy shall be submitted to the City for verification.
8. 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.
9. Private parking lots shall follow Article 8 of the Unified Development Ordinance for pavement thickness and base requirements.

10. 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.
11. The applicant shall submit and the City shall accept an "As-built / As-graded" detention basin plan prior to issuance of any occupancy permit for the proposed development.
12. The applicant shall provide either proper documentation that no wetlands or jurisdictional waterways exist on the subject property or copies of all required documentation and / or permits associated with the wetland or jurisdictional waterway prior to approval of any final development or associated engineering plans.
13. All exterior mechanical equipment, whether roof mounted or ground mounted, shall be entirely screened from view. Roof mounted equipment shall be screened by the parapet equal to the height of the mechanical equipment. Ground mounted equipment shall be screened by masonry wall or landscaping equal to the height of the units.
14. 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 and 60 inches (5 feet) above the ground measured from the bottom of the sign, at the head of the parking space.
15. 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.
16. A final or minor plat shall be approved and recorded prior to any building permits being issued.