



LEE'S SUMMIT
MISSOURI
Development Services Department

Development Services Staff Report

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| File Number | PL2020-044 and PL2020-045 |
| File Name | PRELIMINARY DEVELOPMENT PLAN and SPECIAL USE PERMIT for automotive sales – Automotive sales and detail center |
| Applicant | Lee's Summit Town Center, LLC |
| Property Address | 2150 NE Independence Ave |
| Planning Commission Date | May 14, 2020 |
| Heard by | Planning Commission and City Council |
| Analyst | Hector Soto, Jr., AICP, Planning Manager |
| Checked By | Kent Monter, PE, Development Engineering Manager |

Public Notification

Pre-application held: October 29, 2019
Neighborhood meeting conducted: March 16, 2020
Newspaper notification published on: April 25, 2020
Radius notices mailed to properties within 300 feet on: April 29, 2020
Site posted notice on: April 29, 2020

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Attachments

Transportation Impact Analysis prepared by Brad Cooley, dated May 4, 2020 – 2 pages
Preliminary Development Plan, dated March 24, 2020 – 23 pages

- Stormwater Report, dated March 23, 2020 – 6 pages
- Horizontal ribbed metal wall panel photos – 2 pages
- Horizontal ribbed metal wall panel photos at LS Volkswagen
- Rough textured metal wall panel photos – 3 pages
- Special Use Permit narrative
- Special Use Permit photos of surrounding properties – 6 pages
- Location Map

1. Project Data and Facts

| Project Data | |
|---------------------------------------|--|
| Applicant/Status | Lee’s Summit Town Center, LLC/Owner |
| Applicant’s Representative | Bob Balderston |
| Location of Property | 2150 NE Independence Ave |
| Size of Property | ±4.02 Acres |
| Number of Lots | 1 |
| Building Area | 12,862 sq. ft. – Building footprint 3,131 sq. ft. – Mezzanine 15,993 total sq. ft. |
| FAR | 0.09 |
| Zoning (Proposed) | CP-2 (Planned Community Commercial) |
| Comprehensive Plan Designation | Commercial (Office/Retail) |
| Procedure | <p>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 in the form of an ordinance.</p> <p>Duration of Validity: 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> <p>A special use permit shall be valid for a specific period of time if so stated in the permit.</p> |

| Current Land Use |
|---|
| The subject 4-acre site is an undeveloped property. The site is part of a larger undeveloped 38-acre area bounded by NE Independence Ave on the east, NE Town Centre Dr on the south and NE Town Centre Blvd on the west and north. There is an existing pond in the middle of the subject 4-acre site. |

| Description of Applicant’s Request |
|------------------------------------|
| |

The applicant proposes a 15,993 sq. ft. building for an automotive sales and detailing business. The detailing aspect of the facility offers services such as automatic and hand washing, detail cleaning, detail waxing and reconditioning of exterior and interior surfaces. Onsite parking will allow customers to leave their vehicles for detailing services and pick them up later. The building interior is mostly work bays, office space and customer and employee support areas. No major auto repair services will be offered at the facility; the only minor auto maintenance activity will be brake and tire replacement.

2. Land Use

Description and Character of Surrounding Area

The property sits at the northwest corner of NE Independence Ave and NE Town Centre Dr. The surrounding area is characterized by a transition between industrial, commercial/office and a single multi-family residential development along NE Town Centre Blvd. To the north are industrial uses; to the east are automotive dealerships; to the south is the MoDOT Kansas City District Office; and to the west is vacant commercially-zoned property and a multi-family residential development.

Adjacent Land Uses and Zoning

| | |
|--|---|
| North: | Undeveloped acreage / CP-2; and Industrial / PI (Planned Industrial) |
| South (across NE Town Centre Dr): | MoDOT KC District Office / CP-2 |
| East: | Automotive dealerships / CP-2 |
| West: | Undeveloped acreage / CP-2; Apartments / RP-4 (Planned Residential Apartment) |

Site Characteristics

The site is a corner lot at the intersection of NE Independence Ave and NE Town Centre Dr. The site generally slopes to the northeast. Removal of an existing pond is required to allow for the proposed development. Vehicular access to the site will come from both NE Independence Ave and NE Town Centre Dr.

Special Considerations

The subject property is the site of an existing pond that will be removed to accommodate construction of the proposed parking lot and building. A geotechnical report for the pond site shall be required prior to the issuance of any building permit.

3. Project Proposal

Site Design

| Land Use | |
|----------------------|-----|
| Impervious Coverage: | 71% |
| Pervious: | 29% |

| | |
|--------------|------|
| TOTAL | 100% |
|--------------|------|

Parking

| Proposed | | Required | |
|--------------------------------|-----|--------------------------------|----|
| Total parking spaces proposed: | 232 | Total parking spaces required: | 80 |
| Accessible spaces proposed: | 4 | Accessible spaces required: | 4 |
| Parking Reduction requested? | No | Off-site Parking requested? | No |

Setbacks (Perimeter)

| Yard | Building / Parking Required | Building / Parking Proposed |
|--|--|--|
| Front (NE Town Centre Dr – south) | 15' (Building) / 20' (Parking) | 126' (Building) / 20' (Parking) |
| Side (NE Independence Ave – east); and Side (west) | 15' (Building) / 20' (Parking) – NE Independence Ave; and 10' (Building) / 6' (Parking) | 142' (Building) / 20' (Parking) – NE Independence Ave; and 208' (Building) / 16'-7" (Parking) |
| Rear (north) | 20' (Building) / 6' (Parking) | 85' (Building) / 17'-11" (Parking) |

Structure(s) Design

| |
|--|
| Number and Proposed Use of Buildings |
| 1 building; automotive sales and detail center |
| Building Height |
| 28'8" |
| Number of Stories |
| 1 story + mezzanine |

4. Unified Development Ordinance (UDO)

| Section | Description |
|-------------------------------|-------------------------------|
| 2.040,2.260,2.300,2.320 | Preliminary Development Plans |
| 6.620,6.640,6.650,6.1050 | Special Use Permits |
| 4.210 | Zoning Districts |
| 8.120,8.170,8.180 | Design Standards |
| 8.220,8.230,8.250,8.260,8.290 | Lighting Standards |
| 8.530,8.580,8.620 | Parking Standards |
| 8.720,8.750,8.790,8.810,8.820 | Landscaping |

Unified Development Ordinance

The proposed use is allowed on the subject CP-2-zoned property, as well as the surrounding CP-2 and PI properties, with approval of a special use permit. Six (6) automobile dealerships currently exist in the general area of the northwest corner of the intersection of I-470 and NE Colbern Rd.

The proposed use is consistent and compatible with other commercial and industrial uses in the surrounding CP-2 and PI properties. Uses in the area include automobile dealerships, MoDOT campus, office-warehouses and a concrete paver manufacturer.

5. Comprehensive Plan

| Focus Areas | Goals, Objectives & Policies |
|--------------------------------|---|
| Overall Area Land Use | Objective 1.1 Objective 1.3 Objective 1.4 |
| Economic Development | Objective 2.1 Objective 2.2 |
| Commercial Development | Objective 4.1 Objective 4.2 |
| Public Facilities and Services | Objective 6.1 |

Comprehensive Plan

The proposed use is consistent with the commercial land use recommended by the Comprehensive Plan for the area. The use is also consistent with the surrounding retail, industrial and public/semi-public (MoDOT campus property) land uses recommended by the Comprehensive Plan for the surrounding area.

6. Analysis

Background and History

The applicant seeks approval of a preliminary development plan and special use permit for an automotive sales and automotive detailing center. The proposed development consists of a 15,993 sq. single-story building plus mezzanine. The proposed exterior building materials consists of masonry, EIFS and metal panels. A modification to the display area setback from the north property line is sought as part of this application. The applicant requests the special use permit for automotive sales be granted for a period of 30 years.

- June 12, 1979 – The City Council approved a rezoning (1979-008) from District A (Agricultural) to CP-2 (then C-1-P) by Ordinance No. 2019.

Compatibility

The property is located at the intersection of NE Town Centre Dr and NE Independence Ave, generally found at the northwest corner of the intersection of I-470 and NE Colbern Rd. NE Independence Ave is a major commercial/industrial corridor north of NE Colbern Rd.

Automobile sales and automobile detailing are compatible uses for the area and zoning. The adjacent properties to the east and south in the direction of I-470 and NE Colbern Rd, respectively, are zoned CP-2 and include six (6) existing automobile dealerships. Automobile sales are an allowed use with a special use permit in the CP-2 zoning district.

The proposed building materials and architecture are similar and compatible with existing automobile dealerships along NE Colbern Rd and NE Independence Ave. The proposed building exterior is composed of masonry, EIFS and metal panels. **Please note that during the Stay-At-Home order and closure of City Hall to the public that is currently in effect, staff has not been able to receive physical samples of the metal panels proposed for the building exterior to fully evaluate them for exterior use on a commercial building. The proposed panels are typical in the city's industrial areas. Staff expects to receive and evaluate the metal panels prior to the City Council public hearing. Staff will make a final recommendation on the metal panels at that time.**

Adverse Impacts

The proposed development will not detrimentally impact the surrounding area. The proposed project develops a vacant property along the NE Independence Ave commercial/industrial corridor.

Stormwater from the proposed development will be managed through an off-site regional detention system.

The proposed use is not expected to create excessive noise and air pollution. No major automobile repair services will be offered at the facility. On-site services are limited to automobile sales and automobile detailing, with only minor repair work consisting of brake and tire replacement.

Public Services

The subject property is a vacant site. The proposed development will not impede the normal and orderly development and improvement of the surrounding property. A concept plan for approximately 25 acres, inclusive of the subject site, is provided to depict how future development in the area could occur. The concept plan is for illustration purposes only.

NE Independence Ave and NE Town Centre Dr have sufficient capacity to accommodate the traffic generation from the proposed use; no improvements to either street are required as part of the proposed development.

Modifications

Vehicle Display Setback.

- Required – 20 foot setback from the north property line

- Proposed – 17'-11" setback from the north property line
- Recommended – The parking lot area located on the north side of the site is 17'-11" from the north property line. The applicant's request is to allow for a reduced vehicle display area setback for only the north side of the building in order to match the limits of the parking lot. The required vehicle display area setbacks are met everywhere throughout the site, save for this area.

Except for the fact that the parking spaces along the north property line will be used for vehicle display rather than customer and employee parking, these spaces meet all other UDO requirements. The proposed 17'-11" setback exceeds the 6 foot setback required for typical customer and employee parking space usage. However, the UDO imposes a greater setback requirement for parking spaces used for the display of vehicles for sale/lease. Use of the spaces for vehicle display is not expected to be any more impactful on the surrounding properties than the use of the same spaces for typical parking purposes. Staff supports the modification to allow the reduced display area setback along the north property line as proposed.

Special Use Permit Conditions

The development is subject to the following special use permit conditions for outdoor sale or lease of motor vehicles (UDO Section 6.1050.A):

1. Motor vehicles must be set back ten (10) feet from all property lines or in compliance with the district's setback lines, whichever is greater. **The CP-2 zoning district requires building setbacks of 15 feet, 10 feet and 20 feet from the front, side and rear property lines, respectively, and thus the display of vehicles is subject to these greater setbacks. Vehicle display areas meet the setbacks along the property's two street frontages and west property line. However, the display area does not meet the required setback from the north property line. The display area is 17 feet-11 inches from the rear (north) property line versus the required 20 feet. A modification is required for the vehicle display setback from the north property line.**
2. No fencing is permitted in the area forward of the main building or within the front yard setback if no building exists on the premises. **No fencing is proposed for the development. Should the applicant later decide to employ a means of securing the site, other dealerships throughout the city have employed the use of single-bar pipe railing around the site as an acceptable alternative to fencing.**
3. All display or storage area must be paved and the motor vehicles arranged in an orderly manner. **All vehicles will be displayed or stored on the paved parking lot surface.**

Special Use Permit Time Period

The applicant requests the special use permit be granted for a period of 30 years. Special use permits for new construction sites, such as the subject application, have typically been granted time periods of 20 or 30 years (see attached table).

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 20' vehicle display area setback requirement, to allow a 17'-11" setback from the north property line.
2. Submittal of a geotechnical report to the City for the reclaimed pond site shall be required prior to the issuance of any building permit.
3. The development shall comply with the recommendations included in the TIA dated May 4, 2020, prepared by Brad Cooley, City Staff Engineer.
4. The special use permit shall be granted for a period of 30 years.

Standard Conditions of Approval

5. Sidewalk shall be required along NE Independence Ave from the north side of the driveway to the north property line.
6. Revise the project name to "Automotive Sales and Detail Center" on the cover sheet and in the title block on all sheets.
7. Revise the Stormwater Report to reflect the requirements of APWA Section 5601.5.A.4.a, Default Strategy – Comprehensive Protection, with release rates as indicated in Section 5608.4.C.1. As it appears there is sufficient area to revise the detention basin should the change to the Comprehensive Protection method require, the preliminary report is acceptable for this preliminary development plan. This revision will be required with the final development plan submittal.
8. The sheet reference in General Note 1 on Sheet C1.2 is incorrect, as are the "Standard Pavement with Curb" detail sections shown on Sheet C1.2. Please revise with the final development plan submittal.
9. 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.
10. 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 infrastructure permits or the start of construction (excluding land disturbance permit).
11. 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.
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. Private parking lots shall follow Article 8 of the Unified Development Ordinance for pavement thickness and base requirements.
14. 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.
15. An automatic fire sprinkler system is required.
16. IFC 903.3.7 - Fire department connections. The location of 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. Show the location of the FDC and the fire hydrant within 100'.
17. IFC 507.5.1 - 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.
18. The shading used on Sheet C1.2 identifies heavy duty pavement used for the parking spaces and standard duty asphalt used for all of the drive aisles. This needs to be reversed. This revision will be picked up on the final development plan.
19. 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.
20. 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 60 inches (5 feet) above the ground measured from the bottom of the sign, at the head of the parking space.
21. 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.
22. A final plat shall be approved and recorded prior to any building permits being issued.