



LEE'S SUMMIT
MISSOURI
Development Services Department

Development Services Staff Report

File Number	PL2022-198 – PRELIMINARY DEVELOPMENT PLAN – Diventures
Applicant	Diventures
Location	2951 NE Independence Ave.
Planning Commission Date	July 28, 2022
Heard by	Planning Commission and City Council
Analyst	C. Shannon McGuire, Planner
Checked By	Hector Soto, Jr., AICP, Senior Planner Kent Monter, PE, Development Engineering Manager

Public Notification

Pre-application held: January 4, 2022

Neighborhood meeting conducted: June 23, 2022

Newspaper notification published on: July 9, 2022

Radius notices mailed to properties within 300 feet on: July 8, 2022

Site notice posted on: July 8, 2022

Table of Contents

1. Project Data and Facts	2
2. Land Use	3
3. Project Proposal	3
4. Unified Development Ordinance (UDO)	4
5. Comprehensive Plan	5
6. Analysis	5
7. Recommended Conditions of Approval	11

Attachments

Transportation Impact Analysis by Brad Cooley, PE, dated July 13, 2022 – 2 pages

Stormwater Memo by Olsson, dated May 26, 2012 (incorrectly dated, should be May 26, **2022**) – 1 page

Preliminary Development Plan, dated June 28, 2022 – 6 pages

Elevations, received May 15, 2022 – 13 pages

Signage Analysis, received June 28, 2022 – 5 pages

Location Map

1. Project Data and Facts

Project Data	
Applicant/Status	Diventures / Developer
Applicant's Representative	William Munroe
Location of Property	2951 NE Independence Ave.
Size of Property	2.77 acres (120,661 sq. ft.) total
Number of Lots	1 Lot
Building Area	9,910 sq. ft.
Building Height	26' 6"
Number of Buildings	1
FAR (Floor Area Ratio)	0.139
Parking Spaces – Required	50
Parking Spaces – Proposed	73
Zoning	CP-2 (Planned Community Commercial District)
Comprehensive Plan Designation	Commercial
Procedure	<p>The Planning Commission makes a recommendation to the City Council on the proposed preliminary development plan. The City Council takes final action on the preliminary development plan 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>

Current Land Use
The subject 2.77 acre property is currently undeveloped vacant ground located in the Strother Crossing commercial subdivision.

Description of Applicant's Request
<p>The applicant is seeking approval of a preliminary development plan (PDP) to construct a 9,910 sq. ft. aquatic and SCUBA diving center.</p> 

2. Land Use

Description and Character of Surrounding Area

The subject site is located in the Strother Crossing commercial subdivision. South of the subject site is a mix of CP-2-zoned undeveloped properties, the previously approved K1 indoor go-cart track and a doctor’s office. North, across NE Strother Rd, is CP-2-zoned undeveloped property. West is CP-2-zoned undeveloped properties and the BreakTime convenience store and gas station. I-470 highway is located on the east.

Adjacent Land Uses and Zoning

North (across NE Strother Rd):	Vacant lots / CP-2
South:	Doctor’s office & vacant lot / CP-2
East:	I-470 highway
West:	Convenience store and gas station / CP-2

Site Characteristics

The site is an undeveloped lot that generally slopes from the east to the west. The property has a private drive along the southwest property line. This private drive network provides access to the properties in the Strother Crossing commercial subdivision.



Special Considerations

None

2. Project Proposal

Site Design

Land Use	
Impervious Coverage:	65.3%
Pervious:	34.7%
TOTAL	100%

Parking

Proposed		Required	
Total parking spaces proposed:	70 standard stalls 3 ADA stalls 73 total spaces	Total parking spaces required:	50
Accessible spaces proposed:	3	Accessible spaces required:	2
Parking Reduction requested?	No	Off-site Parking requested?	No

Structure(s) Design

Number and Proposed Use of Buildings
1 / aquatic center
Building Height
26' 6"
Building Size
9,910 sq. ft.
Number of Stories
1 story
Floor Area Ratio
0.139 – proposed total FAR (0.55 max in the PMIX zoning district)

Setbacks (Perimeter)

Yard	Required Minimum	Proposed
Front	15' (Building) / 20' (Parking)	168.5' (Building) / 56.5' (Parking)
Side	10' (Building) / 20' (Parking)	22.8' (Building) / 20.27' (Parking)
Rear	20' (Building) / 20' (Parking)	21.55' (Building) / 13' (Parking)*

*requires a modification

4. Unified Development Ordinance (UDO)

Section	Description
2.260,2.300	Preliminary Development Plan
4.190	Zoning Districts
9.050	Exempted signs
9.260	Permitted permanent signs

5. Comprehensive Plan

Focus Areas	Goals, Objectives & Policies
Quality of Life	Goal 3.1.A
Resilient Economy	Goal 3.3.A

The 2021 Ignite Comprehensive Plan land use map identifies the subject site’s future recommended land use as Commercial. The proposed indoor aquatic and diving center is a land use allowed in the existing CP-2 zoning district.

An objective established in the Comprehensive Plan is to create a community that celebrates, welcomes and supports cultural, parks and recreational amenities. The subject application meets this goal by providing a recreational opportunity not currently available in the City or surrounding communities.



6. Analysis

Background and History

- October 4, 1988 – The City Council approved a rezoning (Appl. #1988-029) from AG (Agricultural) to M-1 (now PI – Planned Industrial) by Ordinance No. 3209.
- March 23, 1989 – The minor plat (Appl. #1988-150) for *Lakewood Business Center on I-470 Plat A* was recorded with Jackson County.
- July 14, 1989 – The minor plat (Appl. #1989-129) for *Lakewood Business Center on I-470 Plat A, Replat No. 1* was recorded with Jackson County.
- February 1, 2002 – The minor plat (Appl. #2002-002) for *Lakewood Business Center on I-470 Plat A, Replat No. 2* was recorded with Jackson County.
- November 7, 2002 – The City Council approved a vacation of right-of-way (Appl. #2002-184) for a 550-foot portion of NE Independence Avenue south of NE Strother Road by Ordinance No. 5423. The purpose for the vacation was to accommodate realignment of the road with NE Ralph Powell Road.
- December 14, 2010 – The Planning Commission approved the preliminary plat (Appl. #2010-071) for *Strother Crossing, Lots 1-9*.
- January 20, 2011 – The City Council approved a rezoning (Appl. #2010-069) from PI (Planned Industrial) to CP-2 (Planned Community Commercial District) and a preliminary development plan (Appl. #2010-070)

for land located at the SW and SE corner of NE Independence Ave and NE Strother by Ordinance No. 7013.

- September 3, 2015 – The City Council approved a final plat (Appl. #2015-091) for *Strother Crossing, 1st Plat, Lots 1-4.* by Ordinance No. 7698.
- August 15, 2019 – The minor plat (Appl. #PL2019-201) for *Strother Crossing, Lots 4A-4C* was recorded with Jackson County, document # 2019E0064152.

Compatibility

The proposed building materials utilized in the design of the propose aquatic center include a combination of fiber-cement board siding, aluminum panels, painted brick, standing seam roofing and glass. The proposed building materials are compatible with the design and construction of existing commercial and industrial buildings in the surrounding developments and throughout the community.

Adverse Impacts

The proposed development will not detrimentally impact the surrounding area. The proposed project develops a long-vacant property.

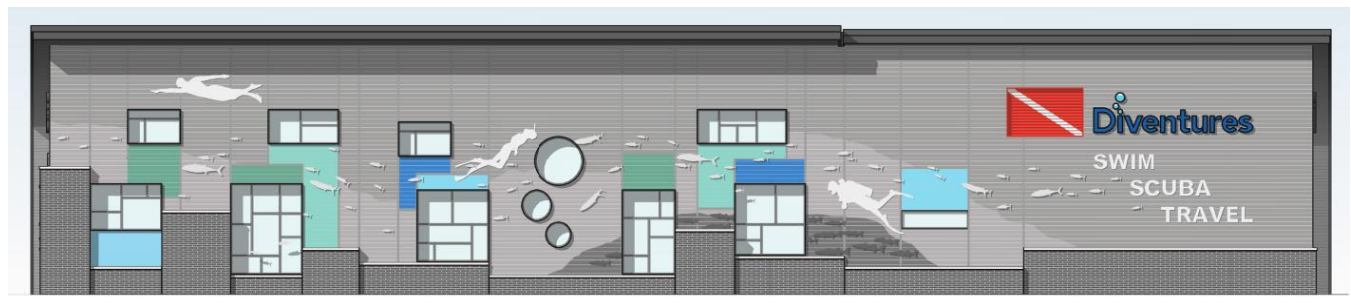
Public Services

The proposed development will not impede the normal and orderly development and improvement of the surrounding property. Water and sanitary sewer for the proposed development will utilize existing public water and sewer lines that are on or adjacent to the property.

The storm system for the development is all private and connects to adjacent private infrastructure. There is no on-site stormwater detention; stormwater is managed via an existing private regional stormwater retention basin located east of NE Independence Ave along NE Jones Industrial Dr.

Exempted Signs

The applicant has proposed to install architectural features on the north side of the subject structure in the form of various fish, a swimmer, a snorkeler and a diver. The UDO defines an architectural feature as decorative materials, embellishments, attachments, or other elements of buildings that do not contain letters, trademarks, moving parts or lights. Examples include columns, cornices, arches, dormers, public and private art, and sculptures attached to the building. Architectural features are exempted from the sign requirements as outlined in the UDO. As such, the proposed architectural features are not calculated as part of the overall sign package, nor do they require a sign permit.



Additional Wall Sign Request


- **Required** – A single tenant building is allowed three (3) walls signs.
- **Proposed** – The applicant has eight (8) total wall signs as shown on the Signage Analysis document.
- **Recommendation** – The request for additional wall signage is not out of place for this type of commercial business. Many restaurants and retailers have more than the number of signs allowed by right. In this case, the subject site will have visibility to I-470 on the east and south sides of the building. The north and west sides of the building will be visible from NE Strother Rd. Staff believes the proposed eight (8) wall signs are compatible for the area, proportional for the building and provides a reasonable means of identification for the tenant space.



The proposed sign representing a dive flag on the east and west elevations of the wing wall (identified below as wall signs #6 & 7), exceed 10% of the façade. The UDO limits maximum size of wall signs to 10% of the building façade that the sign is to be placed on. Staff does not support the requested oversized sign and has included a condition of approval in this staff letter requiring the proposed wall sign be reduced in size to at or below the UDO maximum.

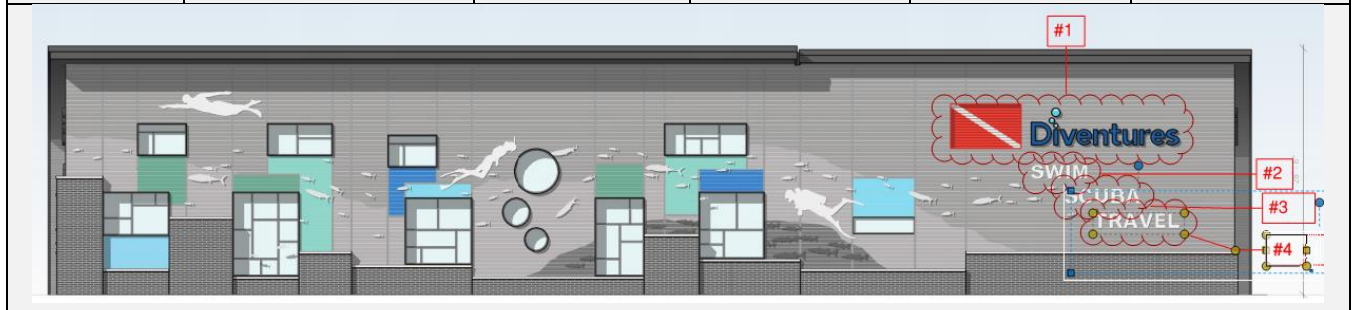
Wall Sign Standards


	Copy & Location	Letter Height	Sign Area	Number of Signs	Lighting
UDO Standards (CP-2)	--	6' (72") max.	10% of façade area – max. allowable sign area	3 by right per single-tenant building	External indirect, halo, or internal lighting



Proposed Wall Signs

North Elevation					
	Copy	Letter Height	Sign Area	Number of Signs	Lighting
Wall Sign #1		2' 6" (30")	117 sq. ft. (3.2% of façade area)	--	Internal lighting



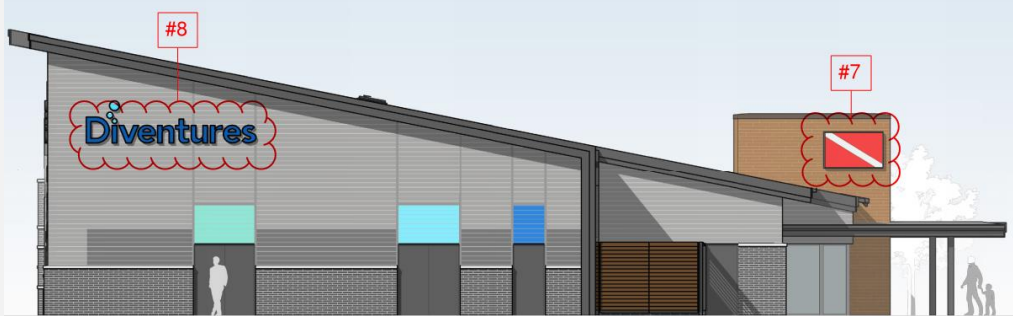
Wall Sign #2		1' 8" (20")	10.06 sq. ft. (0.28% of façade area)	--	Internal lighting
Wall Sign #3		1' 8" (20")	14.44 sq. ft. (0.4% of façade area)	--	Internal lighting
Wall Sign #4		1' 8" (20")	16.6 sq. ft. (0.45% of façade area)	--	Internal lighting



East Elevation					
	Copy	Letter Height	Sign Area	Number of Signs	Lighting
Wall Sign #5		2' 6" (30")	73.67 sq. ft. (7.37% of façade area)	--	Internal lighting

<p>Wall Sign #6</p>		<p>--</p>	<p>22 sq. ft. (11.06% of façade area) *</p>	<p>--</p>	<p>Internal lighting</p>
					

*Not staff supported

<p style="text-align: center;">South Elevation</p>					
	<p style="text-align: center;">Copy</p>	<p style="text-align: center;">Letter Height</p>	<p style="text-align: center;">Sign Area</p>	<p style="text-align: center;">Number of Signs</p>	<p style="text-align: center;">Lighting</p>
<p>Wall Sign #7</p>		<p>--</p>	<p>22 sq. ft. (11.06% of façade area) *</p>	<p>--</p>	<p>Internal lighting</p>
<p>Wall Sign #8</p>		<p>2' 6" (30")</p>	<p>73.67 sq. ft. (6.04% of façade area)</p>	<p>--</p>	<p>Internal lighting</p>
					

*Not supported by staff

Previously Approved Similar Sign Applications & Modifications					
Appl. No.	Type of Appl.	Business	Zoning District	Ordinance Requirement for Administrative Approval	Approved by Planning Commission or City Council
PL2021-225	SIGN	Charlie's Car Wash	CP-2	Number: 3 wall signs (4 under approved PDP)	6 wall signs
PL2021-055	SIGN	Whataburger	CP-2	Number: 3 wall signs	6 wall signs
PL2018-002	SIGN	B&B Theaters New Longview 7	PMIX	Number: 3 wall signs	7 wall signs
PL2017-213	SIGN	KC Pain Center & HCA Midwest Pain Mgmt. Ctr.	CP-2	Number: 2 wall signs in a multi-tenant building	7 wall signs
PL2017-060	SIGN	PetSmart	CP-2	Number: 3 wall signs	8 wall signs
2005-413	SIGN	Meiner's Convenience Store	PMIX	Number: 3 attached signs	1 wall sign; 3 canopy signs

Building Materials. Conditional material proposed.

The applicant has requested the use of wood look aluminum 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 Station #4.



Modifications

Parking lot setback. Modification requested. **Staff supports requested modification.**

- **Required** – All parking lots shall be set back a minimum 20 feet from any public right-of-way or private street edge of pavement.
- **Proposed** – The applicant has proposed a 13’ parking lot setback on the side (eastern) property line adjacent to the southbound I-470 on-ramp at NE Strother Rd.
- **Recommendation** – Staff supports the proposed parking setback. The parking area is adjacent to a significant area of green space (MoDOT right-of-way), nearly 110’ deep. The MoDOT RofW gives the appearance of a buffer and adequate separation distance from the I-470 ramp. In addition to the significant green space provided by the RofW, the applicant will be installing a row of shrubs along the parking lot edge to help provide additional screening. Similar modifications have been previously granted under the same rationale.

Recommendation

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

7. Recommended Conditions of Approval

Site Specific

1. A modification to the required 20’ parking lot setback shall be granted, to allow for a 13’ parking lot setback on the side (eastern) property line adjacent to the I-470 MoDOT right of way.
2. Eight (8) total attached wall signs shall be approved as shown on the Sign Analysis, received June 28, 2022.
3. The “dive flag” signs located on the east and west façades of the wing wall shall be reduced in size so that they do not exceed 10% of the building façade they are placed on according to the UDO standard.
4. Development shall be in accordance with the preliminary development plan dated June 28, 2022.

Standard Conditions of Approval

5. 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.
6. 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).
7. 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.

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. 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. 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.
12. 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.
13. 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.
14. A plat shall be approved and recorded prior to any building permits being issued.