



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

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## Development Services Staff Report

<b>File Number</b>	PL2022-192 - REZONING from RP-2 to CBD and PRELIMINARY DEVELOPMENT PLAN - Ellis Glen
<b>Applicant</b>	MKEC Engineering, applicant
<b>Location</b>	102-110 SW Market St.
<b>Planning Commission Date</b>	August 25, 2022
<b>Heard by</b>	Planning Commission and City Council
<b>Analyst</b>	C. Shannon McGuire, Planner
<b>Checked By</b>	Hector Soto, Jr., AICP, Senior Planner Kent Monter, PE, Development Engineering Manager

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### Public Notification

Pre-application held: November 23, 2021  
Neighborhood meeting conducted: June 9, 2022  
Newspaper notification published on: August 6, 2022  
Radius notices mailed to properties within 300 feet on: August 4, 2022  
Site posted notice on: August 5, 2022

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### Attachments

Transportation Impact Analysis prepared by Brad Cooley, dated August 15, 2022 – 2 pages  
Preliminary Drainage Report by MKEC, revised date of July 12, 2022 – 13 pages  
Preliminary Development Plan, dated July 12, 2022 – 7 pages  
Elevations dated July 12, 2022 – 9 pages  
Modification Request Letter, dated July 29, 2022 – 3 pages

Location Map

## 1. Project Data and Facts

Project Data	
Applicant/Status	MKEC Engineering
Applicant's Representative	Brian Hochstein
Location of Property	102-110 SW Market St.
Size of Property	±1.2 acres (51,090 sq. ft.)
Number of Lots	1 lot
Dwelling Units	4 – Studio Units 16 – One-bedroom Units 6 – Two-bedroom units <b>26 total dwelling units</b>
Commercial Building Area	9,944 sq. ft.
Total Building Area	37,725 sq. ft.
Building Height	49' 4"
Parking Spaces - Required	45 or 53
Parking Spaces - Proposed	48
Commercial FAR (Floor Area Ratio)	0.74 – CBD (1.0 FAR max allowed)
Current Zoning	RP-2 (Planned Two-Family Residential District)
Proposed Zoning	CBD (Planned Central Business District)
Comprehensive Plan Designation	Activity Center Downtown
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><b>Duration of Validity:</b> Rezoning approval by the City Council shall be valid upon approval and has no duration period associated.</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 site of the proposed development currently consists of 5 unplatted parcels. The properties at 104 and 106 SW Market St. are vacant. Existing single-family homes are located at 108 and 110 SW Market St. The remaining property at 102 SW Market St. has an existing single-family home with a large detached garage.

### Description of Applicant's Request

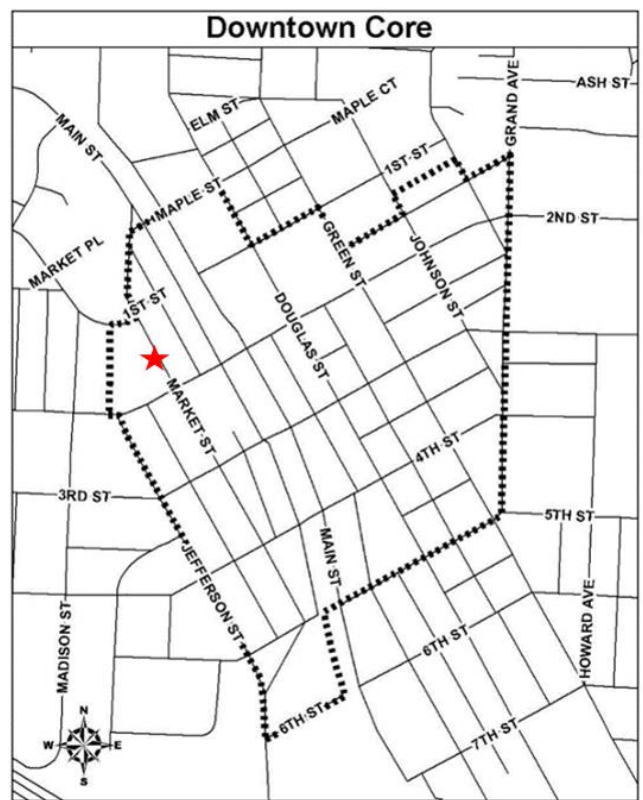
The applicant proposes to rezone 1.2 acres located at 102-110 SW Market St. from RP-2 (Planned Two-Family Residential District) to CBD (Planned Central Business District). The proposed development will be composed of a single three-story mixed-use building with the associated surface parking lot located to the rear of the building. The first floor of the building will be 9,944 sq. ft. of commercial office space. Floors two and three will be a mix of studio, one- and two-bedroom apartments.

The subject application shall also act as the preliminary plat in accordance with UDO requirements.

## 2. Land Use

### Description and Character of Surrounding Area

The subject site is located in the northwest corner of the Downtown Core Area as shown in the Downtown Master Development Plan. The surrounding properties to the east, south and west are commercially zoned properties, CP-2 and TNZ respectively. A duplex and single-family home are located adjacent to the north property line.



### Adjacent Land Uses and Zoning

<b>North:</b>	Residential / RP-2
<b>South:</b>	Offices, photo studio & a single-family home / TNZ
<b>East (across SW Market St):</b>	Offices & a single-family home / CP-2
<b>West:</b>	Offices & single-family homes / TNZ & RP-2

### Site Characteristics

The property generally slopes from the southeast to the northwest. Existing single-family homes are located at 102, 108 and 110 SW Market St. The existing homes show the signs of prolonged deferred maintenance. There is a mix of mature and volunteer trees dispersed throughout the subject site. The vacant lots at 104 and 106 SW Market St. are relatively unremarkable and display the typical characteristics of undeveloped lots in established neighborhoods.



### Special Considerations

The subject site is **NOT** located in a Historic District or the Neighborhood Stabilization Overlay District.

### Setbacks

Yard	Required	Proposed
Front	0-5' building 20' Parking Lot	15' building 0' Front Courtyard 15' Parking Lot*
Side	0'	5'
Rear	0'	20'

\*requires a modification

## 3. Unified Development Ordinance (UDO)

Section	Description
2.240,2.250,2.60,2.300	Rezoning with Preliminary Development Plan



4.200	CBD Planned Central Business District
7.060	Modifications

## 4. Comprehensive Plan

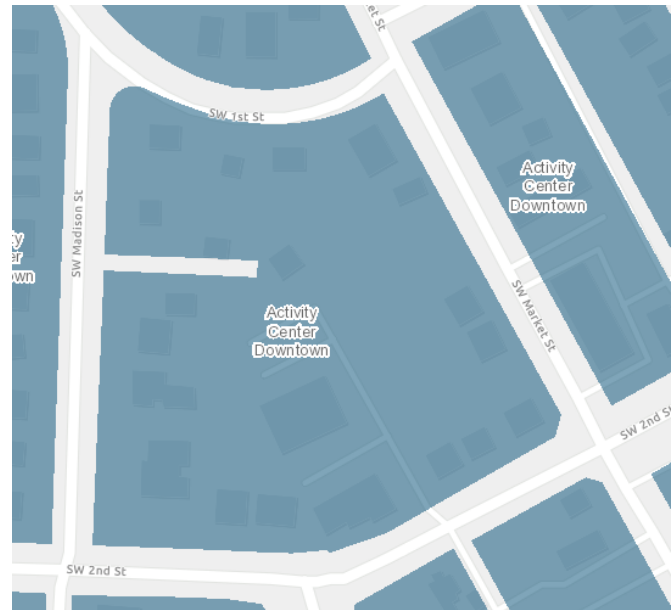
Focus Areas	Goals, Objectives & Policies
Strong Neighborhoods & Housing Choice	Goal 3.2.A Goal 3.2.B
Resilient Economy	Goal 3.3.A
Land Use & Community Design	Goal 3.7.A

### Comprehensive Plan

The 2021 Ignite Comprehensive Plan land use map identifies the subject site as Activity Center Downtown. The Plan identifies the Downtown Activity Center as the traditional core and heart of the community with access to downtown that is walkable for residents in nearby residential neighborhoods. The plan advocates for additional housing options to increase the ability for additional residents to live and work Downtown, as well as increase patronage of local businesses, parks, and events.

The Ignite Comprehensive Plan establishes the goal of maintaining thriving, quality neighborhoods that connect a diversity of residents throughout the community. A strategy outlined by the plan is to require that neighborhood revitalization and enhancements result in no net loss of housing units and encourages infill housing development and replacement of obsolete housing. By removing the three deficient existing homes and constructing 26 new dwelling units, the proposed PDP meets these goals.

Additionally, the plan further establishes the goal of creating and maintaining a variety of housing options, styles and price ranges. A policy recommendation of the adopted plan recommends allowing small lot development to increase density, the availability of affordable housing stock and increase business activity by designing mutually supportive neighborhoods (mixed-use). The proposed redevelopment of the subject site with a mixed-use product (office and apartments) is in harmony with these goals.



For the above reasoning, staff finds that the proposed development achieves the specified goals and objectives of the Ignite Comprehensive Plan and is substantially consistent with the adopted plan.

## **5. Analysis**

### **Background and History**

- November 4, 1864 – The subject property was annexed into the City.
- 1954 – The original Lee’s Summit zoning map indicated the subject properties were zone residential district “A”.
- 1966 – By 1966, the subject properties’ zoning district was changed from A to R-2 (Second Family Dwelling). R-2 is now RP-2.

### **Analysis of Rezoning**

The CP-2 zoned properties to the east, across SW Market Street, are occupied by various commercial office and services providers. Three residential structures are located in the TNZ-zoned district on the south side of the subject property. Of these three properties, two are occupied by office users. The remaining property is used as a residential home. West of the subject site is the TNZ-zoned Summit Office Park. A duplex is located along the north property line and is zoned RP-2.

The Comprehensive Plan seeks to achieve a high-quality living environment and diversified housing market by providing for varied housing types in an effort to meet the changing housing needs of the community. The Comprehensive Plan also encourages developments that integrate diverse housing types and styles. By integrating multi-family residential development into the fabric of land uses, the plan seeks to meet these goals as described in the adopted Comprehensive Plan.

### **Compatibility**

The proposed vertical mixed use is compatible with the adjacent commercial and residential uses. The proposed plan provides for a land use type that offers a transition from the commercial uses on the east, south and west to the residential use north of the subject site. The proposed building materials are similar and compatible with existing residential subdivisions in the area and throughout the city and include cementitious lap siding, cementitious panel siding, and brick.

The applicant proposes the use of a metal storage container as part of the roof top patio. The storage container will be incorporated into the rooftop patio as a shaded lounge area and will match the other exterior wall colors. The proposed use of metal as an exterior building material is limited to a small portion of the overall project and is not a prominent feature of the proposed project. The rooftop deck will provide a unique amenity area not currently found in the area. The metal wall material will present a look that is consistent with contemporary architectural design seen throughout the community. Staff is supportive of the proposed building material.

### **Adverse Impacts**

The proposed development is not expected to detrimentally impact the surrounding area. The proposed project develops two long-vacant properties and redevelops properties that have had minimal upkeep provided over the years.

### **Public & Private Infrastructure / Services**

The proposed development is not expected to impede the normal and orderly development and improvement of the surrounding property.

Water and sanitary sewer services for the proposed development will utilize existing public water mains and sanitary sewers that are adjacent to the property along SW Market St.

The storm system for the development is a private underground storage system designed to handle the stormwater runoff due to the increased impervious area. It will discharge on the subject property and return to an overland sheet flow pattern similar to existing conditions.

The existing street network provides adequate capacity to accommodate the proposed development. The subject development will be accessed by a single drive from SW Market St. The northmost existing single-family lot has a public alley extending from SW Madison St. (west) to an existing shed. The proposed development plans to keep the existing structure as a maintenance facility. The applicant has been informed that it will be the City's intent to eventually vacate the alley/right-of-way. If the property owner of this development wishes to maintain vehicle use with the alley, they will need to gain an access easement from the adjacent property owners upon the vacation of right-of-way.

### **Unified Development Ordinance**

The CBD Planned Central Business District is established to permit a use of land that combines a variety of commercial, office, residential and public uses. The district is designed to have uses that are centrally located and compact so that maximum convenience is afforded the users and occupants of the district. It is the intent of the CBD District to be pedestrian friendly. The proposed vertical mixed-use development with a combination of office and residential uses is an element of the CBD that is encouraged by the UDO.

### **Modifications**

**Building materials.** Modification requested. **Staff supports the requested modification.**

- Required – First and second floor elevations of street facing facades shall consist of brick.
- Proposed – Modify the Design Standards for the Downtown Core Area's requirement that first and second floor elevations of street facing facades consist of brick, to allow for the brick facade to be varied in height, consistent with the elevations dated July 12, 2022
- Recommendation – The applicant has stated in order to create a more dynamic façade, they varied masonry height. Rather than have a static two-story band of masonry, the brick facade has been raised up to the full three-story height in some locations, and dropped down to one story in others area. The varying of the height helps to reinforce base, middle and top across the various elements of the façade. By using various materials including brick, lap siding and cementitious wall panels, the applicant is providing a softer transition of the commercial district to the adjacent residential neighborhood. The use of lap siding and cementitious wall panels is consistent to the style and materials used in the surrounding area. Staff finds this justification to be reasonable and supports the requested modification.



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

- **Required** - The UDO requires parking lots to be set back a minimum 20' from any residential district or use.
- **Proposed** - The applicant proposes to reduce the required parking lot setback from 20' to 15' along the north property line (Figure 1) and 13' 8" adjacent to the south property line (Figure 2).
- **Recommended** – Staff supports the requested modification. The reduced setback is a result of the applicant's desire to maximize the available parking on the site. The encroachment is limited to drive aisles with all parking stalls meeting the setback requirements. The applicant has proposed to install additional landscaping adjacent to the areas of encroachment. For these reasons staff feels the request is reasonable.

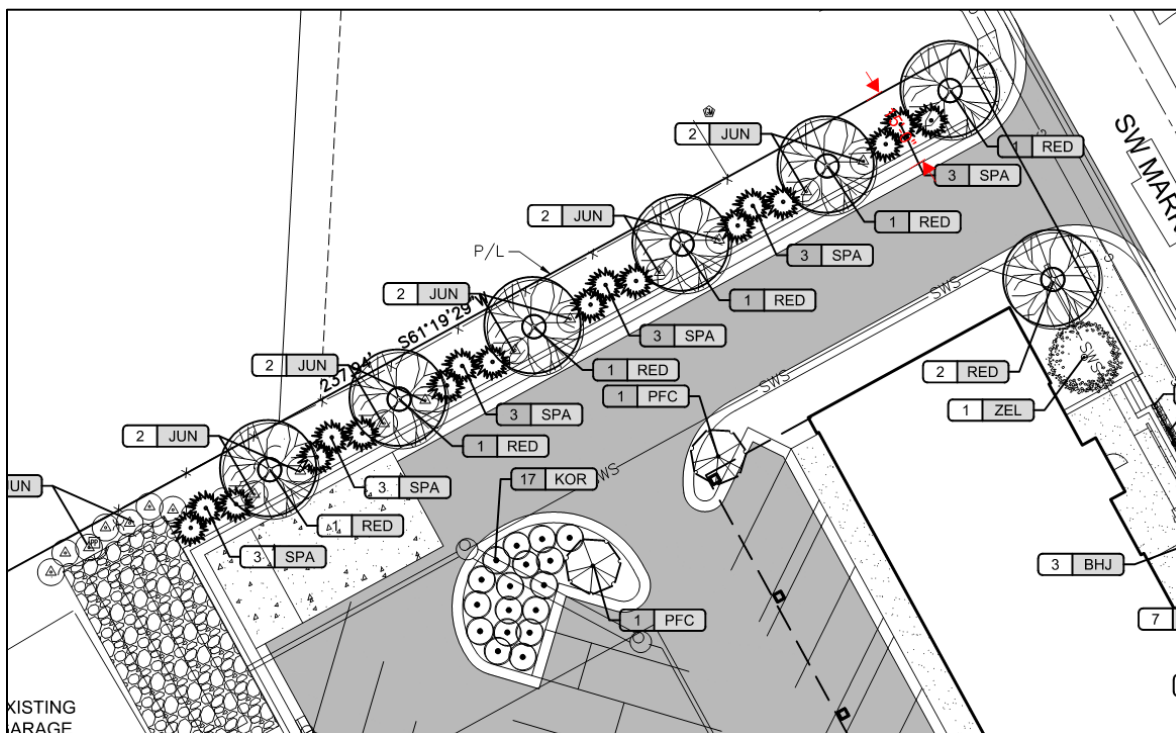




Figure 1

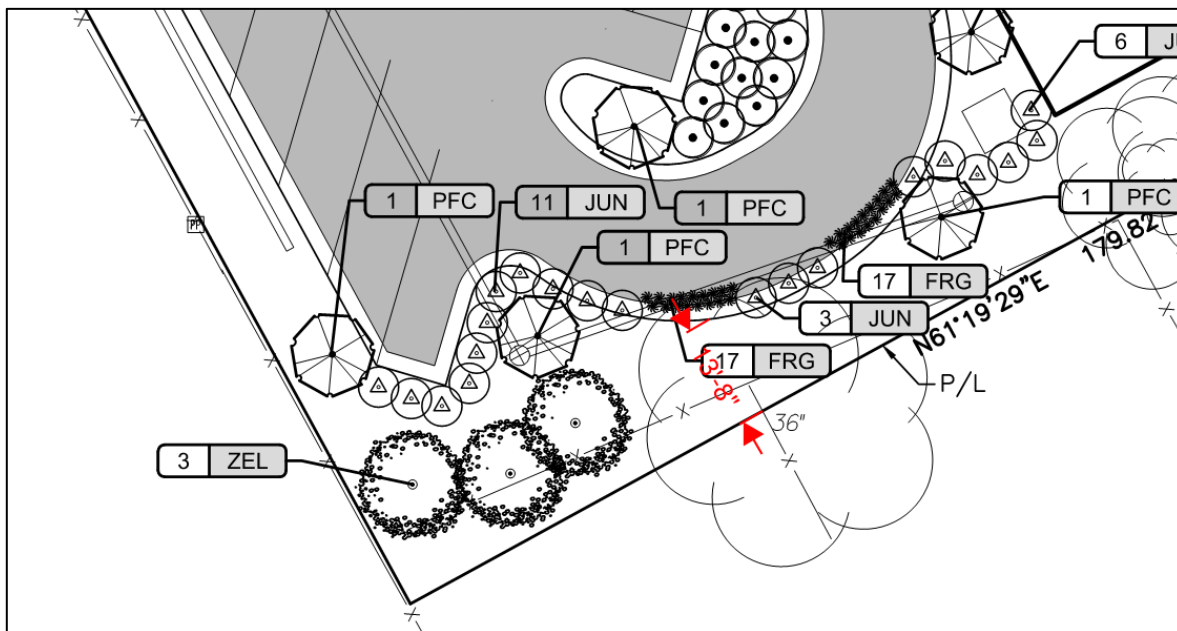


Figure 2

**Landscaping Buffer.** Modification requested. **Staff supports the requested modification.**

- Required – A 20' wide high impact landscaping buffer is required between commercial and residential developments.
- Proposed – The applicant proposes to provide a 15' wide landscaping buffer along the north property line. Additionally, the applicant requests that the required fence be eliminated.
- Recommendation – The reduced width of the landscaping buffer is a result of the narrow site constraints and required site grading. To meet the grades, a retaining wall is required adjacent to the north. This wall varies in height from 2' to nearly 6.5' tall. The wall provides separation between the uses. As this area will be heavily landscaped with evergreen and ornamental trees and bushes, maintenance of the vegetation, fence, and wall may prove problematic if a fence is required. For these reasons staff finds the request modification reasonable.

### Site Parking Requirements

For dwelling units above 1st floor commercial in the Downtown Core area, parking is calculated at a rate of 0.5 per dwelling unit. Thirteen parking stalls are required for the proposed residential portion of the proposed development.

As a final tenant has not been identified for the commercial space the UDO presents two scenarios when calculating the minimum amount of parking. Scenario 1: for general office, parking is calculated at a rate of 4 stalls per 1000 sq. ft. of gross floor area. Scenario 2: for a medical office, the parking is calculated at a rate of 5 per 1000 sq. ft. of gross floor area. If a general office use is used to calculate parking, 32 stalls are required. If the more conservative medical office use is used to calculate parking, 40 stalls would be required.

The total parking required for Scenario 1 is 45 parking stalls. For Scenario 2, a total of 53 parking stalls are required. The applicant proposes to provide 48 parking stalls. In the first scenario, the plan provides 3 additional parking stalls above the minimum. In the second scenario, the plan is 5 parking stalls short. The applicant has pointed out that the proposed residential and office uses will have different periods of peak parking demand. Staff believes the proposed development meets the letter of the UDO requirements in Scenario 1 and the spirit and intent of the UDO in Scenario 2.

**Recommendation**

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

**6. Recommended Conditions of Approval****Site Specific**

1. A modification shall be granted to reduce the required parking lot setback from 20' to 15' along the north property line and 13' 8" along the south property line.
2. A modification shall be granted to the Design Standards for the Downtown Core Area's requirement that first and second floor elevations of street facing facades consist of brick, to allow for the brick facade to be varied in height, consistent with the preliminary development plan date stamped July 12, 2022.
3. A modification shall be granted to the design of the required high impact landscape screen along the north property line, to allow the required fence be placed on the north property line.
4. A modification shall be granted to the design of the required 20' wide high impact landscape screen along the north property line, to allow for a 15' wide high impact landscape screen along the north property line.
5. Development shall be in accordance with the preliminary development plan dated July 12, 2022.

**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. 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.

9. 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.
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. 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.
13. A final plat shall be approved and recorded prior to any building permits being issued.