



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

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## Development Services Staff Report

<b>File Number</b>	PL2023-056
<b>File Name</b>	REZONING from CP-2 & CS to PMIX and CONCEPTUAL PRELIMINARY DEVELOPMENT PLAN – Colbern Road Investments - Concept Site Plan
<b>Applicant</b>	Engineering Solutions, LLC, applicant
<b>Property Location</b>	900 NE Colbern Rd
<b>Planning Commission Date</b>	May 11, 2023
<b>Heard by</b>	Planning Commission and City Council
<b>Analyst</b>	C. Shannon McGuire, Planner
<b>Checked By</b>	Aimee Nassif, AICP, Deputy Director of Development Services Sue Pyles, PE, Development Engineering Manager

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### Public Notification

Pre-application held: January 31, 2023  
Neighborhood meeting conducted: April 18, 2023  
Newspaper notification published on: April 22, 2023  
Radius notices mailed to properties within 300 feet on: April 3, 2023  
Site posted notice on: April 22, 2023

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**Attachments**

Transportation Impact Analysis prepared by Brad Cooley, P.E., dated April 26, 2023 – 4 pages

Traffic Impact Study prepared by Kimley Horn, dated April 21, 2023 – 22 pages

Rezoning & Conceptual Preliminary Development Plan, dated March 7, 2023 – 1 page

Conceptual Landscape Plan, dated March 7, 2023 – 1 page

Location Map

**1. Project Data and Facts**

Project Data	
<b>Applicant/Status</b>	Engineering Solutions, LLC / Developer
<b>Applicant’s Representative</b>	Matt Schlicht
<b>Location of Property</b>	900 NE Colbern Rd
<b>Size of Property</b>	±36.94 Acres (1,609,059 sq. ft.)
<b>Zoning (Existing)</b>	CS (Planned Commercial Services District) CP-2 (Planned Community Commercial District)
<b>Zoning (Proposed)</b>	PMIX (Planned Mixed Use District)
<b>Comprehensive Plan Designation</b>	Commercial
<b>Procedure</b>	<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 expiration.</p> <p>No development may occur on any property for which only a conceptual development plan has been approved. If the conceptual development plan is approved, no construction may occur on any such property until one or more preliminary development plans and final development plans have been approved in accordance with the UDO.</p>

**Current Land Use**

The subject 36.94-acre property is currently unplatted, undeveloped vacant ground located at 900 NE Colbern Rd. The property has been historically utilized for hay production.



**Description of Applicant's Request**

The applicant proposes a rezoning from CP-2 & CS to PMIX and conceptual preliminary development plan (PDP). The subject application is limited to the proposed rezoning and conceptual PDP (PL2023-056). A companion application (PL2023-057) for a proposed senior living facility PDP on this agenda has also been applied for.

No development may occur on any property for which only a conceptual development plan has been approved. If the conceptual development plan is approved, no construction may occur on any such property until one or more preliminary development plans and final development plans have been approved in accordance with the UDO.

## 2. Land Use

Description and Character of Surrounding Area	
<p>The surrounding properties to the north and east are currently unplatted, vacant and undeveloped. The property to the north is zoned AG and is currently owned by Property Reserve Inc. South of the subject site is the CP-2 zoned newly-constructed Mid Continent Public Library. Located west of the project site is the CS zoned US Post Office and Midland Marble &amp; Granite lots. East of the property is a large undeveloped lot.</p>	

### Adjacent Land Uses and Zoning

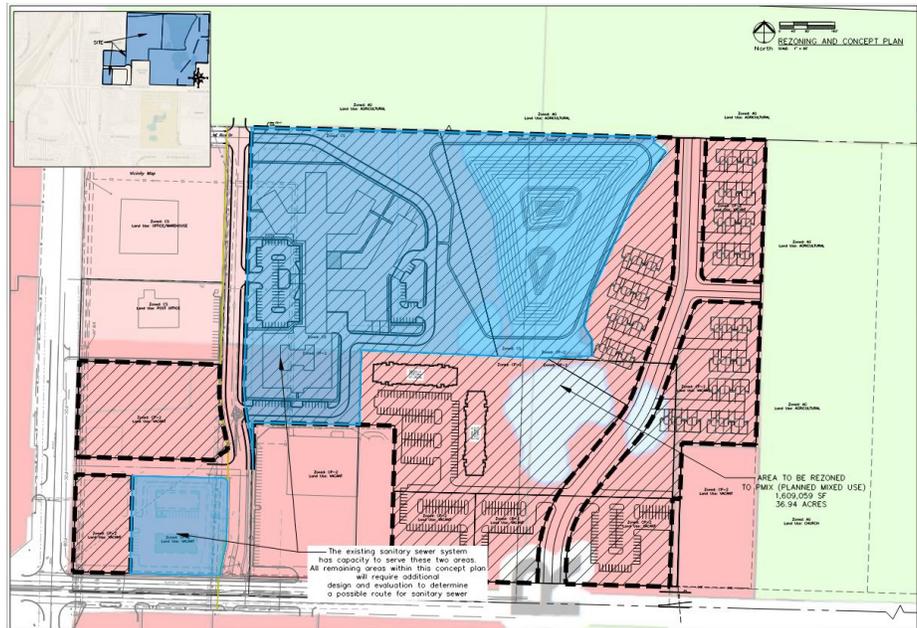
<b>North:</b>	Vacant / AG
<b>South (across SE Colbern Rd):</b>	Gas station, Church and LSR7 early education center/ CP-2
<b>East:</b>	vacant lot / CP-2
<b>West:</b>	US Post Office and Midland Marble & Granite / CP-2

Site Characteristics	
<p>The site is an undeveloped lot that generally slopes from the west to the east. The property has been historically utilized for hay production and shows the typical indications of a lot used for agricultural purposes. A large pond is located in the north eastern corner of the property.</p>	

Special Considerations	
None	

## 3. Project Proposal

A conceptual development plan is designed to allow review of developments or redevelopments, consisting of larger acreages or multiple uses, prior to review of one or more preliminary development plans for part or all of the property. A conceptual development plan is not intended to replace a preliminary development plan, but rather is designed to provide additional flexibility to review developments and redevelopments in the early



stages of the process. A conceptual development plan also provides a framework for which phases of the development will occur.

The applicant has provided a conceptual layout of the subject site. Potential uses of the property shown include a senior living facility, medical office, office, commercial pad sites, multi-family residential and medium density residential (4-5 plexes). A companion application (PL2023-057) for approval of the proposed senior living facility has been applied for and is on this agenda.

#### 4. Unified Development Ordinance (UDO)

Section	Description
2.240,2.250,2.260	Rezoning
2.400	Conceptual Development Plan
4.240	Zoning Districts (PMIX)

##### Unified Development Ordinance

The proposed PMIX Planned Mixed Use District is intended to allow greater flexibility in development standards (lot coverage, setbacks, building heights, lot sizes, etc.) to facilitate adaptation of development to the unique conditions of a particular site. The proposed zoning district will permit a mixture of uses which, with proper design and planning, will be compatible with each other and with surrounding uses or zoning districts and will permit a finer-grained and more comprehensive response to market demand.

#### 5. Comprehensive Plan

Focus Areas	Goals, Objectives & Policies
Strong Neighborhoods and Housing Choice	Goal 3.2B – Create and maintain a variety of housing options, styles and price ranges.
Resilient Economy	Goal 3.3.A – Build an adaptable framework for continued growth in a changing environment.
Land use & Community Design	Goal 3.7.A – Promote sustainable land use to meet the needs of the future.

##### Comprehensive Plan

The proposed PMIX zoning district and conceptual PDP are compatible with surrounding uses and the designations recommended for the area by the Ignite Comprehensive Plan. The 2021 Ignite Comprehensive Plan land use map identifies the subject site’s future recommended land use as Commercial. Should the rezoning be approved the conceptual land uses (senior living facility, medical office, office, multi-family and medium density residential) are land uses allowed in the proposed PMIX zoning district.

An objective established in the Comprehensive Plan is to stimulate continued economic development investment by the private sector. The subject application meets this goal by beginning the process to develop a long vacant property in Lee's Summit.

## 6. Analysis

### Background and History

- September 15, 1959 – The subject property was annexed into the City by Ordinance No. 584.
- November 4 2021 – The Planning Commission approved the preliminary plat (#PL2021-341) for *Colbern Road Investments, Lots 1-4 & Tract A*.
- December 21, 2021 – The minor plat (#PL2021-457) for *Colbern Road Investments, Lots 1 & 2* was administratively approved.

### Compatibility

The proposed PMIX zoning district will establish a base zoning district that will allow for a mix of potential uses. All future development of the subject site will require approval of a PDP by separate application. The compatibility of land uses and conformance to established UDO development standards will be reviewed for all future PDPs.

### Adverse Impacts

The proposed development is not expected to detrimentally impact the surrounding area. On-site stormwater detention will be managed via conversion of the existing pond located in the north east corner of the project site into a stormwater detention basin.

### Public and Private Infrastructure Services

The subject property is an undeveloped vacant property. The proposed development is not expected to impede the normal and orderly development and improvement of the surrounding property. The proposed development will be required to construct the public water, sanitary, street and storm improvements required for this development and will tie into the surrounding public infrastructure.

### 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. No development may occur on any property for which only a conceptual development plan has been approved. No construction may occur on any property until one or more preliminary development plans and final development plans have been approved in accordance with the UDO.
2. Development shall require the construction of an eastbound left-turn lane on Colbern Road at Ball Drive with a storage length of 120 feet plus an appropriate taper.

3. Development shall require the construction a southbound left-turn lane on Ball Drive at Colbern Road with a storage length of 150 feet plus appropriate taper.
4. Development shall require the modification of the traffic signal at the intersection of Colbern Road and Ball Drive to provide protected-permissive left-turn phasing for east/west traffic.

### **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. 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 plat. A certified copy shall be submitted to the City for verification.
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 ADA sidewalk ramps shall be constructed by the developer at the time the street is constructed.
12. All sidewalks adjacent to a common area tract, unplatted land or any land where no structure is intended to be built, and is required, shall be constructed by the developer at the time the street is constructed.
13. A final plat shall be approved and recorded prior to any building permits being issued.
14. Additional improvements may be required as PDPs for individual lots are submitted in the future or if future higher intensity land uses are proposed from what is shown in the traffic study dated April 21, 2023.