

City of Lee's Summit

Development Services Department

September 7, 2018

TO: Planning Commission
PREPARED BY: C. Shannon McGuire, Planner
CHECKED BY: Hector Soto, Jr., AICP, Current Planning Manager
RE: **Continued Appl. #PL2018-108 – PRELIMINARY DEVELOPMENT PLAN – Douglas Corners Lot 1B, 150 NE Tudor Rd; HG Consult, Inc., applicant**

Commentary

The staff letter incorrectly stated that sixty (60) parking stalls were proposed. The applicant is proposing to provide forty-six (46) parking stalls on site and share two (2) stalls from the surplus of the existing Douglas Corners development.

Forty-eight (48) parking stalls are required to be provided by UDO standards. The existing development has provided one hundred forty two (142) stalls, forty-six (46) more than is required by the UDO.

With the close proximity and availability of the surplus parking staff is comfortable with the applicants parking plan.

This preliminary development plan (PDP) application is for a proposed 12,468 sq. ft. two-story building located at 150 NE Tudor Rd. The applicant proposes 7,972 sq. ft. of retail on the first floor and four (4) two-bedroom residential apartments on the second floor totaling 4,496 sq. ft. Roof top decks are proposed as amenities for the second floor units. Proposed building materials include stone, stucco, porcelain tile and glass.

The applicant requests a modification to the required high impact landscaping buffer. Staff supports the requested modification.

- 12,468 square foot building
- 0.10 proposed overall FAR – 0.55 maximum allowed FAR
- 48 parking spaces required – 60 parking spaces provided

Recommendation

Staff recommends **APPROVAL** of the preliminary development plan, subject to the following:

1. A modification shall be granted to the high-impact landscaping buffer requirement along the R-1 zoned properties to the north, to allow no landscaping buffer along the north property line.
2. A modification shall be granted to the medium-impact landscaping buffer requirement along the PI zoned property to the east, to allow no landscaping buffer along the east property line.

Zoning and Land Use Information

Location: 150 SE Tudor Rd.

Current Zoning: **Zoning:** CP-2 (Planned Community Commercial District)

Surrounding zoning and use:**North:** CP-2 (Planned Community Commercial District) — Temp Stop gas station

R-1 (Single Family Residential District) – Maple Tree subdivision

South: CP-2 (Planned Community Commercial District) — Schlotzsky's**East:** PI (Planned Industrial District) — Deerbrook Covenant Church**West:** CP-2 (Planned Community Commercial District) — Various retail/commercial

Site Characteristics. A portion of the proposed site is undeveloped vacant land with existing parking lot on the remaining land.

Description and Character of Surrounding Area. The proposed building is surrounded by commercial uses on the north, west and south. Also to the north, approximately 83 feet of the proposed development borders a single-family residential subdivision. An existing six (6) foot wooden fence separates the proposed development from the subdivision. The property to the east is a church and is currently zoned PI.

Project Information**Proposed Use:** Retail and residential**Land Area:** 75,508 sq. ft. (1.73 acres)**Building Area:** 12,468 sq. ft. (7,972 sq. ft. retail and 4,496 sq. ft. residential)**Number of Buildings: 1****Building Height: 28' 3"****Number of Stories: 2****FAR:** 0.1**Impervious Coverage:** 46%**Open Space:** 54%**Parking Spaces Provided:** 60 provided – 48 spaces required**Unified Development Ordinance**

Applicable Section(s)	Description
4.300, 4.310, 4.320	Preliminary Development Plan
5.040	Development plan and allowable modifications
14.190	Minimum buffer/screen requirements

Comprehensive Plan

Recommended Land Use	Proposed Land Use
Retail	Retail and residential

The proposed retail use with second story residential lofts is consistent with the recommended land use in the Comprehensive Plan and is compatible with existing area uses.

Focus Areas	Goals, Objectives and Policies
Overall Area Land Use	Objective 1.1 Objective 1.2 Objective 1.4
Economic Development	Objective 2.2 Objective 2.3
Commercial Development	Objective 4.1 Objective 4.2 Objective 4.3

Process

Procedure: 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 application.

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.

Background

- November 6, 2003 – The City Council approved the rezoning from PI-1 to CP-2 (Appl. #2003-179) and the preliminary development plan (Appl. #2003-180) for the northeast corner of Tudor and Douglas Street. (Ordinance No. 5640)
- May 6, 2004 – The City Council approved the preliminary development plan (Appl. #2004-018) for Backyard Burger located at 190 NE Tudor Rd. (Ordinance No. 5736)
- February 17, 2005 – The City Council approved the preliminary development plan (Appl. #2004-237) for the redevelopment of the Missouri Gas Energy building located at 100 NE Tudor Rd. (Ordinance No. 5895)
- March 28, 2005 – The final development plan application (Appl. #2005-057) for the Fischer parking lot was approved by the Planning and Development Department.
- April 7, 2006 – The minor plat *Douglas Corner, Lots 1A and 1B* was recorded by Jackson County (Instrument #2006E0006973).
- June 8, 2006 – The City Council approved the final plat application *Douglas Corner, 2nd Plat, Lots 3-14 and Tracts A and B* (Appl. #2006-074) by Ordinance No. 6200, which was recorded by Jackson County (Instrument #2006E0063342)
- August 21, 2008 – The City Council approved the preliminary development plan (Appl. #2008-045) for Douglas Corners located at 150 NE Tudor Rd. (Ordinance No. 6669) The approved 10,190 sq. ft. office/retail building was never constructed, therefore the preliminary development plan became null and void on August 21, 2010.

Analysis of Preliminary Development Plan

Screening. Modification requested. **Staff supports the request.**

- Proposed – No landscaping buffer.

- Required – Buffer/screen between developments of differing land uses adjoining one another or separated from one another by only a street or alley shall comply with Table 14.1 Typical buffers. According to Table 14.1, a high impact screening buffer is required along the northern property line adjacent to the residentially zoned district and a medium impact screening buffer is required adjacent to the PI zoned district on the east property line.
- Recommended – Due to the location of an existing sanitary sewer main and utility easements located on the north and east lot lines, the landscaping buffer is unable to be installed as required by the UDO. The applicant proposes to install additional landscaping in the form of trees and shrubs adjacent to the proposed building on the north and east sides. For this reason staff believes the modification is reasonable and supports the request.

Code and Ordinance Requirements

The items in the box below are specific to this development and must be satisfactorily addressed in order to bring the plan into compliance with the Codes and Ordinances of the City.

Engineering

1. The existing water main being extended to the north to serve this lot must extend all the way to the south property line of this lot. Relocate the fire hydrant to the end of the extended water main. This extended main will now be public from the connection at Tudor Road to the relocated fire hydrant. A utility easement will be required for this main from the public right-of-way through the fire hydrant. This will be reviewed with the final development plan.
2. Fire and domestic water lines must each connect separately to the extended main. A water meter will be required within the easement and a backflow prevention device will be required just beyond the easement, per City requirements. The backflow device must be located externally since the building is more than 50 feet from the public main. This will be reviewed with the final development plan.
3. A minimum 2% slope is required in the bottom of the detention basin. This will be reviewed with the Final Development Plan.
4. 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.
5. 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).
6. 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.
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 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.
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 12 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.

Fire

11. 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.
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 2012 International Fire Code.

Planning

13. Sign permits shall be obtained prior to installation of any signs through the Development Services Department. All proposed signs must comply with the sign requirements of Article 13 of the UDO.

Attachments:

1. Preliminary Development Plan, date stamped, August 7, 2018 —17 pages
2. Modification Request letter, dated August 7, 2018
3. Location Map