



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

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## Development Services Staff Report

<b>File Number</b>	PL2020-200
<b>File Name</b>	PRELIMINARY DEVELOPMENT PLAN – Oakview, Lots 2, 3 and 4
<b>Applicant</b>	Star Acquisitions & Development, LLC
<b>Property Address/Location</b>	1410, 1430 and 1440 NE Douglas St
<b>Planning Commission Date Heard by</b>	September 10, 2020 Planning Commission and City Council
<b>Analyst</b>	Hector Soto, Jr., AICP, Planning Manager
<b>Checked by</b>	Kent Monter, P.E., Development Engineer Manager

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### Public Notification

Pre-application held: November 5, 2019

Neighborhood meeting conducted: The requirement for an applicant to hold in-person neighborhood meetings pursuant to UDO §2.205 has been suspended during the period of the Emergency Declaration which will end on September 30, 2020, unless earlier terminated or further extended by the Mayor. Pursuant to the Mayor's Emergency Order, Applicants are encouraged to use all available alternative methods of communication to inform neighbors of each pending application and solicit neighbors' input and feedback and provide answers to questions about proposed land development.

Newspaper notification published on: August 22, 2020

Radius notices mailed to properties within 300 feet on: August 18, 2020

Site posted notice on: August 18, 2020

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**Attachments**

- Preliminary Development Plan, dated August 27, 2020 – 5 pages
- Lot 2 Building Elevations, dated May 4, 2020 – 5 pages
- Lot 3 Building Elevations, dated August 10, 2020 – 3 pages
- Lot 4 Building Elevations, dated May 14, 2020 – 3 pages
- Parking Generation Study, dated August 27, 2020 – 2 pages
- Location Map

**1. Project Data and Facts**

Project Data	
<b>Applicant/Status</b>	Star Acquisitions & Development, LLC / Applicant
<b>Applicant's Representative</b>	Tim Harris
<b>Location of Property</b>	1410, 1430 and 1440 NE Douglas St
<b>Size of Property</b>	± 1.27 acres (55,342 sq. ft.) – Lot 2 (1410 NE Douglas St) ± 0.94 acres (40,893 sq. ft.) – Lot 3 (1430 NE Douglas St) ± 0.76 acres (33,292 sq. ft.) – Lot 4 (1440 NE Douglas St) <b>± 2.97 acres (129,527 sq. ft.) total</b>
<b>Number of Lots</b>	3
<b>Building Size</b>	3,860 sq. ft. – Lot 2 4,800 sq. ft. – Lot 3 4,800 sq. ft. – Lot 4 <b>13,460 sq. ft. total</b>
<b>FAR (Floor Area Ratio)</b>	0.07 – Lot 2 0.12 – Lot 3 0.14 – Lot 4 <b>0.10 total FAR</b>
<b>Zoning</b>	CP-2 (Planned Community Commercial)
<b>Comprehensive Plan Designation</b>	Industrial
<b>Procedure</b>	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.  <b>Duration of Validity:</b> 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.

<b>Current Land Use</b>
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The northwest corner of NE Douglas St and NE Victoria Dr is the site of the 5-lot Oakview commercial/industrial center. Construction is currently underway on Lot 1 for an indoor, climate-controlled storage facility. The remaining four (4) pad sites, inclusive of the subject three lots known as Lots 2-4, are prepared for future development.

**Description of Applicant’s Request**

A preliminary development plan for the subject three (3) lots was approved in 2018. The applicant has since identified a need to allow for larger buildings on each of the three lots from that shown on the previously approved plan. The Unified Development Ordinance (UDO) requires approval of a new preliminary development for an increase in building size over 25%. The new proposed building sizes exceed the 25% administratively approvable increase and thus require the submittal of the subject preliminary development plan application. The layout and architectural appearance of the new proposed buildings is generally unchanged from the previously approved preliminary development plan.

**2. Land Use**

**Description and Character of Surrounding Area**

The site sits at the northwest corner of NE Douglas St and NE Victoria Dr. The segment of NE Douglas St from NE Tudor Rd north to I-470 is a significant commercial corridor in the area that is also home to the Saint Luke’s East Hospital campus. NE Victoria Dr serves as a significant east-west connector street in the area that serves surrounding commercial, industrial and residential uses. The portion of NE Victoria Dr west of NE Douglas St serves as a gateway to industrial development, whereas the portion of NE Victoria Dr east of NE Douglas St serves as a gateway to single-family residential development.

**Adjacent Land Uses and Zoning**

<b>North:</b>	Vacant Oakview industrial site / PI (Planned Industrial)
<b>South (across NE Victoria Dr):</b>	Office/warehouse and other industrial uses / PI
<b>East (across NE Douglas St):</b>	Douglas Square commercial center / CP-2
<b>West</b>	Climate-controlled storage facility and other industrial uses / PI

**Site Characteristics**

Phase I of the Oakview commercial/industrial center is currently under construction in the form of an indoor, climate-controlled storage facility. The center’s remaining lots consist of pad sites with frontage along NE Douglas St. The storage facility is a second tier lot that serves as a transition from the more intense industrial uses to the west and the commercial pad sites of the Oakview development along NE Douglas St. Access to the development is provided by an existing full-access driveway along NE Victoria Dr; a right-in/right-out driveway along NE Douglas St; and a possible second right-in/right-out driveway along NE Douglas St.

**Special Considerations**

N/A

### 3. Project Proposal

#### Building Sizes

	Original Preliminary Development Plan	Proposed Preliminary Development Plan
Lot 2	4,000 sq. ft.	3,860 sq. ft.
Lot 3	3,000 sq. ft.	4,800 sq. ft.
Lot 4	2,104 sq. ft.	4,800 sq. ft.
<b>Total</b>	<b>9,104 sq. ft.</b>	<b>13,460 sq. ft.</b>

The table above provides a side-by-side comparison for each respective lot of the change in building sizes between the previously approved plan and the proposed plan. While Lot 2 sees a slight decrease in building size, Lots 3 and 4 see a significant increase in lot size. The aggregate increase in building size for Lots 2-4 with the new plan is 47.8%.

#### Structure(s) Design

<b>Number and Proposed Use of Buildings</b>
3 restaurant/retail buildings
<b>Building Height</b>
22'
<b>Number of Stories</b>
1
<b>Parking Provided</b>
Lot 2 – 55 spaces Lot 3 – 37 spaces Lot 4 – 29 spaces <b>Total – 121 spaces provided</b>

#### Parking – Alternate Parking Plan

The UDO allows the determination of the minimum parking requirement for a development to be made by one of two methods. The first method follows the parking requirements prescribed for various land uses under UDO Section 8.530, Table 8-1. The second method is via an Alternate Parking Plan authorized under UDO Section 8.540. The Alternate Parking Plan method allows for a parking demand study or other data to establish the minimum parking requirement. In this case, the applicant has provided a parking demand study based on the Institute of Transportation Engineers’ Parking General Manual. Based on this study, the proposed development of the three pad sites will generate a peak demand of 101 parking spaces across the three sites. The plan shows a total of 121 parking spaces provided across the three sites. An Alternate Parking

Plan is not a modification to the UDO. An Alternate Parking Plan is approved as part of the preliminary development plan package. The parking demand study is included as an attachment.

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

Section	Description
2.040,2.260,2.300,2.320,2.330	Preliminary Development Plans
4.190	Zoning Districts
8.540	Alternate Parking Plan
8.620	Parking Setbacks
8.750	Landscaping

##### Unified Development Ordinance

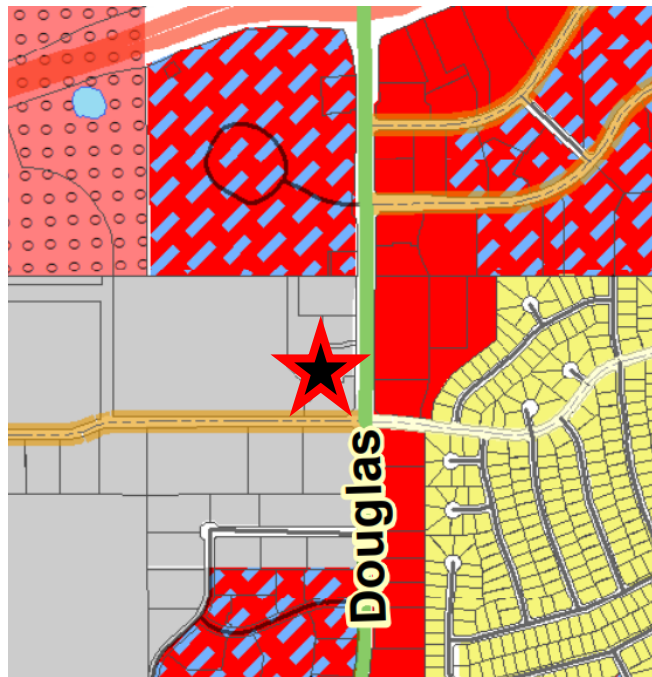
The proposed restaurant/retail land uses are allowed by right under the existing CP-2 zoning district.

#### 5. Comprehensive Plan

Focus Areas	Goals, Objectives & Policies
Overall Area Land Use	Objective 1.1 Objective 1.2 Objective 1.4
Economic Development	Objective 2.1 Objective 2.2
Commercial Development	Objective 4.1 Objective 4.2 Objective 4.3

##### Comprehensive Plan

The 2005 Comprehensive Plan shows the recommended land use for this property as industrial. The industrial land use designation is reflective of the fact that the subject property was originally part of the industrially-zoned Polytainers site at the time the plan was created. The property on which the subject pad sites along NE Douglas St are developed has since been rezoned commercial. The land use designation will be revised as part of the City’s current project to update the City’s Comprehensive Plan.



## 6. Analysis

### Background

A preliminary development plan for Oakview Storage Development Phase II was approved in 2018 for the development of the subject Lots 2-4. The plan showed a restaurant/retail building developed on each of the three (3) lots and identified the square footage of each building. The applicant has since identified a need to allow for larger buildings on each of the three lots from that shown on the previously approved plan. The Unified Development Ordinance (UDO) authorizes staff to administratively approve commercial buildings up to 25% larger (in square footage) than that shown on an approved preliminary development plan. An increase in building size over 25% requires approval of a new preliminary development plan. The new proposed building sizes exceed the 25% administratively approvable increase and thus require the submittal of the subject preliminary development plan application. The layout and architectural appearance of the new proposed buildings is generally unchanged from the previously approved preliminary development plan.

- June 28, 2018 – The City Council approved a rezoning (Appl. #PL2018-033) from PI to CP-2 and preliminary development plan for Oakview Storage Development Phase II by Ordinance No. 8403.
- May 14, 2019 – The City Council approved a final plat (Appl. #PL2018-099) for Oakview, Lots 1-5 by Ordinance No. 8630.

### Compatibility

The site sits along the NE Douglas St commercial corridor. The proposed retail/restaurant building uses are consistent with surrounding land uses and are identical to the land uses shown on the previously approved preliminary development plan for the subject pad sites. The architectural style is similarly compatible to existing development and the previous plan.

### **Adverse Impacts**

The proposed larger buildings on the subject pad sites will not seriously injure the appropriate use of, or detrimentally affect, neighboring property. The buildings' massing and architectural style are complementary and consistent with the range of architectural styles and exterior materials currently found along the NE Douglas St corridor.

### **Public Services**

Existing public infrastructure and services are available and adequate to meet the demand of the larger buildings.

In evaluating the new preliminary development plan, the City Traffic Engineer determined that the increase in building size yielded a negligible impact on the existing street network compared to the originally approved preliminary development plan and thus found it unnecessary to prepare a Transportation Impact Analysis for this application. No additional road improvements are necessary to accommodate the building size increase.

### **Modifications**

**Parking Setback.** Modification requested. **Staff supports the requested modification.**

- Required – Section 8.620 of the UDO requires a 20' setback from any public right-of-way or private street edge of pavement for all parking lots.
- Proposed – Most of the proposed development meets the required 20' setback. However, the parking lots on Lots 2 and 3 have setbacks as low as 18' from the NE Douglas St right-of-way. Additionally, the parking lot on Lot 2 has a setback as low as 14' from NE Victoria Dr.
- Recommendation – Staff supports the requested 2' modification along NE Douglas St and the 4' modification along NE Victoria Dr. The need for the modifications are attributed to jogs in the right-of-way alignment along both NE Douglas St and NE Victoria Dr associated with existing turn lane improvements. A modification for this setback requirement was approved as part of the original preliminary development plan due to the same conditions.

**Landscaping, Caliper Size.** Modification requested. **Staff supports the requested modifications.**

- Required – Section 8.750 of the UDO requires a minimum of 3 inch caliper, measured at a point 6 inches above the ground or top of the root ball, at planting.
- Proposed – The applicant has requested two modifications to this requirement: (1) a minimum 2.5-inch caliper for shade trees; and (2) a minimum 2-inch caliper for ornamental trees.
- Recommendation – Staff supports the 2.5-inch caliper for the shade trees and 2.0-inch caliper for ornamental trees. Best practices for landscaping indicate that the proposed smaller sizes of trees are more adaptable and have a higher rate of survival than larger trees. Staff intends to include changes to the minimum tree size requirements as part of a future UDO amendment. A modification for this size requirement was approved as part of the original preliminary development plan under the same rationale.

**Landscaping, Height.** Modification requested. **Staff supports the requested modification.**

- Required – Section 8.750 of the UDO requires a minimum height of 8 feet at planting for evergreen trees.
- Proposed – The applicant has requested a modification of 3’ to allow for a minimum height of 5’ for evergreen trees.
- Recommendation – Staff supports the requested modification of 3’ to allow for a minimum height of 5’ at planting for the evergreen trees on Lots 2, 3, and 4. As is the case in the previous modification request above, best practices for landscaping indicate that the proposed shorter (smaller) evergreen trees are more adaptable and have a higher rate of survival than larger trees. Staff intends to include changes to the minimum tree size requirements as part of a future UDO amendment. A modification for this size requirement was approved as part of the original preliminary development plan under the same rationale.

### **Recommendation**

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

## **7. Recommended Conditions of Approval**

### **Site Specific**

1. A modification shall be granted to the 20’ parking lot setback requirement from the right-of-way, to allow an 18’ setback along NE Douglas St and a 14’ setback along NE Victoria Dr.
2. A modification shall be granted to the minimum 3” caliper deciduous tree size, to allow 2.5” caliper deciduous shade trees and 2” caliper deciduous ornamental trees.
3. A modification shall be granted to the minimum 8’ height for evergreen trees, to allow 5’ tall evergreen trees.
4. An Alternate Parking Plan based on the Parking Generation Study dated August 27, 2020, shall be approved as part of the preliminary development plan for Lots 2-4 in accordance with Article 8, Division II (Parking) of the UDO.

### **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 infrastructure 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). 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 an 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. Correct the occupancy classifications of the proposed building from an A3 to A2 (restaurant).
13. 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 locations of the FDC on the buildings and the accessible hydrant within 100 feet.
  - Must be shown for FDP approval.
14. IFC 503.3 - Where required by the fire code official, approved signs or other approved notices or markings that include the words NO PARKING—FIRE LANE shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. The means by which fire lanes are designated shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.
  - Must be shown for FDP approval.
15. 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.