



LEE'S SUMMIT
MISSOURI
Development Services Department

Development Services Staff Report

File Number	PL2020-280
File Name	PRELIMINARY DEVELOPMENT PLAN – Streets of West Pryor, Lots 1 and 2
Applicant	Streets of West Pryor, LLC, applicant
Property Address/Location	2051 and 2061 NW Lowenstein Dr.
Planning Commission Date Heard by	December 10, 2020 Planning Commission and City Council
Analyst	Jennifer Thompson, Senior Planner
Checked by	Hector Soto, Jr., AICP, Planning Manager Kent Monter, P.E., Development Engineer Manager

Public Notification

Pre-application held: September 15, 2020

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 January 31, 2021, 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: November 21, 2020

Radius notices mailed to properties within 300 feet on: November 19, 2020

Site posted notice on: November 21, 2020

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Attachments

- Traffic Impact Analysis prepared by Michael Park dated December 3, 2020 –2 pages
- Traffic Memo provided by applicant, dated October 30, 2020 – 3 pages
- Preliminary Development Plan, dated November 16, 2020 – 8 pages
- Lot 1 Building Elevations, dated October 30, 2020 – 15 pages
- Lot 2 Building Elevations, dated November 16, 2020 – 10 pages
- UDO Substantial Change Criteria (informational purposes)
- Modification Request provided by applicant, date stamped December 3, 2020 – 1 page
- Location Map

1. Project Data and Facts

Project Data	
Applicant/Status	Streets of West Pryor, LLC / Applicant
Applicant’s Representative	David Olson
Location of Property	2051 and 2061 NW Lowenstein Dr.
Size of Property	± 1.56 acres (67,758 sq. ft.) – Lot 1 (2061 NW Lowenstein Dr.) ± 1.63 acres (71,216 sq. ft.) – Lot 2 (2051 NW Lowenstein Dr.) ± 3.191 acres (138,974sq. ft.) total
Number of Lots	2
Building Size	5,549 sq. ft. – Lot 1 3,200 sq. ft. – Lot 2 8,749 sq. ft. total
FAR (Floor Area Ratio)	0.082 – Lot 1 0.045 – Lot 2 0.127 total FAR
Zoning	PMIX (Planned Mixed Use district)
Comprehensive Plan Designation	Commercial (office/retail)
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. 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.

Current Land Use

The subject property consists of two vacant platted lots totaling 3.19 acres located at the SW corner of NW Lowenstein Dr. and NW Pryor Rd.

Description of Applicant’s Request

The applicant proposes a 2-lot commercial development consisting of a sit-down restaurant and a drive-thru restaurant located at 2061 and 2051 NW Lowenstein Dr., respectively. The total square footage for the sit-down restaurant is approximately 5,549 sq. ft. and the drive-thru restaurant is approximately 3,200 sq. ft. in size.

A preliminary development plan for the subject two (2) lots was approved in 2019 as part of the overall Streets of West Pryor development and consisted of two sit-down restaurants, each approximately 6,500 sq. ft. in size. The applicant has since identified a need to adjust the size and type of use for the lot(s) to allow for smaller buildings and for a drive-thru restaurant.

The Unified Development Ordinance (UDO) does not authorize staff to administratively approve substantial changes to previously approved preliminary development plans. The change from a 6,500 square foot sit-down restaurant to a 3,200 sq. ft. drive-thru restaurant reaches the threshold of a substantial change from the previously approved preliminary development plan. The proposed layout and architectural appearance of the building on Lot 1 is generally unchanged from the previously approved preliminary development plan. However, the proposed drive-thru restaurant on Lot 2 is a different concept from what was previously approved, featuring a smaller building footprint, a drive-thru, and the use of an exterior metal material.

2. Land Use

Description and Character of Surrounding Area

The site is a vacant, 2-lot property located at the southwest corner of NW Lowenstein Dr. and NW Pryor Rd. The property to the north, across NW Lowenstein Dr., is zoned PMIX and is part of the overall Streets of West Pryor Development. A grocery store and two retail/commercial buildings have already completed construction and continued construction is currently underway for the mixed use, 4-story apartment building within the 73-acre development. To the east, across NW Pryor Rd., is the Summit Woods Shopping Center and is zoned CP-2. The property to the south is zoned AG and PMIX and is the location of Lowenstein Park and a vacant tract with a retention pond/water feature.

Adjacent Land Uses and Zoning

North (across NW Lowenstein Dr.):	Commercial/Retail use and vacant land / PMIX (Planned Mixed Use District)
South:	Lowenstein Park and vacant platted tract / AG (Agricultural) and PMIX
East (across NW Pryor Rd.):	Summit Woods Shopping Center / CP-2 (Planned Community Commercial District)
West:	Lowenstein Park / AG (Agricultural)

Site Characteristics
The property is currently vacant, has been graded and is pad site ready. The lots are bordered by NW Lowenstein Dr. to the north, NW Pryor Rd. to the east, and Lowenstein Park to the west and south. A water feature/retention basin and trail system is located to the south and west of the property. Access to the development is provided from NW Lowenstein Dr.

Special Considerations
N/A

3. Project Proposal

Building Sizes and Uses

	Original Preliminary Development Plan Building Square Footage/Use	Proposed Preliminary Development Plan Building Square Footage/Use
Lot 1	6,500 sq. ft./sit-down restaurant	5,549 sq. ft./sit-down restaurant
Lot 2	6,500 sq. ft./sit-down restaurant	3,200 sq. ft./drive-thru restaurant
Total	13,000 sq. ft.	8,749 sq. ft.

The table above provides a side-by-side comparison for each respective lot of the change in building sizes and uses between the previously approved plan and the proposed plan. While both lots have a decrease in building size and the use for Lot 1 has not changed, Lot 2 has changed from a sit-down restaurant to a drive-thru restaurant. This change in use constitutes a substantial change per the UDO and cannot be approved administratively, thus requiring a new preliminary development plan.

Structure(s) Design

Number and Proposed Use of Buildings
2 restaurant/restaurant drive-thru buildings
Building Height
Lot 1: 30' Lot 2: 20' 2"
Number of Stories
1
Parking Provided
Lot 1 – 113 spaces Lot 2 – 81 spaces Total – 194 spaces provided

4. Unified Development Ordinance (UDO)

Section	Description
2.040,2.260,2.300,2.320,2.330	Preliminary Development Plans
4.240	Zoning Districts
8.620	Parking Setbacks

Unified Development Ordinance

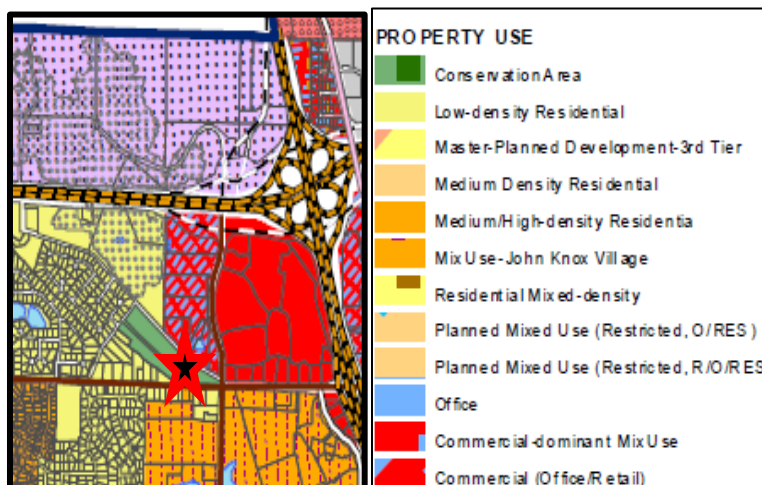
The proposed restaurant/retail land uses are allowed by right under the existing PMIX zoning district.

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 commercial (retail/office).



6. Analysis

Background

A preliminary development plan for the Streets of West Pryor Development was approved in 2019 for the overall development of the 73 acre site, including Lots 1 and 2. The plan showed two sit-down restaurant buildings on each lot and identified the allowable square footage of each building (6,500 sq. ft. each). The applicant has since identified a need to allow for smaller buildings and for one sit-down restaurant (Lot 2) to be converted into a drive-thru restaurant. The Unified Development Ordinance (UDO) does not authorize staff to administratively approve substantial changes to previously approved preliminary development plans. The change from a 6,500 square foot sit-down restaurant to a 3,200 sq. ft. drive-thru restaurant reaches the threshold of a substantial change from the approved preliminary development plan. The proposed layout and architectural appearance of the building on Lot 1 is generally unchanged from the previously approved preliminary development plan. However, the proposed drive-thru restaurant on Lot 2 is a different concept from what was previously approved, featuring a smaller building footprint, a drive-thru, and the limited use of an exterior metal material.

- April 6, 2017 – The City Council approved a rezoning (Appl. #PL2016-206) from R-1 and CP-2 to PMIX – Approximately 39 acres generally bounded by I-470 on the north, NW Pryor Road on the east, and NW Lowenstein Drive on the southwest known as West Pryor Village, by Ordinance No. 8127.
- January 8, 2019 – The City Council approved a rezoning and preliminary development plan (Appl. #PL2018-098) from R-1 to PMIX for the Streets of West Pryor development, by Ordinance No. 8531.
- November 11, 2019 – A final development plan (Appl. #PL2019-288), for Lot 10 of Streets of West Pryor (multi-tenant commercial/retail building) was approved administratively by staff.
- November 11, 2019 – A final development plan (Appl. #PL2019-251), for Summit at West Pryor (mixed-use/apartments) was approved administratively by staff.
- December 3, 2019 – A final development plan (Appl. #PL2019-191), for McKeever’s Grocery was approved administratively by staff.
- June 2, 2020 – A final development plan (Appl. #PL2020-078), for Lot 3 of Streets of West Pryor (multi-tenant commercial/retail building) was approved administratively by staff.

Compatibility

The site is located at the intersection of NW Pryor Rd. and NW Lowenstein Dr. The proposed restaurant and drive-thru restaurant building uses are consistent with surrounding land uses and are somewhat similar to the land uses shown on the previously approved preliminary development plan for the subject pad sites. The proposed layout and architectural appearance of the building on Lot 1 is generally unchanged from the previously approved preliminary development plan. However, the proposed drive-thru restaurant on Lot 2 is a different concept from what was previously approved, featuring a smaller building footprint, a drive-thru, and the use of an exterior metal material.

The proposed drive-thru restaurant is a substantial change from the approved sit-down restaurant that was approved as part of the overall preliminary development plan for the Streets of West Pryor in 2019, thus requiring approval from the Governing Body.

Adverse Impacts

The proposed smaller buildings and change from a sit-down restaurant to a drive-thru restaurant on the subject pad sites will not seriously injure the appropriate use of, or detrimentally affect, neighboring property. The buildings' layout, circulation, and architectural style are complementary and consistent with the range of architectural styles and exterior materials currently found within the Streets of West Pryor Development.

Public Services

Existing public infrastructure and services are available and adequate to meet the demand of the proposed development.

In evaluating the new preliminary development plan, the City Traffic Engineer determined that no additional roadway improvements are necessary to maintain adequate level of service. Infrastructure improvements constructed in support of the previously approved development will accommodate the additional trips generated by the proposed development in comparison to the previously approved land uses and building areas studied for Lot 1 and Lot 2 of the Streets of West Pryor project. This conclusion is supported by the applicant Traffic Impact Study Memorandum and further described in the staff prepared Traffic Impact Analysis.

Modifications

Parking Setback. Modification requested. **Staff supports the requested modification (this modification was also granted on the 2019 approved preliminary development plan).**

- 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 – The applicant proposes a 4' setback for the parking lot adjacent to NW Lowenstein Dr. (right-of-way).
- Recommendation – Staff is supportive of the modification. The reduced setback is due to the number of lanes required for Lowenstein Drive and the incorporation of the 10' wide meandering walking trail on the south side of Lowenstein Drive. The 10' meandering walking trail rather than a typical 5' sidewalk allows for enhanced greenway connections within the development and the nearby park. The right-of-way green space combined with the 4' setback will provide 21' of separation between the Lowenstein Drive curb and the Lot 1 and 2 parking lot curb. **Staff supports the requested modification.**

Conditional Material

Exterior Metal Material. Conditional material requested. **Staff supports the conditional material request.**

- Required – Metal can only be used in an incidental role (i.e., trim, architectural features, standing seam metal roofing or other architectural metal siding or roofing) as approved by the Planning Commission and/or City Council
- Proposed – White Atas International Metal Panel is proposed for portions of the building on Lot 2.
 - North Elevation/Front: 25.6% metal proposed
 - South Elevation/Drive-thru window: 69.8% metal proposed
 - East Elevation/Pryor Rd. frontage: 20.2% metal proposed
 - West Elevation/Interior lot side: 72.3% metal proposed

- Recommendation – Staff is supportive of the modification. The proposed material is a modern material that complies with industry standards for renewable building envelope technology and is composed of 24 gauge metallic coated steel. The material is also consistent with current architectural design trends and depicts Shake Shack’s modern approach to operation and customer service. Typically the guidelines for the use of metal on commercial buildings have been limited to 40% for a given elevation, however this is not a regulation within the UDO and alternate percentages can be considered by the Planning Commission and/or City Council for approvals on a case by case basis. **Staff supports the requested modification.**

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 a 4’ setback along the north and south sides of NW Lowenstein Dr.

Standard Conditions of Approval

2. 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.
3. 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).
4. 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.
5. 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.
6. 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.
 - On Lot 2, bring the FDC to the front (NW) corner of the building and move the fire hydrant to the end of drive-up lane.
7. Do not obstruct access to fire hydrants and FDC's with landscaping vegetation.
 - Make adjustments to the landscaping plan.

8. 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.