

# City of Lee's Summit

## Department of Planning & Codes Administration

September 23, 2016

TO: Planning Commission  
FROM: Robert G. McKay, AICP, Director *ULL9 For RGM*  
RE: **PUBLIC HEARING – Appl. #PL2016-145 – REZONING from R-1 to PMIX and CONCEPTUAL DEVELOPMENT PLAN – Village at View High, approximately 74 acres located at the northeast corner of SW View High Drive and SW 3<sup>rd</sup> Street; Engineering Solutions, LLC, applicant**

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### Commentary

The applicant proposes to rezone approximately 74 acres, located at the northeast corner of SW View High Drive and SW 3<sup>rd</sup> Street, from R-1 (Single-Family Residential) to PMIX (Planned Mixed Use). A conceptual development plan has also been submitted for approval illustrating how this large acreage property can be developed. The conceptual plan proposes an apartment development with a total of 312 dwelling units, senior living facilities, and a mix of commercial uses totaling approximately 245,710 square feet of building area. The commercial uses will consist of office/retail, vertical mixed use, restaurants, and a grocery store. In addition, several areas within the plan are reserved for public amenities such as gathering and event spaces.

The conceptual plan is envisioned to be developed in three general phases. The apartment development is proposed as the first phase, the remaining phases would consist of the senior living facilities and the commercial-mixed uses, respectively. A preliminary development plan application for the apartment development (Appl. #PL2016-146), has been submitted and is also on this agenda for consideration.

A conceptual development plan does not replace a preliminary development plan, but is designed to provide additional flexibility to review developments and redevelopment projects in the early stages of the process. A conceptual development plan provides a framework for which development will occur. Approval of a conceptual development plan shall become part of the ordinance that amends the zoning ordinance. Approval of the conceptual development plan does not constitute approval of a preliminary development plan for any phase shown on the conceptual development plan. By approving the conceptual development plan, the Governing Body is preserving to itself full legislative discretion to review a preliminary development plan for each phase shown on the conceptual development plan, or for the entire property, as may be applicable.

### Recommendation

Staff recommends **APPROVAL** of the rezoning and conceptual development plan, subject to the following:

1. Preliminary development plan approval shall be required for the development of any phase of the conceptual development plan.
2. The development shall be subject to the recommendations of the Transportation Impact Analysis report dated September 22, 2016.

## Project Information

**Proposed Use:** multi-family residential (apartments), residential senior living, office, retail, restaurants, and grocery store

**Current Zoning:** R-1 (Single-Family Residential)

**Proposed Zoning:** PMIX (Planned Mixed Use District)

**Land Area:** 21.34 acres (929,576.01 square feet)—Lot 1  
12.06 acres (525,507.75 square feet)—Lot 2  
4.44 acres (193,485.88 square feet)—Lot 3  
21.09 acres (918,850.89 square feet)—Lot 4  
6.75 acres (293,833.15 square feet)—Lot 5  
2.97 acres (129,373.2 square feet)—Tract A  
5.35 acres (233,046 square feet)—right-of-way  
**74 acres (3,223,440 square feet)—Total**

**Number of Lots:** 5 lots and 1 tract

**Location:** northeast corner of SW View High Drive and SW 3<sup>rd</sup> Street

**Surrounding zoning and use:**

**North:** AG (Agricultural)—vacant ground and R-1 (Single-Family Residential)—single family residence

**South (across SW 3<sup>rd</sup> Street):** PMIX (Planned Mixed Use)—New Longview Commerical area

**East:** R-1 (Single-Family Residential)—Winterset Valley Subdivision

**West (across SW View High Drive):** Kansas City, MO property—Fred Arbanas Golf Course

## Background

- July 15, 1964 – The Planning and Zoning Chairman of Jackson County Planning Commission approved the minor plat (Appl. #1964-009) for *Berbiglia Heights, Lots 2-4* and was recorded with the Jackson County Recorder's Office
- December 31, 1964 – The majority of the subject property was annexed into the City of Lee's Summit, by Ordinance No. 812.
- June 6, 1967 – The City Council approved a rezoning from AG (Agricultural) to R-1 for the *Still Meadow Farm* residential subdivision (for the majority of the subject property), by Ordinance No. 1005 (Appl. #1967-011).
- August 29, 1972— Approximately 180 feet of the subject property, east of the View High Drive right-of-way, was annexed into the City of Lee's Summit, by Ordinance No. 1389.
- July 23, 1997 – A minor plat (Appl. #1997-214) for *Berbiglia Heights, Lot 5* was approved by city staff and was recorded with the Jackson County Recorder's Office.

## Analysis of Rezoning

**Comprehensive Plan.** The 2005 Lee's Summit Comprehensive Plan generally shows this area as commercial dominant mixed use. A small portion on the eastern limits of this property is shown as low-density residential.

According to the City's Comprehensive Plan, commercial dominant mixed use is "intended for encouraging mixed use development to diverge from the now dominant development pattern of strict use separation. However, also as its name implies, a commercial-dominant mix use district should accommodate commercial uses as a significant share of the entire development. Other uses that should be allowed in a mix use district are residential uses and public uses. Residential uses should focus on multi-family housing, and single-family housing should be limited. This use category is best used for providing transition zones, breaking up strip patterns of single uses and promoting flexibility". The proposed uses appear to fit well within the overall vision of the City's Comprehensive Plan.

**Surrounding Uses.** The property to the north is zoned R-1 and AG and is comprised of a single-family dwelling and vacant ground. The property to the east is zoned R-1 and is the Winterset Valley single-family residential subdivision (and future phases). The property to the south, across SW 3<sup>rd</sup> Street, is zoned PMIX and is comprised of the New Longview commercial area. The property to the west, across View High Drive, lies within the city limits of Kansas City, MO and is comprised of the Fred Arbanas Golf course.

**Request.** The applicant proposes to rezone 74 acres from R-1 to PMIX in association with a conceptual development plan for the construction of a 312-unit apartment development, senior living facilities and a variety of commercial uses.

**Recommendation.** Staff supports the proposed rezoning to PMIX. The "Village at View High" concept is compatible with the City's Comprehensive Plan and with the "New Longview" mixed commercial development located just to the south of this property.

## Analysis of Conceptual Development Plan-Village at View High

The conceptual development plan proposes an apartment development with a total of 312 dwelling units, senior living facilities, and a mix of commercial uses totaling approximately 245,710 square feet of building area. The commercial uses will consist of office/retail, vertical mixed uses, restaurants, and a grocery store. Within the vertical mixed use areas, second floor residential living units are shown. In addition, public gathering and event spaces have been provided within the plan.

The plan is envisioned to be developed in three general phases. The apartment development is proposed as the first phase, the remaining phases would consist of the senior living facilities and the commercial-mixed uses, respectively.

In general, staff is supportive of the conceptual development plan, as its providing the framework for which development can occur on this large assembled property. Approval of the conceptual development plan does not constitute approval of a preliminary development plan for any phase shown on the conceptual development plan. As each preliminary development plan is submitted for review and approvals, additional review of land planning concepts and analysis will be required.

**Traffic.** The proposed development will likely generate more than 100 vehicle trips to the surrounding street system during any given peak hour. The surrounding street system has been planned and constructed to adequately accommodate the projected traffic impact of this

development in consideration of the improvements listed in the access management section of the TIA report and/or recommendations of approval. A traffic study was completed by TranSystems Corp., dated July 21, 2016. The traffic study was also submitted to the City of Kansas City, MO for review and concurrence. Please refer to the Transportation Impact Analysis prepared by the City Traffic Engineer, dated September 22, 2016 for additional information.

**Livable Streets.** The proposed conceptual development plan includes all Livable Streets elements identified in the City's adopted Comprehensive Plan; associated Greenway Master Plan and Bicycle Transportation Plan attachments, and elements otherwise required by ordinances and standards, including but not limited to shared public/private parking, sidewalk, landscaping, and accessibility. No exceptions to the Livable Streets Policy adopted by Resolution 10-17 have been proposed.

## **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.*

### **Public Works**

1. 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 building permits.
2. All Engineering Plan Review and Inspection Fees shall be paid for prior to approval of the engineering plans and prior to the issuance of any infrastructure permits or the start of construction (excluding land disturbance permit).
3. A Land Disturbance Permit shall be obtained from the City prior to any land disturbance activities on the site.
4. 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 16.340. If security is provided, building permits may be issued upon issuance of a Certificate of Substantial Completion of the public infrastructure as outlined in Section 1000 of the City's Design and Construction Manual.
5. 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 approval of the off-site sanitary sewer plans and off-site water line plans. A certified copy shall be submitted to the City for verification.
6. 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**

7. 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 of fire fighters and emergency responders during emergency operations, shall be in accordance with the 2012 International Fire Code.

8. Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility. Exception: The fire code official is authorized to increase the dimension of 150 feet where (1) The building is equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3. (2) Fire apparatus access roads cannot be installed because of location on property, topography, waterways, nonnegotiable grades or other similar conditions, and an approved alternative means of fire protection is provided.
9. Aerial fire apparatus access roads are required where the vertical distance between the grade plane and the highest roof surface exceeds 30 feet, approved aerial fire apparatus access roads shall be provided. For purposes of this section, the highest roof surface shall be determined by measurement to the eave of a pitched roof, the intersection of the roof to the exterior wall, or the top of parapet walls, whichever is greater.
10. Aerial fire apparatus access roads shall have a minimum unobstructed width of 26 feet, exclusive of shoulders, in the immediate vicinity of the building or portion thereof.
11. At least one of the required access routes meeting this condition shall be located within a minimum of 15 feet and a maximum of 30 feet from the building, and shall be positioned parallel to one entire side of the building. The side of the building on which the aerial fire apparatus access road is positioned shall be approved by the fire code official.
12. Overhead utility and power lines shall not be located over the aerial fire apparatus access road or between the aerial fire apparatus road and the building. Other obstructions shall be permitted to be placed with the approval of the fire code official. The multi-story buildings in Lot 2 will require access that meets these requirements.
13. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction. A water model shall be provided indicating there is available fire flow in accordance with IFC Table B105.1.
14. 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.
15. Multiple-family residential projects having more than 200 dwelling units shall be provided with two separate and approved fire apparatus access roads regardless of whether they are equipped with an approved automatic sprinkler. A second access for Lot 2 shall be required.
16. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 300 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility of building on-site fire hydrants and mains shall be provided where required by the fire code official. A hydrant plan that meets these requirements and includes hydrants within 100 feet of sprinkler system fire department connections (FDC's) shall be required.

17. 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.

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18. Accessible parking signs shall meet the requirements set forth in the **Manual on Uniform Traffic Devices (R7-8)**. Each accessible parking space shall be identified by a sign, mounted on a pole or other structure, located between 36 inches (3 feet) 60 inches (5 feet) above the ground measured from the bottom of the sign, at the head of the parking space.
19. Sign permits shall be obtained prior to installation of any signs through the Department of Planning and Codes Administration. All proposed signs must comply with the sign requirements of Article 13 of the UDO.
20. All exterior mechanical equipment, whether roof mounted or ground mounted, shall be entirely screened from view. Roof mounted equipment shall be screened by the parapet equal to the height of the mechanical equipment. Ground mounted equipment shall be screened by masonry wall or landscaping equal to the height of the units.
21. A final plat shall be approved and recorded prior to any building permits being issued. All subdivision-related public improvements must be complete prior to approval of the final plat.
22. Within the rezoning exhibit, a 30-foot building line label shall be provided along the frontage of NW View High Drive.
23. Within the rezoning exhibit, a portion of the utility easement bordering Tract A may need to be reduced in width.

RGM/jmt

Attachments:

1. Transportation Impact Analysis prepared by Michael Park, dated September 22, 2016—4 pages
2. Traffic Study, submitted by TranSystems, date stamped July 22—40 pages
3. Rezoning Exhibit date stamped September 16, 2016—1 page
4. Conceptual Development Plan, date stamped September 16, 2016— 1 page
5. Location Map