

City of Lee's Summit

Development Services Department

May 17, 2019

TO: Planning Commission

PREPARED BY: Jennifer Thompson, Senior Planner

CHECKED BY: Hector Soto, Jr. AICP, Current Planning Manager
Kent D. Monter, PE, Development Engineering Manager

RE: **Continued Appl. #PL2019-075 – REZONING from AG to CP-2 and RP-4, CONCEPTUAL DEVELOPMENT PLAN and PRELIMINARY DEVELOPMENT PLAN– Summit Village North and Aria, approximately 62 acres generally located at the northwest corner of NE Douglas St and NW Colbern Rd; Aria LS, LLC, applicant**

Commentary

The applicant proposes to rezone approximately 61.92 acres, located at the northwest corner of NW Colbern Rd. and NE Douglas St., from AG (Agricultural) to RP-4 (Planned Apartment Residential District) and CP-2 (Planned Community Commercial District). Approximately 23 (twenty-three) acres are proposed to be rezoned to RP-4 for the development of an apartment development, "Aria", proposing 485 apartment units. The remaining 40 (forty) acres are proposed to be rezoned to CP-2 for the future commercial development of "Summit Village North", totaling approximately 198,400 sq. ft. consisting of mixed commercial uses.

The proposed Aria apartment development consists of twelve, 4-story apartment buildings, one clubhouse, garages and a maintenance building. A conceptual development plan has also been provided for a future commercial development, Summit Village North, consisting of retail, restaurant, convenience store, hotel, and retirement resort uses. The proposed Summit Village North commercial development is not part of the "Aria" preliminary development plan approval, thus requiring additional review and approval under separate application.

The Aria apartment development is proposed in 2 phases; Phase consists of five apartment buildings consisting of 195 units, the clubhouse, and associated garages. Phase 2 will complete the development with 7 (seven) apartment buildings consisting of 290 units, associated garages, and a maintenance building. Proposed materials primarily include red brick and gray stucco/E.I.F.S. on the 3rd and 4th stories, with accents of red brick.



In accordance with Section 7.120 of the UDO, the preliminary development plan also serves as the preliminary plat.

The applicant requests modifications to the UDO for density and landscape buffering. Staff supports the modification requests.

- 485 units on 22.50 acres (Aria)
- 21.55 units/acre; 12 units/acre max allowed in RP-4 (Aria)
- 76% impervious coverage; 80% maximum recommended (Aria)
- 24% open space; 20% minimum recommended open area (Aria)
- 974 parking spaces required (Aria)
- 1005 parking spaces provided (Aria)

Recommendation

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

1. A modification shall be granted to the required high- and medium-impact landscape buffers along the southwest and northwest portions of the property, to allow an existing off-site, dense-treed area to serve as a buffer.
2. A modification shall be granted to the maximum allowable density of 12 dwelling units per acre in the RP-4 district, to allow 21.55 dwelling units per acre.
3. The Developer shall execute a mutually satisfactory development agreement with the City, which addresses, at a minimum, an off-site landscape easement, road improvements on Lee's Summit Road and possible down stream stormwater improvements. No building permits shall be issued for any structure in the development until written proof is provided to the City that the development agreement has been recorded in the Jackson County Recorder of Deeds Office.
4. Development shall be in accordance with the preliminary development plan date stamped May 7, 2019.

Zoning and Land Use Information

Location: approximately 62 acres located at the northwest corner of NE Douglas St and NW Colbern Rd

Current Zoning: AG

Proposed Zoning: RP-4 and CP-2

Surrounding zoning and use:

North (across NE Douglas St.): AG (Agricultural) – vacant ground and single-family uses

South (across NW Colbern Rd.): R-1 (Single-family residential) — single family residence

East (across NE Douglas St.): AG (Agricultural), CP-2 (Planned Community Commercial District), PI (Planned Industrial) — Lee's Summit Airport and vacant ground

West: Outside city limits of Lee's Summit—Unity School of Christianity

Site Characteristics. The subject site is composed of vacant/undeveloped ground.

Description and Character of Surrounding Area. The area surrounding the intersection of NW Colbern Rd. and NE Douglas St. is surrounded by undeveloped Unity Village property to the west, the Lee's Summit Airport to the east, and large lot single-family residences to the north and south.

Project Information

Current Use:	vacant and undeveloped property
Proposed Use:	apartment development
Conceptual Use:	retail, restaurants, retirement resort, convenience store, hotel
Land Area:	22.50 acres (980, 100 sq. ft.)—Lot 1 – Aria 39.42 acres (1,717,135 sq. ft.)—Lot 2 – Summit Village North 61.92 acres (2,697,235 sq. ft.)—total
Number of Buildings:	12 buildings—Lot 1 – Aria 10 buildings—Lot 2 – Summit Village North
Building Area:	624,000 sq. ft.—Lot 1 – Aria 198,400 sq. ft.—Lot 2 – Summit Village North 822,400 sq. ft.—total
Number of Dwelling Units:	485—Lot 1 – Aria 200—Lot 2 – Summit Village North 685—total
Density:	21.55 units/acre—Lot 1 – Aria
FAR:	0.12 FAR—Lot 2 – Summit Village North

Public Notification

Neighborhood meeting conducted:	none conducted
Newspaper notification published:	April 6, 2019
Radius notices mailed to properties within 185 feet:	April 3, 2019

Process

Procedure:	The Planning Commission makes a recommendation to the City Council on the proposed rezoning, preliminary development plan and conceptual development plan. The City Council takes final action on the rezoning, preliminary development plan and conceptual 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.
	There is no expiration to an approval for rezoning.

Unified Development Ordinance

Applicable Section(s)	Description
2.240, 2.250, 2.260	Rezoning
2.260, 2.300, 2.310, 2.320	Preliminary Development Plan
2.260, 2.400	Conceptual Development Plan
2.320	Development plan and allowable modifications

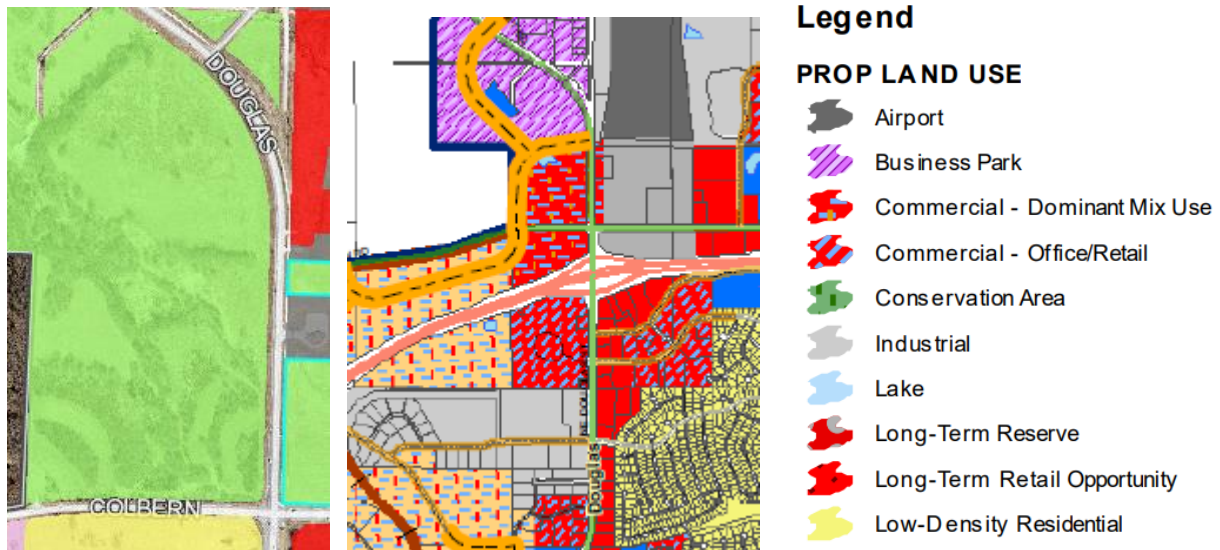
7.080, 7.100, 7.110, 7.120	Preliminary Plat
4.130, 4.190	Zoning District Regulations

Comprehensive Plan

Focus Areas	Goals, Objectives and Policies
Economic Development	Objective 2.2 Objective 2.3
Overall Area Land Use	Objective 1.1 Objective 1.2 Objective 1.4
Residential Development	Objective 3.2 Objective 3.3 Objective 3.4

Analysis of Rezoning

Comprehensive Plan. The subject 61.92 acre property is currently zoned AG. The 2005 Lee's Summit Comprehensive Plan shows the subject area as a combination of Business Park and Commercial-Dominant Mixed Use.



Surrounding Uses. The areas surrounding the subject project areas are shown as Business Park to the north and west; Commercial-Dominant Mixed Use to the south and east; and Industrial further to the east, south of the airport.

Request. The applicant proposes to rezone approximately 23 acres from AG to RP-4 and approximately 40 acres from AG to CP-2.

Recommendation. The intersection of NE Douglas St and NW Colbern Rd sits at the northern end of the NE Douglas St commercial corridor that extends south to NE Tudor Rd. The subject property's location at the intersection of two major arterial streets, as well as its proximity to I-470 access, lends itself to higher intensity commercial activity.

The area north of the subject property along NE Douglas St, and its transition to NW Lee’s Summit Rd, is developed with large acreage single-family residences located in Lee’s Summit and Kansas City. The developer proposes to develop the area north of the conceptual commercial site with an apartment use. Multi-family residential uses are an appropriate and traditionally-employed transitional land use between commercial development and lower-density residential development. Staff recommends approval of the proposed rezoning from AG to RP-4 and CP-2.

Analysis of Preliminary Development Plan

High Impact Buffer. Modification requested. Staff supports modification.

- Proposed – The southwest and northwest boundaries of the Aria apartment development have existing dense stands of mature trees that sit off-site. The applicant proposes to preserve treed areas to maintain the existing natural buffer.
- Required – A high-impact landscape buffer is required between RP-4 and CP-2 zoned properties; a medium-impact landscape buffer is required between RP-4 and AG properties.
- Recommended – Staff recommends approval of the modification to allow the existing established tree mass to remain as an existing natural buffer along the southwest and northwest boundaries of the Aria apartment development. The tree areas lie outside the boundaries of the subject development, but both the subject development and the abutting property housing the tree stands are under the ownership of Unity Village. The property owner has agreed to dedicate an off-site landscape easement to preserve the existing tree stands that will serve as the landscape buffer.

Density. Modification requested. Staff supports modification.

- Proposed – The applicant proposes 21.55 units per acre for the apartment development.
- Required – The maximum density for the RP-4 zoning district is 12.0 units per acre.
- Recommended – Staff supports the proposed density. The density for the apartment development is comparable to previously approved apartment complexes such as The Village at View High Apartments (now named Meridian Apartments) and Residences at New Longview. Although the proposed density for the apartment complex is higher than the maximum allowed in the RP-4 zoning district, it is comparable to previously approved apartment complexes within the City.

The proposed Aria development is located on property currently under the ownership of Unity Village; the development is also surrounded to the north, west and east by property also under the ownership of Unity Village, which insulates other properties under separate ownership from the impacts of the higher density. The table below compares the proposed density with that of other similar developments recently approved.

Project Name	Total Number of Units	Lot Acreage	Density
Village at View High Apartments	312	21.34	14.62 units/acre
Residences at New Longview	309	15.5	19.9 units/acre
New Longview Apts. (AMLI)	206	8.1	25.43 units/acre
The Fairways at Lakewood	272	12.97	21.14 units/acre
The Residences at Echelon	243	11.5	21.79 units/acre
Streets of West Pryor Apartments (proposed)	250	6.9	36.2 units/acre

Streets of West Pryor Senior Living (proposed)	165	6.8	24.2 units/acre
--	-----	-----	-----------------

Multi-Family Housing Assessment

In 2017 the City contracted with Vogt Strategic Insights (VSI) to conduct a housing study to evaluate the future market demand for new rental multi-family housing developments within the City. VSI projected that Lee’s Summit will demand an additional 2,319 market rate units over the next decade.

The VSI study determined the demand for apartments in Lee’s Summit to be very strong. Typical overall market occupancy rate for conventional apartments in markets similar to Lee’s Summit was approximately 95%. At the time of the study the occupancy rate of surveyed projects in Lee’s Summit was 98.4%. A vacancy rate of less than 5% indicates that overall market demand is exceeding the supply of available rental housing options.

VSI concluded that the demand for rental housing in the Lee’s Summit market area exceeded the available supply. The full text of the study may be found at https://issuu.com/cityofleessummit/docs/housing_needs_assessment_2017.

Projected Housing Demand for Market-Rate Units by Bedroom Type (2027)		
<u>Bedrooms</u>	<u>Suggested Share of Units</u>	<u>Supportable Units</u>
One-Bedroom	45% - 60%	1,050 – 1,400 units
Two-Bedroom	30% - 45%	700- 1,050 units
Three-Bedroom	5% - 10%	115 – 230 units
Total		2,319

Stream Buffer

The applicant has proposed to develop within required stream buffer areas on the Preliminary Development Plan and Conceptual Plan. Stream buffers are required by the Design & Construction (D&C) Manual and their widths are based on the size of the upstream contributing subwatershed. Any requested deviations from the required stream buffer widths require the approval of the City Engineer through a waiver process.

The stream buffers shown on the Conceptual Plan to the south of the Aria development; contain proposed buildings and parking lots, which are not allowed, by the D&C Manual, within the stream buffer. These proposed developments within the stream buffer will be further evaluated during the preliminary development plan review stage and may or may not be fully supported / approved by City staff.

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. For any development within two (2) miles of the Lee's Summit Municipal Airport property or any construction that is more than 200 feet tall, a FAA Form 7460 shall be completed and submitted to the FAA, and either a copy of the FAA approval or FAA review comments indicating their conditions for approval shall be submitted to the City prior to the issuance of any building permits.
2. The proposed development is located within either the Horizontal Surface, Approach Surface, or Conical Surface of the Part 77 Airspace of the Lee's Summit Municipal Airport. Therefore, this proposed development will be subject to frequent over flights of arriving and departing aircraft. (The radius of the Horizontal Surface is 10,000 feet from the ends of Runway 18-36 and 5,000 feet from the ends of Runway 11-29 and the Conical Surface is 4,000 feet wide. The Approach Surface varies in length and width depending on the runway.)
3. 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 plat and approved prior to the approval of the final plat. All public infrastructure must be substantially complete, prior to the issuance of any certificates of occupancy.
4. 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).
5. 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.
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. Upon approval of the proposed rezoning by City Council, the applicant will become responsible to provide the appropriate level of right-of-way maintenance (mowing) during each growing season with the defined area abutting their property as defined and outlined in the City's Mowing Policy, approved by Council on November 3, 2005.
9. 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.
10. Proposed stream buffers shown on the Preliminary Development Plan and Conceptual Plan shall be evaluated by the City Engineer prior to approval. In particular, the stream buffer shown on the Conceptual Plan to the south of the Aria development, shows the existence of proposed buildings, parking lots, and other development which would not be allowed within the stream buffer. Development within the stream buffer shown on the Conceptual Plan may not be supported by City staff.
11. A US Army Corps of Engineers permit shall be obtained prior to issuance of any infrastructure or building permits.

12. Off-site stormwater improvements may be required of the existing Unity Lake #2 located downstream of the proposed development. A private agreement for maintenance may be required. A copy of the agreement shall be provided to the City.

Fire

13. 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. Projects reviewed after April 1, 2019 will be subject to the 2018 International Fire Code.
14. IFC 503.2.1 - Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6096 mm), exclusive of shoulders, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 13 feet 6 inches (4115 mm). D105.1 Where required. Where the vertical distance between the grade plane and the highest roof surface exceeds 30 feet (9144 mm), 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. D105.2 Width. Aerial fire apparatus access roads shall have a minimum unobstructed width of 26 feet (7925 mm), exclusive of shoulders, in the Immediate vicinity of the building or portion thereof. D105.3 Proximity to building. One or more of the required access routes meeting this condition shall be located not less than 15 feet (4572 mm) and not greater than 30 feet (9144 mm) 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. D105.4 Obstructions. 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. Action required: Adjust fire lane widths and set backs from the building in the commercial areas.
15. IFC 507.5.1 - 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 or building, on-site fire hydrants and mains shall be provided where required by the fire code official.
16. IFC 507.1 - 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 when the types of construction for the commercial areas are known.

Planning

17. 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 9 of the UDO.
18. A final plat shall be approved and recorded prior to any building permits being issued.
19. Lighting shall meet the Unified Development Ordinance as outlined in Article 8 of the Unified Development Ordinance.
20. Landscaping shall meet the Unified Development Ordinance as outlined in Article 8 of the Unified Development Ordinance.

Attachments:

1. Transportation Impact Analysis prepared by Michael Park, dated May 14, 2019 – 5 pages
2. Traffic Study submitted by Olsson, date stamped April 24, 2019 – 46 pages
3. Preliminary Development Plan, date stamped May 7, 2019 – 13 pages
4. Conceptual Plan, date stamped May 7, 2019 – 2 pages
5. Stormwater memo from applicant, date stamped April 2, 2019 – 1 page
6. Sanitary System Capacity Analysis submitted by Olsson, date stamped May 7, 2019 – 14 pages
7. Rezoning and PDP criteria – 3 pages
8. Modification Requests from applicant – 1 page
9. Location Map