



LEE'S SUMMIT
MISSOURI
Development Services Department

Development Services Staff Report

File Number	PL2021-134
File Name	REZONING from AG to RP-3 and PRELIMINARY DEVELOPMENT PLAN – Osage 3 rd Plat
Applicant	Clayton Properties Group, Inc. d/b/a Summit Homes
Property Address	2151 SW M-150 Hwy
Planning Commission Date	June 24, 2021
Heard by	Planning Commission and City Council
Analyst	C. Shannon McGuire, Planner
Checked By	Hector Soto, Jr., AICP, Planning Manager Kent Monter, PE, Development Engineering Manager

Public Notification

Pre-application held: February 9, 2021

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 August 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: June 5, 2021

Radius notices mailed to properties within 300 feet on: June 4, 2021

Site posted notice on: June 3, 2021

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Attachments

Transportation Impact Analysis prepared by Brad Cooley, dated June 14, 2021 – 2 pages

Stormwater Drainage Study by Olsson, dated April 28, 2021 – 18 pages

Preliminary Development Plan, date stamped April 23, 2021 – 8 pages

Modification Request Letter, dated May 21, 2021 – 1 page

Location Map

1. Project Data and Facts

Project Data	
Applicant	Clayton Properties Group, Inc. d/b/a Summit Homes
Applicant’s Representative	Brad Kempf/Owner Representative Julie Sellers, PE/Engineer
Location of Property	2151 SW M-150 Hwy
Size of Property	4.59 Acres
Number of lots	12 lots (24 dwelling units) 2 common area tracts
Zoning (Proposed)	RP-3 (Planned Residential Mixed-Use District)
Zoning (Existing)	AG (Agricultural District)
Density (Proposed)	2.61 units/acre (including common area); 4.17 units/acre (excluding common area) – 10 units/acre max allowed in RP-3
Comprehensive Plan Designation (2005)	Residential Mixed-density
Procedure	The Planning Commission makes a recommendation to the City Council on the proposed rezoning and preliminary development plan. The City Council takes final action on the rezoning and preliminary development plan.
Duration of Validity	Preliminary development plan (PDP) 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.

Current Land Use
The 4.59-acre property is a single, vacant un-platted parcel. The property is currently zoned AG (Agricultural) and has been historically used as farm ground.

Description of Applicant’s Request
The applicant proposes to rezone 4.59 acres located at 2151 SW M-150 Hwy from AG (Agricultural) to RP-3 (Planned Residential Mixed Use). The proposed subdivision will be the third phase of the previously

approve Osage residential subdivision. The proposed development will be composed of 12 two-family lots and 2 common area tracts. This PDP also acts as the preliminary plat, as allowed under the UDO.

2. Land Use

Description and Character of Surrounding Area

The surrounding area is a mix of single-family and undeveloped vacant properties. The properties to the north across M-150 Hwy are large lot single-family homes. Located to the east and south is the previously approved Osage residential subdivision phases I & II (currently under construction). To the west is an AG zoned undeveloped vacant parcel.

Adjacent Land Uses and Zoning

North(across M-150 Hwy):	AG (Agricultural) and R-1 (Single-Family Residential) — large lot single-family
South:	RP-3 (Planned Residential Mixed Use)— Osage residential subdivision
East	RP-3 (Planned Residential Mixed Use) — Osage residential subdivision
West:	AG (Agricultural) —vacant ground

Site Characteristics

The 4.59-acre property generally slopes from the west to the east and displays the typical signs of a property that has historically been used as farm ground. There is a slight draw that bisects the southern third of the property.

Special Considerations

The subject property lies within the M-150 Hwy Corridor Development Overlay (CDO) boundaries. However, the proposed development is not subject to the M-150 Hwy CDO standards because they only apply to multi-family residential development consisting of buildings with three (3) and greater dwelling units per structure (i.e. triplexes and above).

3. Project Proposal

Parking

Proposed		Required	
Total parking spaces proposed:	48 (enclosed) 48 (driveway)	2 per dwelling unit (one must be fully enclosed)	24 (enclosed) 24 (other)

Setbacks

Yard	Required	Proposed
Two-Family (Lots 76-87)		
Front	25'/15' corner lots	25'/15' corner lots
Side	5'	5'

Rear	20'	20'
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Lot Dimensions

	Two-Family (Lots 76-87)
Minimum Depth	115'
Minimum Width	70'
Minimum Area	8,050 Sq. Ft.

4. Unified Development Ordinance (UDO)

Section	Description
2.240, 2.250, 2.260	Rezoning
2.260, 2.300, 2.310, 2.320	Preliminary Development Plan
4.120	Zoning District Regulations

5. Comprehensive Plan

Focus Areas	Goals, Objectives & Policies
Overall Area Land Use	Objective 1.1 Objective 1.2 Objective 1.4
Residential Development	Objective 3.2 Objective 3.3

6. Analysis

Background and History

- November 11, 1975 – The City Council approved a rezoning (Appl. #1975-003) of approximately 87 acres generally located at the southwest corner of SW M-150 Hwy and SW Pryor Rd from AG to R-1 by Ordinance #1632. The south 20 acres of the proposed Osage residential development was included in this rezoning.
- June 1, 1993—The City Council approved a rezoning (Appl. #1993-017) of 10 acres located at the southwest corner of SW M-150 Hwy and SW Pryor Rd from AG (Agricultural) to R-1 (Single-Family Residential) for the proposed Salvaggio’s Ranch final plat by Ordinance #3852. This property constitutes the northeast portion of the proposed Osage residential development.
- June 1, 1993—The City Council approved the final plat (Appl. #1993-235) of Salvaggio’s Ranch, Lots 1-3 by Ordinance #3856.
- February 5, 2019 — Appl. #PL2018-184 – Rezoning from AG and R-1 to RP-3 and Preliminary Development Plan – Proposed Allera single-family development failed to attain the minimum required affirmative votes to be approved.

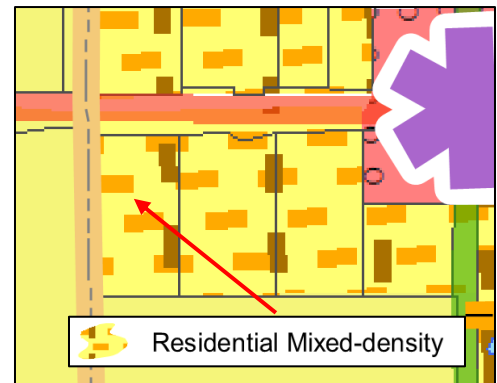
- December 10, 2019 — The City Council approved a rezoning (Appl. #PL2019-307) from AG and R-1 to RP-3 and preliminary development plan for the Osage residential mixed density subdivision by Ordinance #8784.

Analysis of Rezoning

The proposal is to rezone 4.59 acres from AG (Agricultural) to RP-3 (Planned Residential Mixed Use). The proposed subdivision will be the third phase of the Osage development and be composed of 12 two-family structures (24 dwelling units) and 2 common area tracts. All development of this site shall be tied an approved plan and substantial deviation will require a new preliminary development plan approval.

Comprehensive Plan

The proposed 12-lot subdivision is consistent with the residential mixed-density land use recommended by the Comprehensive Plan. The proposed subdivision meets the objectives of the Comprehensive Plan as it is establishing a well-defined land use for the property that is consistent with the character of the previously approve phases of the Osage neighborhood.



Compatibility

The proposed subdivision is consistent with the previously approved Osage subdivision. The proposed building materials and architecture are similar and compatible with existing residential subdivisions in the area and throughout the city. The proposed building exterior is composed of stone veneer, LP Smart lap/panel siding, LP shake shingle siding and composite shingle roofs.



Adverse Impacts

The proposed development will not detrimentally impact the surrounding area as the use is not expected to create excessive noise and air pollution. The proposed development will not create excessive storm water runoff. A portion of the stormwater will be managed on-site by the construction of a detention pond adjacent

to the northeastern property line and a portion will be managed off-site in an existing detention basin located in the 2nd plat that is capable of handling the additional flow.

Public Services

The increase in traffic caused by the proposed development will be mitigated by road improvements that were previously approved as part of the original Osage project. These improvements are outlined in the Transportation Impact Analysis dated November 7, 2019, prepared by Michael Park, City Traffic Engineer.

Unified Development Ordinance

The requested RP-3 (Planned Residential Mixed-Use District) provides for medium-density mixed residential uses at a maximum of ten units per gross acre. The RP-3 District allows for one-, two-, three- and four-family attached and detached dwelling units. Should the requested rezoning and preliminary development plan be granted, the proposed development would satisfy any requirements applicable to the zoning district pursuant to UDO.

Modifications

Maximum number of Cul-de-sac lots. Modifications requested. **Staff supports the requested modifications.**

- **Required** – The total number of cul-de-sac lots in a subdivision shall be no more than ten (10%) percent of the total number of lots in the subdivision.
- **Proposed** – 12.6%
- **Recommendation** – The proposed location of the 3rd plat is limited by the narrow width of the property and only allows for a single north-south street with lots located on each side. As this property was not a part of the original Osage project, no provision was made for a road connection to SW Osage Drive at the southern portion of the lot. Given this and the infill nature of the property, staff believes that the requested modification is reasonable and supports the request.

Recommendation

With the conditions of approval below, the application meets the requirements of the UDO and/or Design and Construction Manual (DCM).

7. Recommended Conditions of Approval

Site Specific Conditions

1. A modification shall be granted to the 10% maximum total number of cul-de-sac lots in a subdivision, to allow for 12.6% cul-de-sac lots in the Osage subdivision.
2. Development shall be in accordance with the preliminary development plan dated April 4, 2021.
3. The architectural style and building materials for the two-family homes shall be consistent with the building elevations that were submitted with the preliminary development plan dated April 4, 2021.
4. The name of Rivengate Court shall be changed as the "riven" series of names is used in another part of the City.

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 plat and approved prior to the approval of the final plat. All public infrastructure must be substantially complete, prior to the issuance of any building permits.
6. A Master Drainage Plan (MDP) shall be submitted and approved in accordance with the City's Design and Construction Manual for all areas of the development, including all surrounding impacted areas, along with the engineering plans for the development. The MDP shall address drainage level of service issues on an individual lot basis.
7. 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 site development permits or the start of construction (excluding land disturbance permit).
8. 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 7.340. If security is provided, building permits may be issued upon issuance of a Certificate of Substantial Completion of the public infrastructure as outlined in Article 3, Division V, Sections 3.540 and 3.550 and Article 3, Division IV, Section 3.475 of the UDO, respectively.
9. The As-graded Master Drainage Plan shall be submitted to and accepted by the City prior to the issuance of a Certificate of Substantial Completion and prior to the issuance of any building permits for the development.
10. A Land Disturbance Permit shall be obtained from the City if groundbreaking will take place prior to the issuance of a site development permit, building permit, or prior to the approval of the Final Development Plan / Engineering Plans.
11. 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.
12. 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.
13. All ADA sidewalk ramps shall be constructed by the developer at the time the street is constructed.
14. 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.
15. 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.
16. A final plat shall be approved and recorded prior to any building permits being issued.