



LEE'S SUMMIT
MISSOURI
Development Services Department

Development Services Staff Report

File Number	PL2019-020
File Name	Continued Appl. #PL2019-020 – REZONING from RP-2 to RP-3 and PRELIMINARY DEVELOPMENT PLAN – Burton Townhomes
Applicant	Cherokee Flight LLC
Property Address	408 & 500 NW Olive St.
Planning Commission Date	July 11, 2019
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: October 23, 2018 & January 8, 2019
Neighborhood meeting conducted: June 8, 2019
Newspaper notification published on: June 22, 2019
Radius notices mailed to properties within 185 feet on: May 24, 2019
Site posted notice on: May 31, 2019

Table of Contents

1. Project Data and Facts	2
2. Land Use	3
3. Project Proposal	3
4. Unified Development Ordinance (UDO)	4
5. Comprehensive Plan	4
6. Analysis	5
7. Recommended Conditions of Approval	11

Attachments

Transportation Impact Analysis prepared by Michael Park, dated June 2, 2019 – 5 pages

Traffic Study submitted by Priority Engineers, dated October 8, 2018 – 4 pages

Storm Water Report by Renaissance Infrastructure Consulting, Date stamped March 14, 2019 – 12 pages

Preliminary Development Plan, date stamped May 14, 2019 – 11 pages

Architectural Elevations, dated stamped May 14, 2019 – 1 page

Location Map

1. Project Data and Facts

Project Data	
Applicant	Cherokee Flight LLC
Applicant's Representative	Dick Burton/Owner Mick Slutter, PE/Engineer
Location of Property	408 & 500 Olive St
Size of Property	3.76 Acres
Zoning (Proposed)	RP-3 (Planned Residential Mixed Use District)
Zoning (Existing)	RP-2 (Planned Two-Family Residential District)
Density (Proposed)	9.57 units/acre (10 units/acre max in RP-3)
Floor Area Ratio	0.43
Comprehensive Plan Designation	Old Lee's Summit Neighborhoods
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 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
408 NW Olive St. consists of two parcels totaling 1.39 acres with an existing 1,152 sq. ft. single family home. 500 NW Olive St. is a 2.2 acre partially wooded lot with an existing 1,500 sq. ft. barn.

Description of Applicant's Request
The applicant is seeking rezoning and preliminary development plan approval for a 36-unit residential development comprised of nine four-family attached dwelling units (fourplex). Each unit will be approximately 1,663 sq. ft. The applicant has indicated that the intention is to condo each unit. A

restriction will be included in the covenants prohibiting rentals and limiting them to owner occupied units.

2. Land Use

Description and Character of Surrounding Area

The proposed site is located west of the intersection of NW Olive St and NW Orchard St. approximately 500 feet north of the NW Olive St. dead end. The surrounding neighborhood is comprised of a mix of 25 single family homes (average 1,066.52 sq. ft.) and 10 smaller two family homes (average 1,510.2 sq. ft. or 755.1 sq. ft. per unit). These one story single family and two family homes are characteristic of the simple post WWII architectural style.

Adjacent Land Uses and Zoning

North:	PI (Planned Industrial District) – Boise Cascade Lumber Yard RP-2 (Planned Two-Family Residential District) – Single family and two family homes
South:	RP-2 (Planned Two-Family Residential District) – Single family homes
East (across NW Olive St.):	RP-2 (Planned Two-Family Residential District) – Single family homes
West (across railroad tracts):	PI (Planned Industrial District) – Attic Storage R-1 (Single-Family Residential District) - Single family homes

Site Characteristics

The site consists of three lots that form a T-shaped site. The Union Pacific railroad line borders the site on the west side; an existing tree line provides screening between the railroad line and the subject tracts. 408 NW Olive St. consists of two parcels totaling 1.39 acres with an existing 1,152 sq. ft. single family home. 500 NW Olive St. is a 2.2 acre partially wooded lot with an existing 1,500 sq. ft. barn. The sole access to the site is from NW Olive St.

Special Considerations

The Union Pacific railroad line borders the site on the west side.

3. Project Proposal

Site Design

Land Use	
Impervious Coverage:	44.8%
Pervious:	55.2%
TOTAL	100%

Parking

Proposed		Required	
Total parking spaces proposed:	72 - 2 per unit 28 - visitor parking 100 Total	Total parking spaces required:	72

Setbacks (Perimeter)

Yard	Building Required	Building Proposed
Front	20'	20'
Side	10' from lot line and 20' separation between buildings	20' from lot line and 20' separation between buildings
Rear	30'	26'*

*Requires modification

Structure(s) Design

Number and Proposed Use of Buildings
9 multi-family buildings (fourplex)
Building Height
28'10"
Number of Stories
2 stories

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
2.320	Development plan and allowable modifications
4.120	Zoning District Regulations

5. Comprehensive Plan

Focus Areas	Goals, Objectives & Policies
Overall Area Land Use	Objective 1.4
Residential Development	Objective 3.2 Objective 3.3 Objective 3.4
Chapter IV: Preferred Framework (Old Lee's Summit Development Master Plan)	Increase Housing Stock

6. Analysis

Background and History

- March 16, 1887 – The plat for Hearne’s Addition was recorded.

Staff has had several conversations and met with the applicant on three occasions. During those conversations and meetings, staff conveyed the concern that the proposed project needs to be consistent with the surrounding neighborhood in terms of the building scale and massing. The applicant was also directed to take into account the historical nature of the Downtown Lee’s Summit neighborhoods when designing the exteriors of the building. Subsequent resubmittals of the development plans provided an increase in the architectural elements of the buildings in the form of additional widows, projections and architectural accents. However, the applicant has not addressed the concerns with the buildings scale and massing.

Compatibility

The single family homes on NW Olive St are typical post WWII single story ranch homes built between 1950-1962, with the exception of 407 NW Olive St which was constructed in 1935. These homes range in size from 864 sq. ft. to 1,646 sq. ft., with the average being 1,066.52 sq. ft. The two family (duplex) homes on NW Olive St. were construct between 1950 and 1962. These duplexes range in size between 1,432 sq. ft. to 1,646 sq. ft., with the average being 1,510.2 sq. ft.

While the opportunity for neighborhood redevelopment and additional infill is present in the neighborhood, the mass and scale of the proposed building is in contrast with the character of the existing homes. The four family buildings will be two stories with a tall roof peak and have a total height of nearly 28’ 10”. The buildings will have a footprint of 3,524 sq. ft. with individual units being 1,663 sq. ft.

Adverse Impacts

The development is designed and located in such a way that it will act as a buffer to the more intensive uses to the north (lumber yard) and west (railroad). It also serves as a transition between these uses to the surrounding residential homes. Additional storm water runoff will be mitigated by the construction of two detention ponds adjacent to the western property line. The increase in traffic caused by the

proposed development will be mitigated by road improvements as outlined below and in the Transportation Impact Analysis dated July 2, 2019, prepared by Michael Park, City Traffic Engineer.

Public Services

Olive St and Orchard St are defined according to the Unimproved Road Policy as built to unimproved road standards. Both roadways lack urban street design elements (e.g. curb, sidewalk) and shoulders present on interim standard roadways.

A transportation evaluation pertaining to this development and applicability of the Unimproved Road Policy was conducted by Priority Engineers. This evaluation included some analysis of traffic, trip generation and the development impact on Olive St and Orchard St. The transportation evaluation submitted by the applicant's engineer incorrectly characterized the development process and policy applicability on this project. The proposed development is a preliminary development plan and remains subject to the Unimproved Road Policy.

The Unimproved Road Policy does not associate development activity with interim road standards on local or collector roadways and specifically requires local and collectors to be constructed to or improved to the urban standard for any development per the Policy. Though Olive Street and Orchard Street had a measured average daily traffic volume far below 5,000 vehicles per day the Policy requires improvements to urban standards on both roadways from the project to Chipman Rd and Douglas St, respectively, as neither roadway is an arterial.

Since the transportation evaluation provided by the applicant's engineer dismissed the policy or erred in its interpretations of applicability, there has been no justification for waivers nor road improvements recommended by the applicant's engineer or included in the applicant's development plans.

The volume of traffic on Olive St and Orchard St is low, even for residential streets, and the added trips generated by this proposed residential development are also minimal. There are no known one-lane sections of roadway along Olive Street or Orchard Street. The existing 10-foot to 11-foot lanes are plenty capable of handling the existing traffic and projected trip generation from this residential project without creating poor operations, delay, etc. Staff is not aware of any existing crash concerns along Olive Street or Orchard Street. The intersections of Olive Street at Chipman Road and Orchard Street at Douglas Street should also have adequate level of service if this development were to proceed.

The absence of sidewalks along Olive Street and Orchard Street is a safety concern. However, the City's current development standards do not require development activity to extend sidewalk beyond the project area unless associated with off-site road improvements. If improvements to Olive Street and/or Orchard Street were required based on the Unimproved Road Policy, the road improvements would require sidewalks.

Staff recommends approval of the proposed preliminary development plan subject to urban road improvements along Olive St and Orchard St according to the Unimproved Road Policy.

There shall be at least 60 feet of right-of-way for Olive St. Any necessary right-of-way adjacent to the development shall be dedicated to the City to provide this minimum width as depicted on the preliminary development plans.

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 modifications be granted, the proposed development would satisfy any requirements applicable to the zoning district pursuant to UDO.

Modifications

A high impact screening buffer between developments of differing land uses adjoining one another is required by the UDO along the north property line, adjacent to the industrially zoned lumberyard. The high impact screening requirements include a twenty foot buffer yard with a six foot high masonry wall or opaque vinyl fence and high-impact screening planted on both sides of the wall or the fence.

The applicant proposes to provide a 20' wide high impact landscape screen with a 6' tall vinyl fence placed on the north property line, with the high impact screen planted on the south side of the fence. By installing the fence on the property line and planting the required screening elements on the south side of the fence, the vegetation will be more accessible and the burden of any required ongoing maintenance will be reduced.

A rear-building setback of 30' is required along the west property line. The applicant proposes to provide a 26' setback. The west property line runs adjacent to the 145' Union Pacific Railroad right-of-way with the tracks located approximately 50' from the property line. Heavily wooded vegetation exists on both sides of the western property.

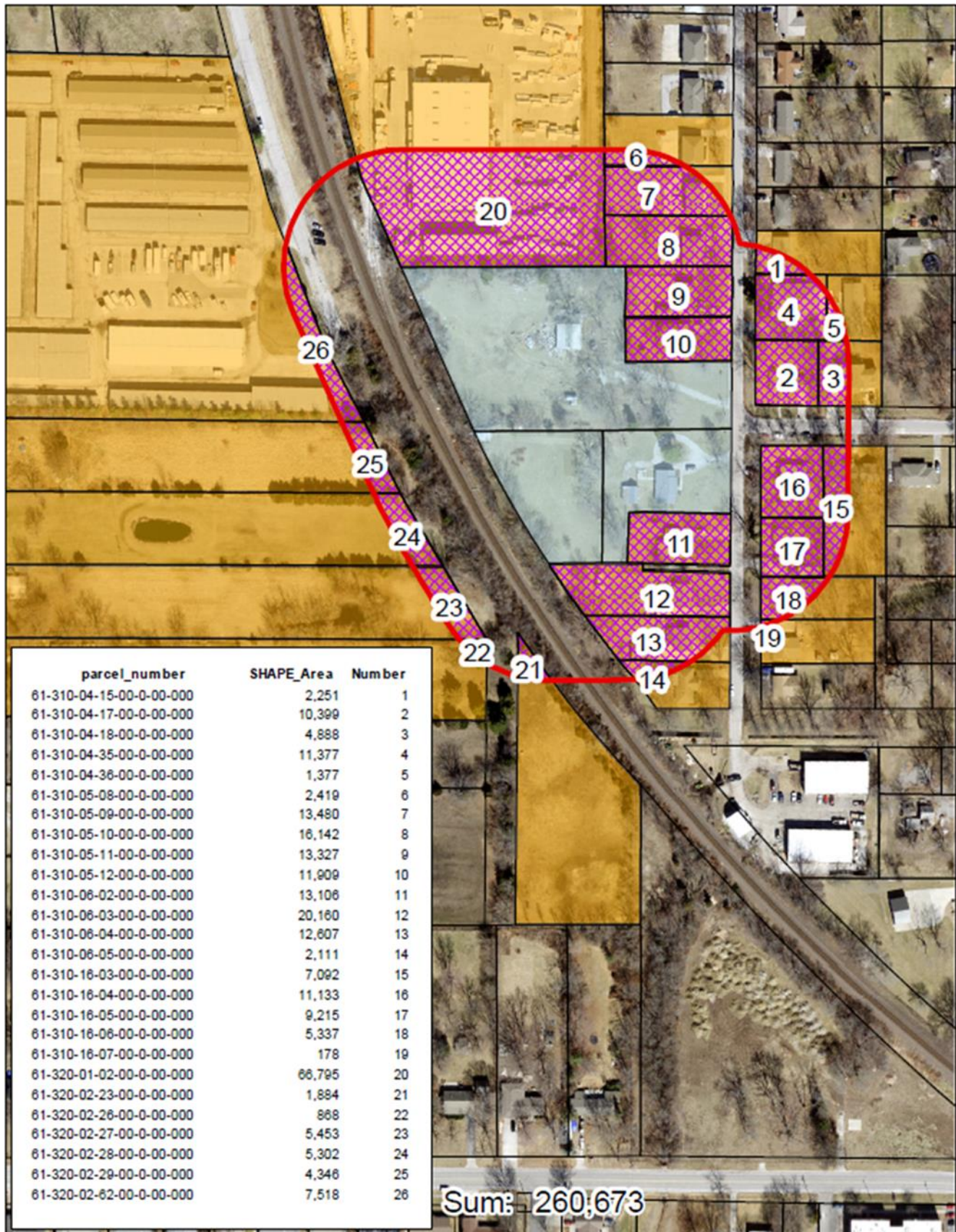
Comprehensive Plan

The proposed project site is located within the boundaries of the Old Lee's Summit Development Master Plan area and is identified as being a part of the Old Lee's Summit Neighborhood area. The preferred framework of the Old Lee's Summit Development Master Plan sets the goal of increasing the housing stock, to include rental and for sale multi-family, medium to high-density single family and townhouse units in this area. The proposed use is in alliance with the plan's established goal of increasing the available multi-family housing stock by providing a diverse housing type to meet the changing housing needs of the community.

An additional element of the preferred framework of the Old Lee's Summit Development Master Plan established the goal of improving neighborhood streets from the current rural section to an urban section. The proposed development would be in conformance to the Old Lee's Summit Development Master Plan should the applicant make improvements to Olive St and Orchard St based on the Unimproved Road Policy and as outlined in the Transportation Impact Analyses.

Protest Petition

A total of twelve property owners submitted protest petitions against the project. Eleven of those persons own property within the 185' notification boundary, and they represent 103,879 sq. ft. or 39.9% of the property within 185' from the boundaries of the property included in the application. The criteria to trigger a valid protest petition **HAS** been met per Section 89.060, RSMo, and UDO Sec. 2.200, as the total areas of the land represented among the protesting property owners is greater than the required 30%. An ordinance approving the application shall not become effective except by the favorable vote of two-thirds of all members of the Governing Body.



#PL2019-020

Planning Commission Hearing Date / July 11, 2019

Page 10 of 12

Protesting:

Property Owners	Parcel Number	Map #	Sq. Ft. w/in 185'	% of Total
Amy Matson	61-310-04-17-00-0-00-000	#2	10,399	3.99%
LW Properties LLC	61-310-04-35-00-0-00-000	#4	11,377	4.36%
LW Properties LLC	61-310-04-36-00-0-00-000	#5	1,377	0.53%
William Jr & Michelle Sandy	61-310-06-02-00-0-00-000	#11	13,106	5.03%
Dianna & Paul Peoples	61-310-06-03-00-0-00-000	#12	20,160	7.73%
Ralph & Patsy Vanbebber	61-310-06-04-00-0-00-000	#13	12,607	4.84%
Albert D Redmon	61-310-06-05-00-0-00-000	#14	2,111	0.81%
Tracey & Tana Neill	61-310-16-03-00-0-00-000	#15	7,092	2.72%
Janice Newman	61-310-16-04-00-0-00-000	#16	11,133	4.27%
Cathy McClintock	61-310-16-05-00-0-00-000	#17	9,215	3.54%
Tena & Johnnie Nichols	61-320-02-28-00-0-00-000	#24	5,302	2.03%
Total			103,879	39.9%

Other Properties:

Property Owners	Parcel Number	Map #	Sq. Ft. w/in 185'	% of Total
Heather Forester	61-310-04-15-00-0-00-000	#1	2,251	0.86%
Tim & Machell Seiler	61-310-04-18-00-0-00-000	#3	4,888	1.88%
Burnett Investments LLC	61-310-05-08-00-0-00-000	#6	2,419	0.93%
Cherie Bray-Magee	61-310-05-09-00-0-00-000	#7	13,480	5.17%
Burnett Investments LLC	61-310-05-10-00-0-00-000	#8	16,142	6.19%
Stewardship Investments LLC	61-310-05-11-00-0-00-000	#9	13,327	5.11%
Constellation Real Estate Investments LLC	61-310-05-12-00-0-00-000	#10	11,909	5.57%
Carol Posey	61-310-16-06-00-0-00-000	#18	5,337	2.05%
Eric Long & Lindsay Zehnder	61-310-16-07-00-0-00-000	#19	178	0.0007%
221 NW Chipman Road LLC	61-320-01-02-00-0-00-000	#20	66,795	25.62%
Mark Farhner & Darold Farhner	61-320-02-23-00-0-00-000	#21	1,884	0.72%
Mark Farhner & Darold Farhner	61-320-02-26-00-0-00-000	#22	868	0.33%
Mark Farhner	61-320-02-27-00-0-00-000	#23	5,453	2.09%
PJCJ Donovan LLC	61-320-02-29-00-0-00-000	#25	4,346	1.67%
Stow It Associates LLC	61-320-02-62-00-0-00-000	#26	7,518	2.88%
Total			156,794	60.1%

**Total Sq. Ft. Within 185' of "Burton Townhomes" Property = 260,673 sq. ft.

Properties outside of 185':

Property Owners	Parcel Number	Address
Harvie & Sharon Farnam	61-310-16-08-00-0-00-000	401 NW OLIVE ST

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 design of the required 20' wide high impact landscape screen along the north property line, to allow a 6' vinyl fence placed on the north property line and all required landscaping material planted on the south side of the fence.
2. A modification shall be granted to the required 30' rear yard setback, to allow for a 26' rear yard setback along the west property line.
3. The proposed building roofline shall be lowered in order to reduce the bulk and mass of the proposed structures so as to be more compatible with the mass and scale of the existing homes on NW Olive St.
4. A front door entrance with a covered side porch that faces NW Olive St and sidewalk connection to Olive St shall be created on building 1 & 9 to achieve a front door entrance appearance.
5. A minimum of three (3) foot unit offsets between dwelling units shall be created to break up the mass of the buildings.
6. The fence along NW Olive St. shall be reduced from a 6' privacy fence to a 4' picket fence to create the appearance of front yard look, more consistent with the adjoining homes.
7. Development shall comply with the recommendation of the Transportation Impact Analysis (TIA) dated July 2, 2019, prepared by Michael Park, City Traffic Engineer.

Standard Conditions of Approval

8. 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.
9. 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).
10. 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.
11. 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.
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 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.
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. One side of the street shall be posted "No Parking" by signage.