

# City of Lee's Summit

## Development Services Department

March 8, 2019

TO: Planning Commission

PREPARED BY: Jennifer Thompson, Planner

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

RE: **Public Hearing – Appl. #PL2019-017 – PRELIMINARY DEVELOPMENT PLAN and Appl. #PL2019-018 –#SPECIAL USE PERMIT for assisted living facility – Lee's Summit Senior Living Facility, generally located at the southeast corner of SE Ranson Rd and SE Oldham Pkwy; O'Reilly Development Co., applicant**

---

### Commentary

The applicant proposes a preliminary development plan and special use permit for a senior living community consisting of a 3-story independent living facility, 1-story memory care facility, and 1-story assisted living facility, located on the south side of SE Oldham Pkwy and east of SE Ranson Rd. The project includes SE Princeton Rd extending to the north through the site to SE Oldham Pkwy. The property is zoned CP-2 (Planned Community Commercial District), which requires special use permit approval for a convalescent, nursing or retirement home use.

The proposed development consists of a parcel of land that is to be platted into two lots, the remaining tract to the west will remain unplatted. The senior living community is proposed on Lot 1 and is comprised of three (3) interconnected buildings, totaling approximately 159,645 sq. ft. The color palette and materials for the proposed facility includes dark brown brick and stone veneer, vertical and horizontal cement board siding in browns/tans, and architectural asphalt shingles. The senior living community is intended to function as a full continuum care facility.

Modifications are requested for the eastern boundary high impact buffer and building height. Staff supports the requested modifications.

The applicant requests a 99+ year time period. Staff recommends a 40-year time period.

- 159,645 square feet – three (3) interconnected buildings
- 48% proposed overall impervious coverage – 80% maximum recommended impervious coverage
- 52% proposed overall open area – 20% minimum recommended open area
- 0.35 proposed overall FAR – 0.55 maximum allowed FAR in the CP-2 district
- 154 parking spaces required – 156 parking spaces provided

### Recommendation

Staff recommends **APPROVAL** of the preliminary development plan and special use permit, subject to the following:

1. A modification to the high impact buffer along the eastern boundary, to allow the existing tree mass to serve as a buffer.
2. A modification to the maximum building height of 40 feet in the CP-2 zoning district, to allow a total building height of approximately 41.6 feet.

3. The developer shall execute a mutually satisfactory development agreement with the City, which addresses, at a minimum, any required offsite water, sanitary and road 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's Office.
4. Development shall be in accordance with the preliminary development plan date stamped February 19, 2019, inclusive of the road improvements along SE Oldham Pkwy and extension of SE Princeton Drive.
5. The special use permit shall be granted for a period of 40 years.

## Zoning and Land Use Information

**Proposed Use:** memory care, assisted living, and independent living facilities –a senior living community

**Current Zoning:** CP-2 (Planned Community Commercial District)

**Land Area:** 533,062 square feet (12.2 acres)

**Location:** southeast corner of SE Ranson Rd and SE Oldham Pkwy

**Surrounding Zoning and Use:**

**North (across SE Oldham Pkwy and Hwy 50):** CP-2 (Planned Community Commercial District) – hospital and senior living facility

**South:** R-1 (Single-family Residential District) – single-family subdivision, *Princeton Heights*

**East:** AG (Agricultural District) – vacant ground, unplatted

**West:** CP-2 (Planned Community Commercial District) – vacant ground, unplatted

**Site Characteristics.** The property is an undeveloped, unplatted lot, located on the south side of SE Oldham Pkwy and east of SE Ranson Rd., along the U.S. Highway 50 corridor. The property is a relatively level piece of ground, similar in character to a farm field with an existing row of trees along the eastern property line.

**Description and Character of Surrounding Area.** The surrounding area is primarily developed with a single family subdivision to the south, undeveloped land to the east and west, and a hospital and senior living facility, to the north, across U.S. Highway 50.

## Project Information

**Current Use:** vacant property, unplatted

**Number of Lots:** 2 (two) proposed lots

**Proposed Use:** memory care, assisted living, and independent living facilities –a senior living community

**Land Area:** Lot 1 = 455,406 sq. ft. (10.45 acres)

Lot 2 = 30,129 sq. ft. (1.09 acres)

Proposed right-of-way = 47,527 sq. ft. (1.09 acres)

Total = 533,062 sq. ft (12.23 acres)

**Building Area:** 39,960 sq. ft.—assisted living facility (44 beds)

107,400 sq. ft. –independent living facility (91 units)

12,285 sq. ft. – memory care facility (18 beds)

159,645 sq. ft. –total for senior living community

**Proposed FAR:** 0.35

**Number of proposed Buildings:** three (3) interconnected buildings

**Number of proposed Stories:** 3-story independent living facility, 1-story assisted living facility, and 1-story memory care facility

**Building Height:** 41.6 feet

**Parking Spaces:** 154 spaces required; 156 spaces proposed

## Public Notification

**Neighborhood meeting conducted:** March 4, 2019

**Newspaper notification published:** February 23, 2019

**Radius notices mailed to properties within 185 feet:** February 22, 2019

## Process

**Procedure:** The Planning Commission makes a recommendation to the City Council on the proposed preliminary development plan and special use permit. The City Council takes final action on the preliminary development plan and special use permit.

**Duration of Validity:** Preliminary development plan approval by the City Council shall not be valid for a period longer than twenty-four 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.

A special use permit shall be valid for a specific period of time if so stated in the permit.

## Unified Development Ordinance

Applicable Section(s)	Description
2.300, 2.310, 2.320	Preliminary Development Plan
6.620, 6.630, 6.640, 6.650, 6.830	Special Use Permit
4.050	Zoning Districts

## Comprehensive Plan

Focus Areas	Goals, Objectives and Policies
Economic Development	Objective 2.1 Objective 2.2 Objective 2.3
Overall Area Land Use	Objective 1.1 Objective 1.2 Objective 1.3 Objective 1.4

Commercial Development	Objective 4.1 Objective 4.2 Objective 4.3
------------------------	---

**Background**

- April 4, 1995 – The City Council approved a rezoning (Appl. #1995-008) from AG to C-1 (now CP-2) – on land located at the southeast corner of 50 Highway and Ranson Road, by Ordinance No. 4115. (An associated site plan was submitted for approval, however the site plan was denied; the rezoning was approved).

**Analysis of the Preliminary Development Plan**

**High Impact Buffer.** Modification requested along the eastern property line.

- Proposed – The eastern boundary has an existing mature tree line. The proposed site development allows this tree line to remain in place as an existing mature natural buffer.
- Required – The Lee’s Summit Comprehensive Plan shows the recommended land use of the property to the east as medium-density residential. An adjacent medium-density residential use designation requires, by ordinance, a high impact buffer. A high impact buffer consists of a 100 percent opaque screen installed within a 20-foot buffer yard between land uses. The screen is composed of (1) a six-foot high masonry wall or opaque vinyl fence, (2) and low impact screening planted on both sides of the wall or the fence.
- Recommended – Staff recommends approval of the modification to allow the existing established tree mass to remain as an existing natural buffer to the eastern boundary. The proposed extension of Princeton Drive is positioned 20-feet from the eastern boundary to minimize damage to the roots of the existing trees.

**Building Height.** Modification Requested

- Proposed – 41.6-feet (independent living facility)
- Required – 40-feet

Recommended – Staff recommends approval of the modification request to allow the proposed 41.6 foot building height. The Unified Development Ordinance requires this use to incorporate and maintain architecture that is residential in character. The independent living facility has been designed with a sloped roof system. The sloped roofing system increases the overall height of the structure, however it seems to be more compatible and provides the best aesthetic to neighboring residential properties.

**Sanitary Sewer Analysis**

The proposed development will have an impact on the City’s existing sanitary sewer system that currently does contain a few bottleneck conditions downstream of the connection point. Therefore it was necessary for the applicant to identify improvement alternatives that would offset the projected flows from the future development. These improvements could allow the development to move forward without causing conditions to worsen in the interceptor. The applicant has determined that if three interceptor segments were upsized, increasing the sewer’s capacity, the proposed development would not have a negative impact to the current system. The applicant understands that they are responsible for the construction costs associated with the upsizing of these segments, but are requesting they be completed by the City under a future CIP project. The Water Utilities Department is willing to consider this request, however the City

does not currently have a CIP project identified in this area, therefore the timing of the improvements are crucial. A more detailed (house-by-house) analysis for potential sanitary sewer backups may be required during the final development plan process. If none of the above are able to be achieved or coordinated, the applicant will be responsible for upsizing the required segments (to substantial completion) prior to obtaining any certificates of occupancy.

### **Water Analysis**

An initial (unsealed) water supply report was provided by the applicant and reviewed by City staff. Concerns were raised whether or not the required fire flows could be obtained without looping the 12-inch water line along SE Oldham Parkway to the west to a connection point on SE Ranson Road. In addition, City staff does not agree with some of the assumptions made within the report. Therefore a revised water supply report will be required during the final development plan process. If the applicant is unable to demonstrate that there is adequate fire flow protection, without looping the water line, they will be required to (substantially) complete the improvement prior to obtaining any certificates of occupancy.

### **Livable Streets.**

The proposed development 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 sidewalk, landscaping, parking, and accessibility. No exceptions to the Livable Streets Policy adopted by Resolution 10-17 have been proposed.

### **Analysis of Special Use Permit**

**Ordinance Requirements.** Under the Unified Development Ordinance (UDO), a special use permit is required for a convalescent, nursing or retirement home which is defined as "an intermediate care facility primarily engaged in providing inpatient nursing and rehabilitative services to residents who require watchful care and medical attention or treatment, but not on a continuous basis, although staff is on duty 24-hours per day".

There are four conditions and restrictions listed under this use in Section 6.830 of the UDO:

1. **The property shall have a minimum lot area of 40,000 square feet and shall have a minimum lot width of 200 feet.** The site area is 455,406 square feet and approximately 703 feet in width.
2. **Not less than 500 square feet of lot area is provided for each patient/resident.** This requirement has been met. The estimated maximum patient/resident occupancy would be  $244 \times 500 = 122,000$  square feet of lot area. The proposed lot area is 455,406 sq. ft.
3. **Side yards shall be increased to double the side yard required in the district.** The side yard setback for the CP-2 zoning district is 10-feet. The proposed side yard setback back has been shown as a 20-foot side yard setback.
4. **The architecture of the facility shall maintain a residential character.** The senior community will be designed with a residential character using materials and features typical in single family home design. A sloped roofing system is proposed to be compatible with the residential environment to the south.

### **Time Period.**

- Request – The applicant requests a 99+ year time period.

- Recommendation – Staff is unable to support the requested time period. Staff could recommend approval for a time period of 40 years. A similar senior housing development that was approved in 2010, Magnolia Place at Charleston Park (formerly Benton House), was approved for a 40-year time period. Also as a comparison, The Carlyle Senior Living development was approved in 2002 for a period of 20 years.

**Ordinance Criteria.** The criteria enumerated in Section 2.260 as well as the regulations in Section 6.650 addressed above were considered in analyzing this request.

- The lot is zoned CP-2. The adjacent property to the west is zoned CP-2. Other surrounding zoning districts are CP-2 to the north (across Highway 50), AG to the east, and R-1 to the immediate south. The proposed use is allowed in the CP-2 zoning district with approval of a special use permit.
- The proposed retirement community will not affect the appropriate use of neighboring property. The area is situated along the US Highway 50 corridor, and is currently surrounded by vacant, undeveloped land to the east and west, and a residential subdivision to the south. A hospital and senior living facility is located north of the property, across US Highway 50.
- The proposed use is not expected to negatively impact traffic and/or parking in the area. The development will be accessed from SE Oldham Pkwy to the north and with the extension of SE Princeton Drive providing access to the development from the neighborhood to the south.
- The development will not impede the normal and orderly development and improvement of the surrounding property. The proposed development will help facilitate the development of surrounding property by providing upgrades to the existing sanitary sewer system, improvements to the roadways, and the extension of the city water main services.

In considering all the criteria and regulations, staff finds the use to be appropriate and recommends approval of the special use permit.

### **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. 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.
2. 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).
3. 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.

4. 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.
5. All permanent off-site water line easements, in a form acceptable to the City, shall be executed and recorded with the Jackson County Recorder of Deeds prior to the approval of any engineering plans for the off-site water line extension, or approval of the final plat. 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.
7. Certain aspects of the development plan including the detention and drainage study, water supply report and sanitary sewer analysis 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.

**Fire**

8. 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.
9. The fire lanes for the multi-story facility shall meet the requirements of IFC 503.2.1, Section D105, D105.1, D105.2, D105.3, D105.4. Fire lanes are measured by drivable surface and do not include curbs.
10. A water model shall be provided that provides the fire flow indicated by amended IFC Table B-105.2. A 50 percent reduction in required fire flow is allowed for buildings with automatic fire sprinkler systems.
11. 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. A paving plan shall be required.

**Planning**

12. Sign permits shall be obtained prior to installation of any signs through the Development Services Department.
13. A final plat shall be required prior to the issuance of a building permit.
14. A tree preservation plan for the existing tree mass along the eastern property boundary shall be submitted prior to the issuance of a land disturbance permit.
15. All screening a roof mounted or ground mounted units shall be screened in accordance with the Unified Development Ordinance.

**Attachments:**

1. Transportation Impact Analysis, prepared by City Traffic Engineer, dated March 4, 2019 – 4 pages
2. Traffic Study, submitted by Priority Engineers, Inc., date stamped, February 28, 2019 – 31 pages
3. Preliminary Development Plan, date stamped February 19, 2019 – 10 pages
4. Elevations, date stamped February 19, 2019 – 4 pages

5. Preliminary Plat – 1 page
6. Special Use Permit Criteria, Comprehensive Narrative, and Additional Special Conditions Narrative, and Modification Requests provided by Applicant, date stamped February 19, 2019 – 7 pages
7. Photos of Subject and Surrounding Properties, date stamped February 19, 2019 – 2 pages
8. Sign In Sheet from Neighborhood Meeting –1 page
9. Location Map