

# City of Lee's Summit

## Development Services Department

June 8, 2018

TO: Planning Commission  
PREPARED BY: C. Shannon McGuire, Planner  
CHECKED BY: Hector Soto, Jr., AICP, Current Planning Manager  
RE: **PUBLIC HEARING – Appl. #PL2018-050 – REZONING AG to PMIX & PRELIMINARY DEVELOPMENT PLAN – Cobey Creek, approximately 97.28 acres located at 500 SE M-150 Hwy; JCM Development LLC, applicant**

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### Commentary

*For clarification purposes, a question was brought up at the June 12, 2018 Planning Commission meeting regarding the location of the proposed project in relation to the M-150 Corridor Development Overlay District (CDO). This project is located within the boundaries of the CDO and adherence to the prescribed development standards shall be a prerequisite for final development plan approval.*

The applicant proposes to rezone approximately 97.28 acres, located at 500 SE M-150 Hwy, from AG (Agricultural) to PMIX (Planned Mixed Use District). The proposed Cobey Creek subdivision will be a four-phase mixed use development composed of 186 single family lots, 44 two-family structures (88 dwelling units), 4 commercial pad sites and 8 common area tracts.

The 97 acre property is currently an unplatted AG (Agricultural) zoned lot with a single family residence. The approximately 5,000 sq. ft. home will be repurposed as the subdivision clubhouse/event center.

The overall amount of proposed square footage for the commercial buildings is 58,880 sq. ft. The materials for the proposed commercial buildings include brick, simulated stone veneer, architectural masonry units, stucco, lap siding and simulated wood panel systems. The materials utilized for roofing include standing seam metal, architectural asphalt shingles and concrete tile.

The applicant proposes a modification to the maximum block length of 700 feet to allow a block length of approximately 835 feet for Road "C" (north/south, adjacent to lots 1-23) and Road "D"; and 1160 feet for Road "J", Road "K" and Road "C" (east/west, adjacent to lots 32-58). The applicant has also requested a modification to allow 51 lots be platted as part of the first phase with one (1) point of ingress to and egress from the subdivision. Staff supports the modification requests.

- 186 single family lots
- 44 two-family structures (88 dwelling units)
- 4 commercial pad sites
- 8 common area tracts
- 97.28 acres total acres (4,237,595 sq. ft.)
- 3.14 units/acre – overall residential density, including common area

### Recommendation

Staff recommends <b>APPROVAL</b> of the rezoning and preliminary development plan, subject to the following:
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1. A modification shall be granted to the 700-foot maximum block length, to allow an approximate block length of 835 feet for Road "C" (north/south, adjacent to lots 1-23) and Road "D".
2. A modification shall be granted to the 700-foot maximum block length, to allow an approximate block length of 1160 feet for Road "J", Road "K" and Road "C" (east/west, adjacent to lots 32-58), subject to the provision of a 15-foot wide pedestrian way connecting Road "J" through Road "K" to Road "C".
3. A modification shall be granted to the maximum allowance of 50 dwelling units on a single point of access, to allow 51 lots be platted as part of the first phase of the subdivision with one (1) point of ingress and egress.
4. Development shall be in accordance with the preliminary development plan, date stamped May 22, 2018.
5. Development standards (e.g. setbacks, lot widths, lot size, building height, etc.) for the commercial pad sites shall follow the CP-2 district standards. Development standards for the premiere and villa style single-family residential lots shall follow the RP-1 district standards. Development standards for the two-family residential area shall follow the RP-2 district standards.
6. Development shall be subject to the recommended road improvements outlined in the Transportation Impact Analysis prepared by Michael Park, dated June 6, 2018.

## Zoning and Land Use Information

**Location:** NW corner of SE M-150 Hwy and SE Doc Henry Rd

**Current Zoning:** AG (Agricultural)

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

**Surrounding zoning and use:**

**North:** AG (Agricultural)—vacant ground

**South (across M-150 Hwy):** AG (Agricultural)—large lot single family; and CP-2 (Planned Community Commercial District)—vacant ground

**East (outside of city limit in Greenwood, MO):** A (Agriculture District)—vacant ground; and R-1 (First Dwelling House District)—single family homes and vacant lots

**West:** AG (Agricultural)—vacant ground

**Site Characteristics.** The property is a 97 acre AG zoned tract developed with a single family residence.

**Description and Character of Surrounding Area.** The surrounding area is primarily undeveloped/unplatted property with the exception of the properties to the east. The properties to the east are a mix of undeveloped and developed residential lots.

## Project Information

**Current Use:** large acreage tract with a single family home

**Proposed Use:** mixed use consisting of commercial, two-family residential and single family residential

**Land Area:** 97.28 acres (4,237,595 sq. ft.)

**Number of Lots:** 4 commercial pad sites, 186 single family lots and 44 two-family structures

**Number of Lots/Units by phase:**

Multi-Family Units (2 Units Per BLDG.)				
Phase I	Phase II	Phase III	Phase IV	Total
16	42	30	0	88
Villa Lots				
12	11	22	0	45
Premiere Lots				
23	45	43	30	141
Residential Lot totals by Phase				
51	99	95	30	274
Commercial Pad Sites				
0	4	0	0	4

**Proposed FAR (commercial area):** Pad #1 - 0.06 (sit-down restaurant)  
 Pad #2 - 0.08 (sit-down restaurant)  
 Pad #3 - 0.07 (bank/credit union)  
 Pad #4 - 0.62 (assisted living facility)

**Density (residential area):** 3.14 units/acres, including common area – overall residential

**Process**

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

**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.

**Unified Development Ordinance**

Applicable Section(s)	Description
5.240	PMIX (Planned Mixed Use District)
4.240, 4.250, 4.260	Rezoning, Preliminary Development Plan

**Analysis of Rezoning**

The proposal is to rezone approximately 97.28 acres located at 500 SE M-150 Hwy from AG (Agricultural) to PMIX (Planned Mixed Use District). The proposed Cobey Creek subdivision will be a four-phase mixed use development composed of 186 single family lots, 44 two-family structures (88 dwelling units), 4 commercial pad sites and 8 common area tracts.

**Comprehensive Plan.** The 2005 Lee’s Summit Comprehensive Plan shows the area as residential mixed-density. The Cobey Creek plan is a slight deviation from the Comprehensive Plan in that the proposed development contains a commercial element along the M-150 Hwy

frontage. Staff believes the location of the commercial element is an appropriate use of the land given its location along a highway corridor and supports the proposed Cobey Creek plan.

**Surrounding Uses.** The properties to the north and west are zoned AG and are unplatted, undeveloped property. The properties to the east are zoned Agriculture and First Dwelling House District—these properties are located outside of the city limits in Greenwood, MO and are a mix of developed and undeveloped residential lots. The properties to the south are unplatted, undeveloped parcels zoned AG and CP-2.

**Recommendation.** Staff recommends approval of the proposed rezoning to PMIX. The use is generally consistent with the Comprehensive Plan and is compatible with the existing and planned surrounding land use.

## **Analysis of Preliminary Development Plan**

**Block Length.** Modification requested. **Staff supports requested modification.**

- Proposed – The applicant proposes a block length of approximately 835 feet for Road “C” (north/south, adjacent to lots 1-23) and Road “D”; and 1160 feet for Road “J”, Road “K” and Road “C” (east/west, adjacent to lots 32-58).
- Required – The maximum block length in a residential district is 700 feet. Blocks up to 10% longer than the maximum may be administratively approved if the requirement cannot be met due to physical constraints, such as topography, drainageways, and existing surrounding streets.
- Recommended – The UDO contains a provision that mid-block connections, in the form of sidewalks, pedestrian walkways, bicycle paths, trails, or alleys, be a factor in considering blocks longer than the stated maximum block lengths. The applicant has communicated the intent and willingness to install a 15-foot wide pedestrian way connecting Road “J” through Road “K” to road “C”.

The proposed pedestrian path would effectively split the block length to under the 700 feet as required by the UDO while increasing the pedestrian connectivity and walkability of the northern portion of the subdivision. For these reasons staff supports the requested modifications to the block length of Road “J”, Road “K” and Road “C” (east/west, adjacent to lots 32-58).

The requested modification for Road “C” (north/south, adjacent to lots 1-23) and Road “D” extends the maximum block length by 135 feet or roughly the width of two lots. Staff believes the additional length would not negatively affect the pedestrian connectivity and walkability of this section of the subdivision and have a negligible effect on vehicular traffic. For these reasons staff supports the requested modification for Road “C” (north/south, adjacent to lots 1-23) and Road “D”.

**Lot Limit.** Modification requested. **Staff supports requested modification.**

- Proposed – Fifty-one (51) residential dwelling units are proposed within Phase 1 of the Cobey Creek subdivision with one (1) point of ingress to and egress from the subdivision.
- Required – A limit of fifty (50) residential dwelling units with one (1) point of ingress to and egress from the subdivision.
- Recommended – The applicant is providing three distinct residential building products—two -family duplexes, villa style homes and traditional single family. Phase 1 offers a mix of each product. As laid out on the plan, the 50 dwelling unit limit causes Tract H, a common area tract housing a detention basin serving Phase 1, to become disjointed from the rest of

Phase 1. A single lot (Lot 12) that lies within the proposed Phase 2 boundaries separates Tract H from the rest of Phase 1. Absorbing Lot 12 into Phase 1 and allowing 51 residential dwelling units in said phase results in keeping the plat as one contiguous tract of land. The required second point of access will be provided at the time Phase 2 develops. Staff believes the request to allow 51 lots in Phase 1 to be reasonable and supports the modification.

## 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. Retaining walls, including any structural portion of a retaining wall such as footings, geogrid, or other structural members must be a minimum of fifteen (15) feet from the outside of any sanitary sewer pipe or sanitary sewer structure, and fifteen (15) feet from the outside of any water line. It appears there are instances where this requirement has not been met.
2. All required engineering plans and studies, including water lines, sanitary sewers, storm drainage, detention basins, 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.
3. A Master Drainage Plan (MDP) shall be submitted and approved in accordance with the City's Design and Construction Manual for all residential 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 within the residential portion of the project.
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. 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.
7. 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 any Final Development Plan or Engineering Plan.
8. 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 any final development plan or engineering plan for this project. A review copy must be submitted to the City prior to execution to ensure the easement language and exhibit conform to City standards, and a certified copy of the executed and recorded easement shall be submitted to the City for verification.

9. A restriction note shall be included on the final plat stating: "Individual lot owner(s) shall not change or obstruct the drainage flow paths on the lots, as shown on the Master Drainage Plan, unless specific application is made and approved by the City Engineer."
10. Upon approval of the proposed rezoning, 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.
11. 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.
12. The water line loop shall be constructed during Phase 1 of the development. This loop shall require two (2) connection points along M-150 as shown on the Preliminary Development Plan. Engineering plans shall be required to show, at a minimum, rough grading for the west water line, following the general location of the Road A and Road B as shown on the Preliminary Development Plan, along with appropriate drainage structures (if required) to ensure there is adequate drainage for the rough-graded area, and to ensure there is no ponding of water after grading. The location of this water line shall be accessible to City maintenance personnel, and sufficient easements shall be dedicated.
13. A separate stormwater detention basin shall be required to serve Pad 4 as shown on the Preliminary Development Plan. This detention basin shall be designed and constructed when a Final Development Plan is approved for Pad 4. The design shall be accompanied by an appropriate drainage and detention study.

#### **Fire**

14. 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.

#### **Planning**

15. 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 by the City Council unless security is provided in the manner set forth in UDO Section 16.340.
16. No final plat shall be recorded by the developer until the director of Planning and Special Projects and the City Attorney have reviewed and approved the declaration of covenants and restrictions pertaining to common property as prepared in accordance with Section 5.330 of the UDO, and until the Director has received certification from the Missouri Secretary of State verifying the existence and good standing of the property owners' association required by Section 5.340 of the UDO. In addition, the approved Declaration of Covenants, Conditions and Restrictions shall be recorded prior to the recording of the final plat.
17. A 5-foot sidewalk shall be provided along both sides of Road "G", Road "H" and Road "I". The sidewalk shall wrap around the cul-de-sac bulbs.
18. At the time Pad 1 develops a 5-foot sidewalk shall be constructed adjacent to SE Doc Henry Road connecting M-150 to Road "B".

19. Ownership and maintenance of all common area tracts shall be dedicated to the homeowners association.
20. Sidewalks along all common area tracts and unplatted property shall be constructed by the developer at the time the subdivision infrastructure is installed in accordance with UDO requirements.
21. All ADA sidewalk ramps shall be constructed by the developer at the time the subdivision infrastructure is installed.

Attachments:

1. Transportation Impact Analysis prepared by Michael Park, dated June 6, 2018—4 pages
2. Traffic Impact Study, prepared by HG Consult Inc., date stamped March 30, 2015 –26 pages
3. Rezoning Exhibit dated March 30, 2018—1 page
4. Preliminary Development Plan, date stamped May 22, 2018— 19 pages
5. Single-Family Residential Compatibility Form, date stamped May 22, 2018—3 pages
6. Modification request letter, dated May 22, 2018 – 1 page
7. Location Map