

# City of Lee's Summit

## Development Services Department

December 7, 2018

TO: Planning Commission  
PREPARED BY: C. Shannon McGuire, Planner  
CHECKED BY: Hector Soto, Jr., AICP, Current Planning Manager  
RE: **PUBLIC HEARING – Appl. #PL2018-184 – REZONING from AG and R-1 to RP-3 and PRELIMINARY DEVELOPMENT PLAN – Allera, approximately 32 acres located at the southwest corner of SW Pryor Rd and SW M-150 Hwy; Olsson Associates, applicant**

---

### Commentary

The applicant proposes to rezone 31.473 acres, located at the southwest corner of SW Pryor Rd and SW M-150 Hwy, from AG (Agricultural) and R-1 (Single-Family Residential) to RP-3 (Planned Residential Mixed Use). The proposed Allera subdivision will be a three-phase development composed of 159 single-family lots, and 12 common area tracts.

The 31.473 acre property is currently a mix of 3 un-platted and 2 platted parcels. The platted parcels are currently zoned R-1 (Single-Family Residential), one of which has an existing single-family home. The remaining three un-platted lots are undeveloped with two being zoned R-1 (Single-Family Residential) and one zoned AG (Agricultural).

The proposed Allera development will provide a housing type not currently available in the Lee's Summit housing market. The new single-family homes will range from 1300-1900 sq. ft. and be priced in the \$200-\$250k price range. The applicant is proposing to construct these homes on lots that will be a minimum of 38' x 110' with a minimum lot area of 4180 sq. ft. The modern two-story homes will be constructed with lap siding, metal/composite roofing and textured siding.

While the RP-3 district allows residential uses ranging from single-family to multi-family, the applicant only proposes to construct single-family homes. All development of this site is tied to the approved plan and any deviation from single-family residential will require a new preliminary development plan approval.

The applicant proposes three modifications. The first modification is to the required minimum lot width of 50', to allow for a minimum lot width of 38'. The second modification request is to the required minimum 20' rear yard setback, to allow for a minimum 15' rear yard setback. The final modification request is the required low impact landscaping screening buffer, to allow for no landscaping screening buffer. Staff supports the modification requests.

- 159 lots
- 12 common area tracts
- 31.473 acres total acres (1,370,963.88 sq. ft.)
- 5.05 units/acre – overall residential density, including common area – 10 units/acre maximum density in the RP-3 district
- 8.98 units/acre – overall residential density, excluding common area

### Recommendation

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

1. A modification shall be granted to the required minimum lot width of 50', to allow for a minimum lot width of 38'.
2. A modification shall be granted to the required minimum 20' rear yard setback, to allow for a minimum 15' rear yard setback.
3. A modification shall be granted to the required low impact landscaping screening buffer, to allow for no landscaping screening buffer.
4. Development shall be in accordance with the preliminary development plan, date stamped November 20, 2018.
5. Development shall be subject to the recommended road improvements outlined in the Transportation Impact Analysis prepared by Michael Park, dated December 4, 2018.

## Zoning and Land Use Information

**Location:** Southwest corner of SW Pryor Rd and SW M-150 Hwy

**Current Zoning:** AG (Agricultural) and R-1 (Single-Family Residential)

**Proposed Zoning:** RP-3 (Planned Residential Mixed Use)

**Surrounding zoning and use:**

**North (across M-150 Hwy):** AG (Agricultural) and R-1 (Single-Family Residential) — large lot single-family

**South:** AG (Agricultural)—large lot single-family

**East:** CP-2 (Planned Community Commercial/Retail) and RP-3 (Planned Residential Mixed Use) —vacant ground

**West:** AG (Agricultural) and R-1 (Single-Family Residential) —vacant ground

**Site Characteristics.** The 31.473 acre property is currently a mix of 3 un-platted and 2 platted parcels. The platted parcels are currently zoned R-1 (Single-Family Residential), one of which has an existing single-family home. The remaining three un-platted lots are undeveloped with two being zoned R-1 (Single-Family Residential) and one zoned AG (Agricultural).

**Description and Character of Surrounding Area.** The surrounding area is a mix of large lot single-family and undeveloped vacant properties. The properties to the north are large lot single-family homes. The properties to the east and west are undeveloped, vacant parcels. To the south are large lot single-family homes. The Napa Valley single-family subdivision is located to the southeast of the proposed project. Grand Summit View and Arborwalk single-family subdivisions are located to the northeast.

## Project Information

**Current Use:** Vacant agricultural ground and a single-family home

**Proposed Use:** Single-family homes

**Land Area:** 31.473 acres (1,370,951 sq. ft.)

**Number of Lots:** 159 single-family lots and 12 common area tracts

**Density:** 5.05 units/acre including common area – 10 units/acre maximum permitted

8.98 units/acre excluding common area

## Public Notification

**Neighborhood meeting conducted:** none

**Newspaper notification published:** November 24, 2018

**Radius notices mailed to properties within 185 feet:** November 20, 2018

## 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

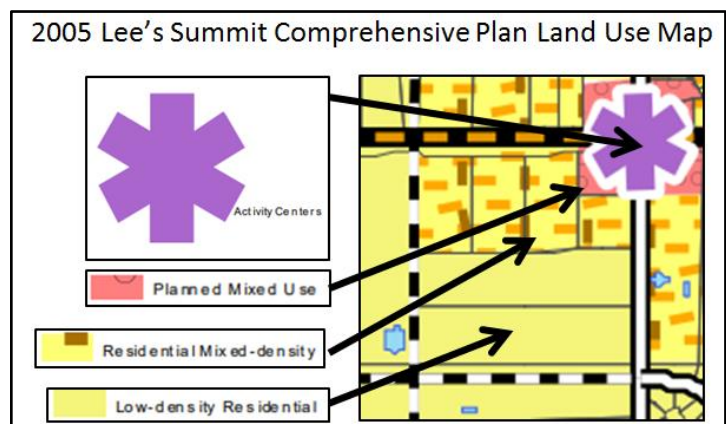
Applicable Section(s)	Description
4.120	RP-3 (Planned Residential Mixed Use)
2.240, 2.250, 2.260	Rezoning, Preliminary Development Plan

## Comprehensive Plan

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

The 2005 Lee's Summit Comprehensive Plan Land Use Map identifies the area of the proposed project as a mix of Planned Mixed Use, Residential Mixed-density and Low-density Residential. The intersection of SW Pryor Rd and SW M-150 Hwy is identified as an Activity Center.

The M-150 Sustainable Corridor Vision and Framework Plan identifies an Activity Center as a Mixed-use center intended to promote compatibility with adjacent uses and to concentrate higher intensity uses such as retail, office, and multi-family residential in areas where they may be readily accessed and supported by existing and future neighborhoods.



## Background

- June 1, 1993—The City Council approved a rezoning (appl. #1993-017) changing the zoning from district A (Agricultural) to R-1 (Single-Family Residential) by Ordinance #3852.
- June 1, 1993—The City Council approved the final plat (Appl. #1993-235) *Salvaggio's Ranch Lots 1-3* by Ord. #3856.

## Analysis of Rezoning

The proposal is to rezone 31.473 acres from AG (Agricultural) and R-1 (Single-Family Residential) to RP-3 (Planned Residential Mixed Use). The proposed Allera subdivision will be a three-phase development composed of 159 single-family lots, and 12 common area tracts.

**Comprehensive Plan.** The 2005 Lee's Summit Comprehensive Plan Land Use Map identifies the area of the proposed project as a mix of Planned Mixed Use, Residential Mixed-density and Low-density Residential. The intersection of SW Pryor Rd and SW M-150 Hwy is identified as an Activity Center. The Allera plan is a slight deviation from the Comprehensive Plan in that the proposed development synthesizes the two residential land use categories into one cohesive housing type. Staff believes the location of the proposed plan is an appropriate use of the land and supports the proposed project.

**Surrounding Uses.** The surrounding area is a mix of large lot single-family and undeveloped vacant properties. The properties to the north are large lot single-family home. The properties to the east and west are undeveloped, vacant parcels. To the south are large lot single-family homes. The Napa Valley single-family subdivision is located to the southeast of the proposed project. Grand Summit View and Arborwalk single-family subdivisions are located to the northeast.

**Recommendation.** Staff recommends approval of the proposed rezoning to RP-3. The use is generally consistent with the Comprehensive Plan; is compatible with existing and planned surrounding land uses; and meets Comprehensive Plan objectives of providing a diverse housing type that meets an identified need in the market.

## Analysis of Preliminary Development Plan

**Landscape Buffer.** Modification requested. **Staff supports requested modification.**

- Proposed – The applicant requests to eliminate the requirement for a low impact landscape buffer surrounding the project.
- Required – Buffer/screen between developments of differing land uses adjoining one another or separated from one another by only a street or alley shall comply with Table 8.890 Buffer/Screen Impact of the UDO. A low impact screening buffer is required per Table 8.890 when developing an RP-3 district adjacent to an R-1 district.
- Recommended – Properties zoned RP-3 are required by the UDO to provide a low impact landscaping buffer to all R-1 districts. The applicant has requested a modification to eliminate the required medium impact landscaping buffer as the proposed single-family homes will be abutting existing single-family homes and vacant parcels. The applicant is still proposes to install landscaping buffers along MO Highway 150 & SW Pryor Road. As the proposed use is consistent with the adjoining current and planned future uses, staff believes this request is reasonable and supports the requested modification.

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

- Proposed – The applicant proposes a minimum lot width of 38 ft.

- Required – Table 6-2 of the UDO establishes a 50 ft. minimum lot width for single-family structures in the RP-3 district.
- Recommended – The applicant has stated that the design of the proposed homes will be narrower thus requiring a lesser width. Additionally, Summit Homes has outlined, via their Narrative Statement and accompanying statistics (attached to this staff letter), that there is a great demand for homes in the price range that is being proposed, but the number and density of these lots required to be financially feasible for development is such that they need to be of a certain size that can only be accomplished with the requested deviation. Staff believes the applicant provides reasonable justification for requesting the modification given the proposed housing product and supports the request.

**Rear yard setback.** Modification requested. **Staff supports requested modification.**

- Proposed – The applicant proposes a 15 ft. rear yard setback.
- Required – Table 6-3 of the UDO establishes a 20 ft. rear yard minimum principal building setback for single-family structures in the RP-3 district.
- Recommended – The applicant has stated that similar to lot width, rear yard setback is a product of several factors which make the development feasible. The necessary building envelope required by the proposed housing product is a result of required density and the ability to provide the correct products to satisfy market demand. Additionally, 101 of the 159 proposed lots will back up to open space common ground giving the appearance of a larger rear yard. Staff believes the applicant provides reasonable justification for requesting the modification given the proposed housing product and supports the request.

## 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 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.
2. 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.
3. 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.
4. 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 approval of any engineering plans or approval of the final plat. A certified copy shall be submitted to the City for verification.
5. 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."

6. 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).
7. 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.
8. 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.
9. 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.
10. 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.
11. All ADA sidewalk ramps shall be constructed by the developer at the time the street is constructed.
12. All sidewalks adjacent to a common area tract, unplatted land or any land where no structure is intended to be built, and is required, shall be constructed by the developer at the time the street is constructed.
13. A US Army Corps of Engineers permit shall be obtained prior to issuance of any infrastructure or building permits.

#### **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 7.340.
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 4.290 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 the UDO. In addition, the approved Declaration of Covenants, Conditions and Restrictions shall be recorded prior to the recording of the final plat.

17. Ownership and maintenance of all common area tracts shall be dedicated to the homeowners association.

Attachments:

1. Transportation Impact Analysis prepared by Michael Park, dated December 4, 2018—4 pages
2. Traffic Impact Study, prepared by Olsson, dated October 17, 2018 –26 pages
3. Preliminary Development Plan and Rezoning Exhibit, date stamped November 20, 2018—11 pages
4. Architectural Elevations, date stamped November 20, 2018 – 6 pages
5. Single-Family Residential Compatibility Form —3 pages
6. Modification request letter, dated December 5, 2018 – 6 page
7. Applicant Narrative – 6 pages
8. Location Map