



**LEE'S SUMMIT**  
MISSOURI  
Development Services Department

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## Development Services Staff Report

|                                 |  |
|---------------------------------|--|
| <b>File Number</b>              | PL2024-025   |
| <b>File Name</b>                | REZONING from RP-3 and CP-2 to RP-4 and PMIX, PRELIMINARY DEVELOPMENT PLAN and CONCEPTUAL DEVELOPMENT PLAN – Ovation |
| <b>Applicant</b>                | Engineering Solutions, LLC, applicant  |
| <b>Property Address</b>         | 325 SE M-150 Hwy   |
| <b>Planning Commission Date</b> | November 14, 2024  |
| <b>Heard by</b>                 | Planning Commission and City Council   |
| <b>Analyst</b>                  | Hector Soto, Jr., AICP, Senior Planner   |

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### Public Notification

Pre-application held: February 22, 2022, and February 13, 2024  
Neighborhood meeting conducted: March 14, June 13 and November 4, 2024  
Newspaper notification published on: October 26, 2024  
Radius notices mailed to properties within 300 feet on: October 25, 2024  
Site posted notice on: October 29, 2024

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### Attachments

Transportation Impact Analysis prepared by Erin Ralovo, dated October 31, 2024 – 4 pages  
Traffic Impact Study prepared by Kimley Horn, signed and sealed October 10, 2024 – 22 pages  
Rezoning Exhibit, upload date November 8, 2024

Preliminary and Conceptual Development Plan, upload date November 8, 2024 – 8 pages

Townhome, Clubhouse and Conceptual Apartment Building Elevations, upload date November 5, 2024 – 5 pages

Macro Storm Water Drainage Study prepared by Engineering Solutions, LLC, signed and sealed October 29, 2024 – 9 pages

Neighborhood Meeting Minutes, dated November 8, 2024

Protest Petitions – 24 total pages

Lake Winnebago HOA correspondence, dated April 11, 2024 – 3 pages

Location Map

## 1. Project Data and Facts

| Project Data                          |   |
|---------------------------------------|---|
| <b>Applicant/Status</b>               | Engineering Solutions, LLC / Applicant  |
| <b>Applicant’s Representative</b>     | Matt Schlicht, PE   |
| <b>Location of Property</b>           | 325 SE M-150 Hwy  |
| <b>Zoning (Existing)</b>              | RP-3 (Planned Residential Mixed Use); and<br>CP-2 (Planned Community Commercial)  |
| <b>Zoning (Proposed)</b>              | RP-4 (Planned Apartment Residential); and<br>PMIX (Planned Mixed Use)   |
| <b>Size of Property</b>               | 27.16 acres – RP-4 zoning<br><u>10.08 acres – PMIX zoning</u><br><b>±37.24 total acres (1,622,174 sq. ft.)</b>  |
| <b>Number of Lots</b>                 | 52 lots – RP-4 zoning<br><u>2 lots – PMIX zoning (conceptual only)</u><br><b>54 total lots and 3 common area tracts</b>   |
| <b>Dwelling Units</b>                 | 208 dwelling units – RP-4 zoning<br>200 dwelling units – PMIX zoning (conceptual only)  |
| <b>Density</b>                        | 7.65 du/acre – RP-4 (12.0 du/acre max in RP-4)<br>22.9 du/acre – PMIX (conceptual only)   |
| <b>Comprehensive Plan Designation</b> | Residential 1   |
| <b>Procedure</b>                      | <p>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 in the form of an ordinance.</p> <p><b>Duration of Validity:</b> Rezoning approval by the City Council shall be valid upon approval and has no expiration.</p> <p>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</p> |

grant one extension not exceeding twelve (12) months upon written request.

**Current Land Use**



The subject undeveloped 37.24 acres have historically been used for agricultural purposes. The property is bordered by undeveloped acreage to the west, large-acreage residential to the east and undeveloped acreage to the south. The existing Belmont Farms single-family residential subdivision is located one-quarter (1/4) mile beyond the south boundary of the subject application.



**Description of Applicant's Request**

The applicant proposes to rezone approximately 40 acres along the south side of M-150 Hwy from RP-3 and CP-2 to RP-4 and PMIX. Associated with the rezoning is a preliminary development plan for a 52-lot four-plex townhome development yielding 208 dwelling units, and a conceptual development plan composed of a 200-unit apartment complex and one office/commercial lot fronting M-150 Hwy. The 10-acre area composed of the apartment and office/commercial sites is conceptual only and shall require separate preliminary development plan approval under a future application.

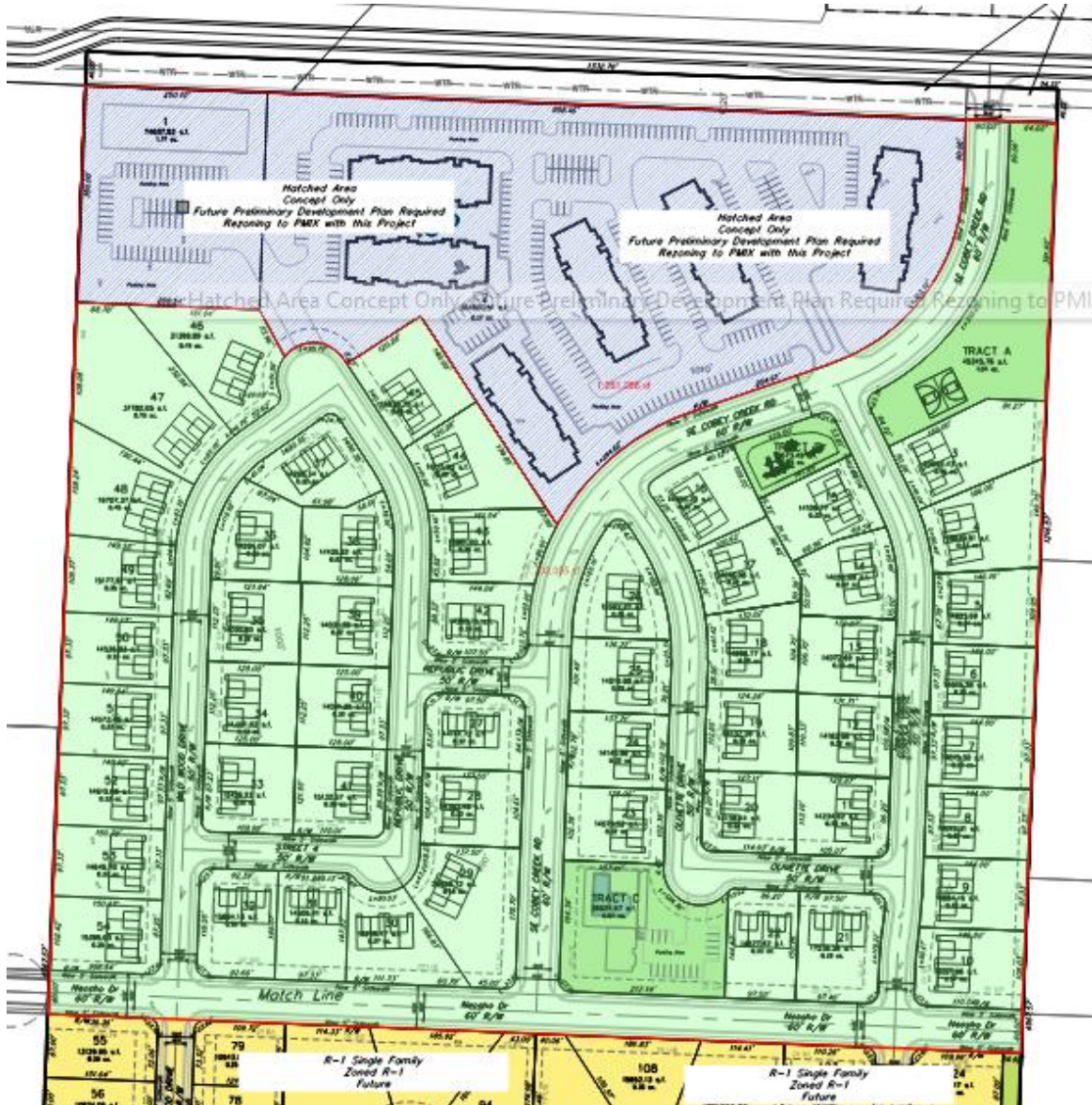


Figure 1 – Preliminary Development Plan (four-plex townhomes area) boundary in green; Conceptual Development Plan (apartments and office/commercial site) boundary in blue. Area in yellow to the south is not part of application boundary.

## 2. Land Use

### Description and Character of Surrounding Area

The property is generally located in the southeast quadrant of the intersection of M-150 Hwy and South M-291 Hwy. The subject 40 acres are located at a transition area between the adjacent highway interchange area and suburban single-family residential development to the south and rural large-acreage residential development to the east. To the west of the subject property is undeveloped acreage with an approved preliminary development plan for a two-family and four-family residential development. To the northeast across M-150 Hwy is the mixed use Cobey Creek development composed of single-family residential, two-family residential, four-family residential and commercial pad sites.

### Adjacent Land Uses and Zoning

|                                  |   |
|----------------------------------|---|
| <b>North (across M-150 Hwy):</b> | Undeveloped large acreage/AG; and Residential and commercial mixed use/PMIX |
| <b>South:</b>                    | Undeveloped large acreage/R-1 (Single-family Residential)                   |
| <b>East:</b>                     | Large acreage single-family residential/AG                                  |
| <b>West:</b>                     | Undeveloped large acreage/RP-3, CP-2 and PI (Planned Industrial)            |

### Site Characteristics

The subject approximately 40 acres is bordered by M-150 Hwy along the north, undeveloped acreage with existing R-1 single-family residential zoning, undeveloped acreage to the west and large-acreage single-family residential development to the east. Access to the property is provided by M-150 Hwy. The property generally slopes from north to south.



Figure 2 - Subject property outlined in red.

| Special Considerations |
|------------------------|
| N/A                    |

### 3. Project Proposal

#### Lot Information

| Lot #   | Zoning | Use   | Lot Size (sq. ft.) | Dwelling Units |
|---------|--------|---|--------------------|----------------|
| 1       | PMIX   | Office/Commercial<br><b>(conceptual only)</b> | 74,608             | N/A            |
| 2       | PMIX   | Apartments <b>(conceptual only)</b>           | 364,601            | 200            |
| 3-54    | RP-4   | 4-unit townhomes                              | 14,015 – 31,782    | 208            |
| Tract A | RP-4   | Recreational area                             | 45,346             | N/A            |
| Tract B | RP-4   | Recreational area                             | 10,673             | N/A            |
| Tract C | RP-4   | Subdivision pool                              | 33,625             | N/A            |

### 4. Unified Development Ordinance (UDO)

| Section                 | Description                      |
|-------------------------|----------------------------------|
| 2.240,2.250,2.260       | Rezoning                         |
| 2.040,2.260,2.300,2.320 | Preliminary Development Plans    |
| 4.130,4.240             | Zoning Districts (RP-4 and PMIX) |

The proposed RP-4 Planned Apartment Residential District is established to provide opportunities for medium/high-density residential development. In addition to higher density multi-family/apartment development, the RP-4 District also provides for detached single-family, attached (townhouse) single-family, two-family, three-family and four-family residential development as uses permitted by right. The southern 27 acres of the subject property will be composed of 52 lots to be developed with four-plex townhomes for a total of 208 dwelling units. The townhome area will serve as a transitional use between the conceptual apartment and office/commercial sites along the M-150 Hwy corridor frontage and the undeveloped 40 acres to the south with existing R-1 zoning for future single-family residential development.



The proposed PMIX Planned Mixed Use District is established to allow greater flexibility in development standards (lot coverage, setbacks, building heights, lot sizes, etc.) to facilitate adaptation of development to the unique conditions of a particular site, and to permit a mixture of uses which, with proper design and planning, will be compatible with each other and with surrounding uses or zoning districts and will permit a finer-grained and more comprehensive response to market demand. The applicant seeks to rezone the northern 10 acres of the subject property to PMIX with a conceptual plan depicting apartments and an office/commercial site as potential future uses along the subject property’s M-150 Hwy corridor frontage. Locating higher intensity residential and commercial land uses along a higher classification roadway is consistent with traditional planning practice of transitioning from more intense land uses closer to high-traffic transportation corridors to less intense land uses farther away from high-traffic transportation corridors. In the case of the subject application, the proposed zoning districts and corresponding land uses transition from more intense to the north and less intense to the south.

**Neighborhood Meeting**

The applicant hosted a total of three (3) neighborhood meetings on March 14, 2024, June 13, 2024, and November 4, 2024.

Questions/topics of discussion included:

- Characteristics of the proposed residential development (e.g. size, price, rental v. for sale, etc.)
- Desire to retain some commercial land;
- Traffic;
- Concerns regarding street connection to Belmont Farms—desire to eliminate it;
- Stormwater; and
- Buffers.

Area residents submitted protest petitions in opposition to the initial plan that proposed two-family townhomes, four-family townhomes and apartments on a total of 80 acres. This larger initial plan included the rezoning of 40 acres with existing R-1 (Single-family Residential) zoning to PMIX to accommodate both two-family and four-family residential development. These 40 acres were the undeveloped acreage immediately north of the Belmont Farms single-family residential subdivision. The development plans were subsequently changed based on the feedback and concerns voiced by area residents at the neighborhood meetings.

The most recent iteration of the rezoning and development plan application eliminated two-family townhomes from the project and reduced the number of conceptual apartment units along M-150 Hwy from 300 to 200. Additionally, the applicant no longer requests to rezone the 40 acres closest to the Belmont Farms subdivision and has removed said area from the subject application boundaries. The resulting plan to be considered by the Planning Commission and City Council is thus limited to 52 four-family lots (208 dwelling units), a conceptual 200-unit apartment development and one conceptual office/commercial lot.

By excluding the 40 acres closest to the Belmont Farms subdivision from the subject application, the property retains its existing R-1 zoning that allows future single-family residential development of said property by right without the need for any public hearings. Because R-1 zoning is already in place for the

40 acres closest to the Belmont Farms and Saddlebrook subdivisions, development of the site as a single-family residential subdivision will only require approval of preliminary plat and final plat applications—both of which are ministerial acts by the Planning Commission and City Council, meaning that the applications must be approved if the plats meet all requirements of the UDO.

Regarding the protest petitions filed by area residents, staff calculates that the petitioners constitute 7% of the area within 185 feet of the proposed rezoning and preliminary/conceptual development plan boundaries. Petitioners must represent a minimum 30% of the area within 185 feet of the application boundaries to require a minimum 6 votes in the affirmative for City Council to approve the application. The petitioners did not meet the 30% threshold, therefore a simple majority of 5 votes in the affirmative is needed to approve the subject application.

## 5. Comprehensive Plan

| Focus Areas                              | Goals, Objectives & Policies   |
|--|--|
| Strong Neighborhoods and Housing Choices | Objective: Change overall housing mix to 65% Residential Category 1, 20% Residential Category 2, 15% Residential Category 3. |
| Land Use and Community Design            | Objective: Plan for purposeful growth, revitalization and redevelopment.   |

The Ignite Comprehensive Plan identifies Residential 1 (Lower Intensity) as the recommended future land use category for the subject property. According to the Ignite Comprehensive Plan, the Residential 1 land use designation is primarily for single-family residential development that includes low density rural development, medium/large lot single-family subdivisions and cluster development. Single-family subdivision development in Residential 1 would typically be composed of lot sizes in the range of 8,500 - 10,000 sq. ft.

The proposed development of approximately 27 acres with four-family townhomes is consistent with the Residential 2 (Medium Intensity – “Middle Middle”) land use category. The intent of Residential 2 is primarily to accommodate single-family detached and multi-family medium density residential housing, which includes stacked and laterally-attached 4-unit residential structures. The Ignite! Comprehensive Plan states that Residential 2 and its associated land uses often serve as a buffer between low-intensity residential and other uses with a scale that should be compatible with neighboring uses that typically step up from lower density to higher density uses. The proposed development employs the four-family townhome area in this exact way as a buffer between the undeveloped R-1-zoned property to the south and the conceptual apartment and office/commercial sites to the north adjacent to M-150 Hwy.

The proposed conceptual plan depicting an office/commercial site and apartment development for the northern 10 acres is consistent with the Mixed Use land use category that is intended to accommodate low-rise office/commercial uses with a complementary mix of residential development of varying densities. The Ignite! Comprehensive Plan doesn’t prescribe any particular land use or activity type for the Mixed Use land use category, but rather ties the uses to a particular approved land use plan.



The proposed mix of four-family townhomes, conceptual apartment development and existing and future single-family area development address objectives identified in the Ignite! Comprehensive Plan that center around the importance of diverse and mutually supportive neighborhoods achieved through purposeful growth. The subject application offers prospective residents greater housing choice through the availability of attached residential options in addition to detached single-family residential options that already exist in the area and throughout the city. Identified as part of the Ignite! Comprehensive Plan process is a need to increase the supply of Missing Middle housing that is characterized by small lot single-family development and attached two-, three- and four-family residences to accommodate evolving housing preferences, lifestyle preferences and need for different housing price points.

## 6. Analysis

### Background and History

March 13, 1973 – The City Council approved a rezoning (Appl. #1973-002) from AG (Agricultural) to R-1 (Single-family Residential), R-3 (now RP-3, Planned Residential Mixed Use), and C-1 (now CP-2, Planned Community Commercial) for 80 total acres by Ordinance No. 1435. This rezoning established the existing RP-3 and CP-2 zoning on the subject property. This rezoning also established the existing R-1 zoning over the 40 acres located between the subject property and the Belmont Farms subdivision that sits outside the boundaries of the subject application.

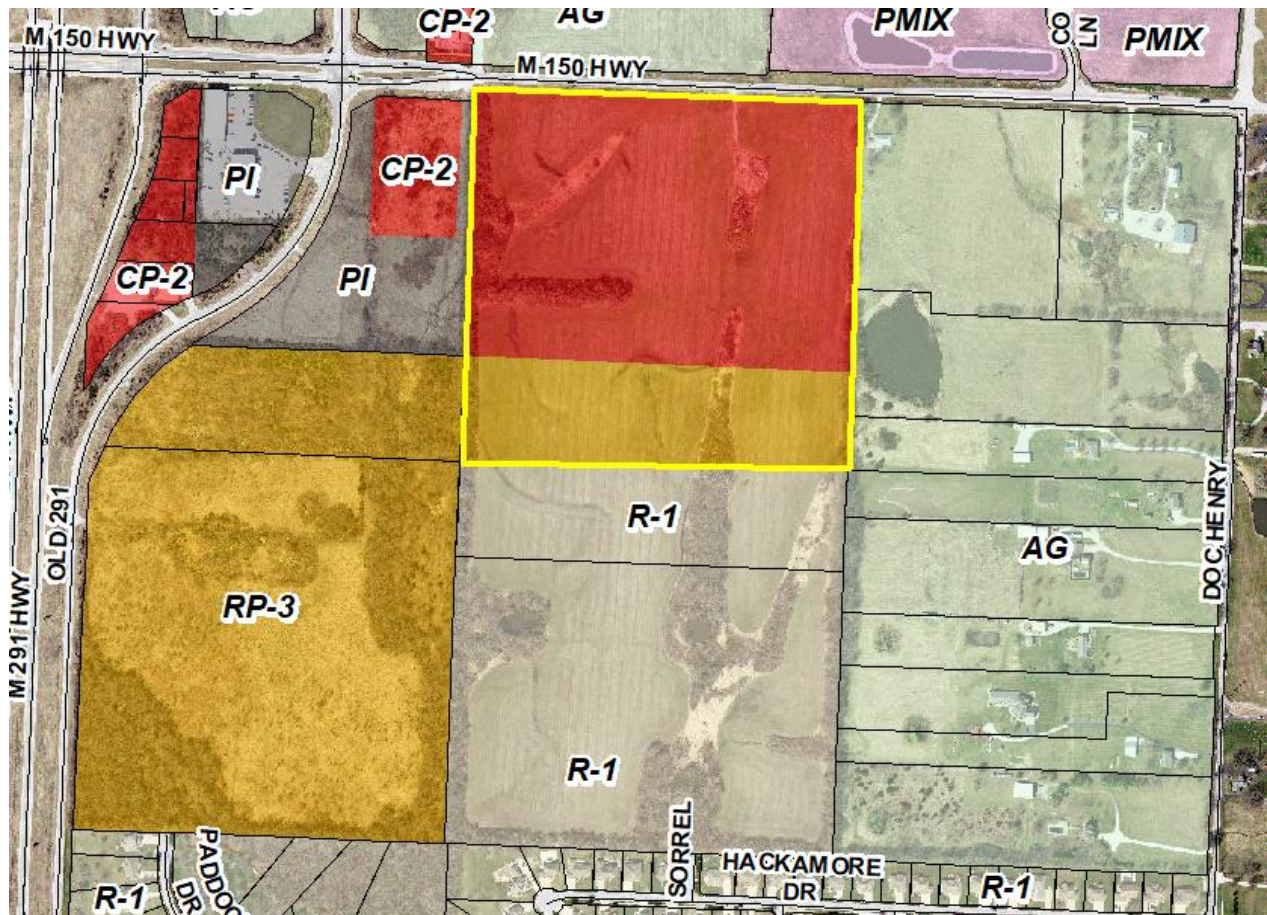


Figure 3 - Existing zoning map. Subject property outlined in yellow.

**Compatibility**

The subject 40-acre property site is bordered by M-150 Hwy to the north, undeveloped single-family zoned property to the south and large-acreage single-family residential to the east. The proposed development layout is comprised with the most intense conceptual apartment and office/commercial sites at the north and four-family townhome development on the south. The reduction of land use intensity and density from north to south creates a transition of uses that places the more appropriately compatible uses in proximity to one another.

The subject property has been zoned RP-3 and CP-2 since 1973. The existing RP-3 zoning allows the development of single-family residences up through four-family residences by right. The existing CP-2 zoning allows for the development of a full range of commercial/retail and service uses by right. The proposed rezoning to RP-4 and its associated plan for the development of a four-family (i.e. four-plex) residential is consistent with the existing RP-3 zoning that already allows for four-family residential development by right. In other words, the applicant proposes four-family residential development on property that already allows for four-family residential development under its existing RP-3 zoning classification. The southern boundary of the proposed RP-4 zoning will match the southern boundary of the existing RP-3 zoning on the subject property. The boundaries of the forty (40) acres of R-1 zoned property that sit between the proposed project area and the Belmont Farms and Saddlebrook subdivisions to the south will remain unchanged. The table below provides a comparison of the zoning and land use characteristics under the existing and proposed zoning districts.

**Zoning and Land Use**

|                |             | <b>Acreage</b> | <b>Allowable Density</b> | <b>Minimum Lot Size</b>         | <b>Land Uses Allowed by Right</b>                 |
|----------------|-------------|----------------|--------------------------|---------------------------------|---|
| <b>Current</b> | <b>RP-3</b> | 10.7 acres     | 10 dwelling units/acre   | 4,000 sq. ft. per dwelling unit | Single-, two-, three- and four-family residential |
|                | <b>CP-2</b> | 28.6 acres     | 0.55 FAR                 | 20,000 sq. ft.                  | Commercial/Retail and Services; and Office        |

|          |      |            |                        |                                 |   |
|----------|------|------------|------------------------|---------------------------------|---|
| Proposed | RP-4 | 27.2 acres | 12 dwelling units/acre | 3,500 sq. ft. per dwelling unit | Single-, two-, three- and four-family residential; and Apartments   |
|          | PMIX | 10.1 acres | Per approved plan      | Per approved plan               | Residential; and Commercial/Retail and Services <sup>1</sup><br><br><sup>1</sup> – Allowed land uses in the PMIX zoning district are limited to those identified on a preliminary development approved by the City Council. |



Figure 4 - Side-by-side comparison of existing RP-3 (in yellow-orange) and CP-2 (in red) and proposed RP-4 (in orange) and PMIX (in purple) zoning district boundaries.



Architecturally, the developer proposes buildings that will include stucco, cement fiberboard siding, masonry and composition roofs that are compatible with single-family and townhome developments in the area and throughout the city.

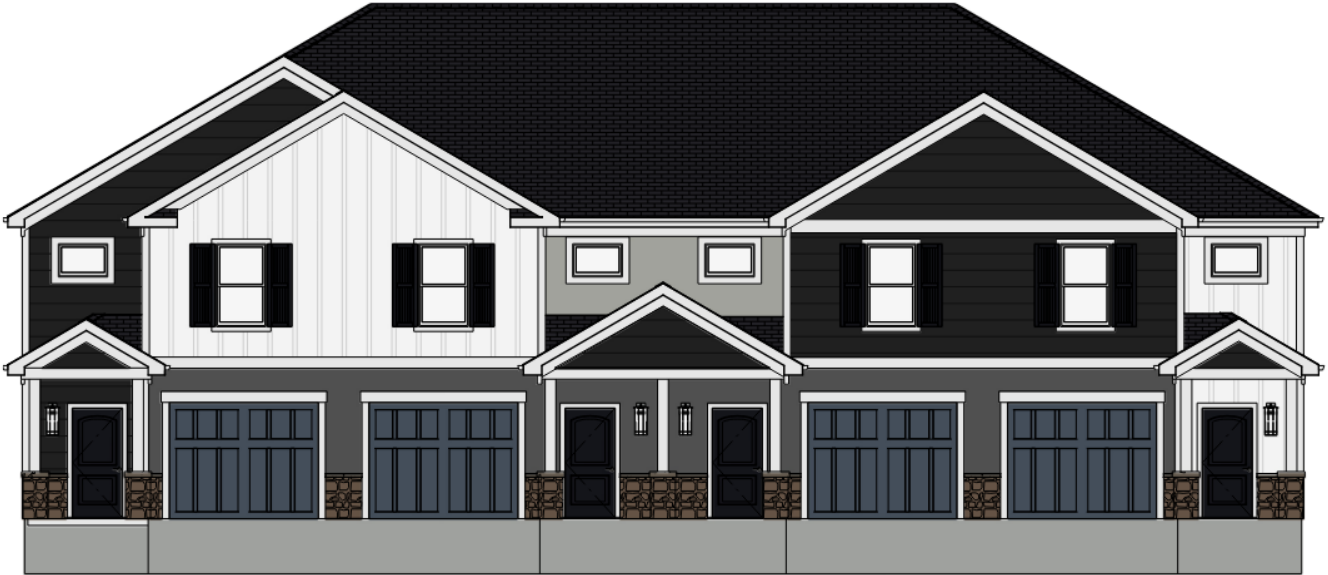


Figure 5 - Typical 4-unit townhome (front elevation)



Figure 6 – Conceptual apartment architecture (front elevation)

**Adverse Impacts**

The proposed development will not seriously injure the appropriate use of, or detrimentally affect, neighboring property. The proposed development’s layout places the higher intensity conceptual apartment and office/commercial sites at the far north end of the site adjacent to M-150 Hwy. That area transitions to four-family townhome development on the south that is adjacent to undeveloped acreage with existing R-1 zoning for single-family residential development to the south. Farther south is the existing Belmont Farm single-family residential subdivision.

The subject development is not expected to create excessive storm water runoff for the area. The overall site generally drains from north to south. On-site stormwater management in the form of a detention pond will be constructed toward the south end of the development.



**Infrastructure**

The proposed preliminary development plan is not expected to impede the normal and orderly development and improvement of the surrounding property. Water service will connection to existing 8” and 12” mains located at the southern and north property boundaries, respectively. Sanitary sewer service will connect to an existing 8” main located to the southwest.

**Road Improvements**

The proposed development will have a single point of access onto M-150 Hwy. The development is projected to generate a total of 4,420 daily trips via said point of access. The traffic impact study performed by Kimley-Horn and Associates identifies several road improvements at the intersection of M-150 Hwy and the subdivision entrance road (Access A) as follows:

- Install a traffic signal and interconnect it with the traffic signal at the Route 150 & East Outer Road intersection.
- Construct an eastbound right-turn lane with a minimum storage length of 200 feet plus an appropriate taper.
- Construct a westbound left-turn lane with a minimum storage length of 200 feet plus an appropriate taper.
- Construct two northbound lanes exiting the site. The left lane should be designated as a two-way left-turn lane between Route 150 and the first local street intersection to the south of Route 150, a distance of nearly 400 feet.

The following road improvements are identified at the intersection of M-150 Hwy and East Outer Rd (Old M-291 Hwy):

- Extend the pavement section for the two eastbound through lanes to approximately 400 feet east of the intersection before transitioning to the undivided roadway. Construct a new transition from the four-lane divided roadway to the two-lane undivided roadway after that distance.
- Interconnect the traffic signal with the traffic signal at the Route 291 northbound ramps intersection.

**Recommendation**

With the conditions of approval below, the application meets the recommendations of the Ignite! Comprehensive Plan and requirements of the UDO and Design and Construction Manual (DCM).

## **7. Recommended Conditions of Approval**

### **Site Specific**

1. Rezoning from RP-3 and CP-2 to RP-4 and PMIX shall be in accordance with the rezoning exhibit uploaded November 8, 2024.
2. Development shall be in accordance with the preliminary development plan uploaded November 8, 2024, except that Lots 1 and 2 shall receive conceptual development plan approval only. Development of Lots 1 and 2 shall be subject to separate preliminary development plan approval under future separate application.

3. Building architecture and material palette shall be consistent with the elevations uploaded November 5, 2024.
4. Road improvements shall be constructed as recommended in the Transportation Impact Analysis conducted by staff dated October 31, 2024.

### **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 development plan. All public infrastructure must be substantially complete, prior to the issuance of any certificates of occupancy.
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. 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."
12. Private parking lots shall follow Article 8 of the Unified Development Ordinance for pavement thickness and base requirements.
13. All ADA sidewalk ramps shall be constructed by the developer at the time the street is constructed.
14. 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.
15. The applicant shall submit and the City shall accept an "As-built / As-graded" detention basin plan prior to issuance of any occupancy permit for the proposed development.
16. 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.

17. Available water fire flow for future single-family and townhomes shall be confirmed. Adequate water fire flow for the conceptual apartments shall also be confirmed.
18. The street name Wildwood is already used in another part of the city. The applicant will work with City staff for an alternate street name.
19. Parking shall only be allowed on one side of the street of the townhome area. "No Parking" signs shall be posted along one side of the street.
20. In accordance with UDO Section 7.270.C.1, residential development generating no more than 500 average daily trips (ADT) shall be allowed on a single point of access. A residential area generating more than 500 ADT shall have a minimum of two (2) points of access.
21. A final plat shall be approved and recorded prior to issuance of any building permits.