



LEE'S SUMMIT
MISSOURI
Development Services Department

Development Services Staff Report

File Number	PL2019-412
File Name	Preliminary Development Plan - Sequoia
Applicant	Orchard Park Development, LLC
Property Address	408, 500 & 502 NW Olive St.
Planning Commission Date Heard by	February 27, 2020 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: February 10, 2020
Newspaper notification published on: February 8, 2020
Radius notices mailed to properties within 300 feet on: February 5, 2020
Site posted notice on: February 7, 2020

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Attachments

Transportation Impact Analysis prepared by Michael Park, dated February 19, 2020 – 4 pages

Micro Storm Water Drainage Study by Renaissance Infrastructure Consulting, Dated December 11, 2019 – 13 pages

Preliminary Development Plan, date stamped February 7, 2020 – 18 pages

Architectural Elevations, dated stamped February 7, 2019 – 2 pages

Location Map

1. Project Data and Facts

Project Data	
Applicant	Orchard Park Development, LLC
Applicant’s Representative	Dick Burton/Owner Mick Slutter, PE/Engineer
Location of Property	408, 500 & 502 NW Olive St.
Size of Property	3.76 Acres
Zoning (Existing)	RP-2 (Planned Two-Family Residential District)
Density (Proposed)	6.35 units/acre (7.5 units/acre max in RP-2)
Comprehensive Plan Designation	Old Lee’s Summit Neighborhoods
Procedure	The Planning Commission makes a recommendation to the City Council on the proposed preliminary development plan. The City Council takes final action on the 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.

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. 502 NW Olive St is an 11,908.50 sq. ft. lot with an existing 1,030 sq. ft. single family home.

Description of Applicant’s Request
The applicant seeks approval of a preliminary development plan for a 24-unit residential development comprised of twelve two-family attached dwelling units (duplex). Each individual dwelling unit will be approximately 1,550 sq. ft. The applicant indicates 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 sq. ft.) and 10 smaller two family homes (average 1,510 sq. ft. or 755 sq. ft. per unit). These one story single family and two family homes are characteristic of the simple post WWII architectural style. A two story duplex is located at 104 NW Orchard St, just east of the subject site.

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 four 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. 502 NW Olive St is an 11,908.50 sq. ft. lot with an existing with an existing 1,030 sq. ft. single family home. 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:	33%
Pervious:	67%
TOTAL	100%

Parking

Proposed		Required	
Total parking spaces proposed:	48 - 2 per unit (garage) 48 – 2 per unit (driveway) 96 Total	Total parking spaces required (1 garage + 1 driveway/unit):	48

Setbacks (Perimeter)

Yard	Building Required	Building Proposed
Front	20'	20'
Side	5' from lot line	5' from lot line and 20' separation between buildings

Rear	20'	20'
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Structure(s) Design

Number and Proposed Use of Buildings
12 two-family buildings (duplex)
Building Height
28'6"
Number of Stories
2 stories w/roof top deck

4. Unified Development Ordinance (UDO)

Section	Description
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.
- July 11, 2019 – The Planning Commission recommended approval of an application (PL2019-020) for rezoning from RP-2 to RP-3 and preliminary development plan for Burton Townhomes.
- August 20, 2019 – City Council remanded the application (PL2019-020) for rezoning from RP-2 to RP-3 and preliminary development plan for Burton Townhomes back to the Planning Commission to hold further discussions on road improvements. The application was subsequently withdrawn by the applicant.

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 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 sq. ft. A two story 3,266 sq. ft. duplex is located at 104 NW Orchard St, just east of the subject site.

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 prevailing majority of the existing homes. The proposed buildings will be two stories with a tall roof peak and have a total height of nearly 28' 6". The buildings will have a footprint of 1,756 sq. ft. with individual units being approximately 1,550 sq. ft.

Staff has had several conversations and met with the applicant on three occasions regarding the development of this site. 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 windows, projections and architectural accents. However, the applicant has not addressed the concerns with the buildings scale and massing.

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.

Based on the City's experience with duplex and other multi-family residential developments, there is concern that on street parking on both sides of the street may cause a condition where emergency responders are limited in their ability to access the subject site. To address this concern, a condition has been added to require the developer install No Parking signs on one side of the street (and cul-de-sac), per City standards/specifications in coordination with the road construction.

It should be noted that the proposed duplex development has more off street parking capacity than the typical duplex development. Each dwelling unit has a 2-car garage plus 2-car wide driveway, for a total of four (4) parking spaces. Typical duplex developments have a total of two (2) off-street parking spaced comprised of a 1-car garage and driveway. The proposed off-street parking capacity plus recommended on-street parking restriction should address any concerns regarding emergency services access.

Public Services

The proposed development will not likely generate more than 100 vehicle trips to the surrounding street system during any given peak hour as a minimum condition for a transportation impact study. However, a transportation evaluation pertaining to a previously proposed development at this location (with a higher proposed residential density) and its applicability regarding the Unimproved Road Policy, adopted by City Council (Resolution 16-22), was conducted by Priority Engineers, dated October 8, 2018. That evaluation included some analysis of traffic, trip generation and the development impact on Olive Street and Orchard Street for reference. The proposed residential development, having comparably fewer residential units than previously evaluated, would presumably have a lesser transportation impact. The proposed development also fits within existing zoning, whereas the previous project required a rezoning for additional density.

The proposed infill development is low density residential (duplex) and resides within an appropriately compatible existing zoning (RP-2). Road improvements to Orchard Street and Olive Street are not recommended as a condition of development approval based solely on the Unimproved Road Policy. A decision of policy non-applicability in this case considers the development plan (residential use, density, and location), the existing conditions of Orchard Street and Olive Street, the existing zoning, policy definitions and consistency with applied practice of said policy for residential developments that could be processed by a minor plat and/or where a proposed low density residential development is located within a corresponding and compatible Ag, R-1 or RP-2 zoning. No zoning change is needed for the proposed development. There is no prior commitments/agreements, conditions or phased development stipulations related to the adjacent roads for improvement associated with this proposed infill project. The City has discussed the possibility of a City Capital Improvement Project for Orchard and Olive, but funding has yet to be identified or prioritized.

With regard to roadway capacity, Olive Street and Orchard Street have existing daily traffic volumes of less than 850 vehicles and 250 vehicles, respectively. This volume of traffic is low, even for residential streets, and the added trips generated by this proposed residential development are minimal. 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, congestion, delay, etc. Staff is not aware of any existing correctable crash trends 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.

Even though staff has not recommended any road improvements, the City Council may consider policy intentions that differ from staff and/or established precedent; and require road improvements based on the Unimproved Road Policy in review of the development application for approval. The policy in this situation more so addresses acceptable community standards for development than roadway capacity.

Sidewalks are not addressed in the Unimproved Road Policy. There is an absence of sidewalks along Olive Street and Orchard Street. However, the City's current development standards do not require any type of development activity to extend sidewalk beyond the project area unless associated with off-site road improvements. The development will provide sidewalks adjacent to the project. Whenever Olive Street and/or Orchard Street are improved, the road improvements will require sidewalks similar to Orchard Street east of Douglas Street connecting to Douglas and Chipman.

Unified Development Ordinance

The existing RP-2 Planned Two-Family Residential District provides opportunities for a moderate-density mix of single-family and duplex residential development at a maximum density of seven and one-half (7.5) units per gross acre. Should the requested 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.

The UDO requires that the total number of cul-de-sac lots in a subdivision be no more than ten (10%) percent of the total number of lots in the subdivision and further stipulates that the maximum number of dwelling units on a cul-de-sac shall not exceed 20. The applicant has requested a modification to allow 24 dwelling units on a cul-de-sac with the total number of cul-de-sac lots in the subdivision to be one hundred (100%) percent.

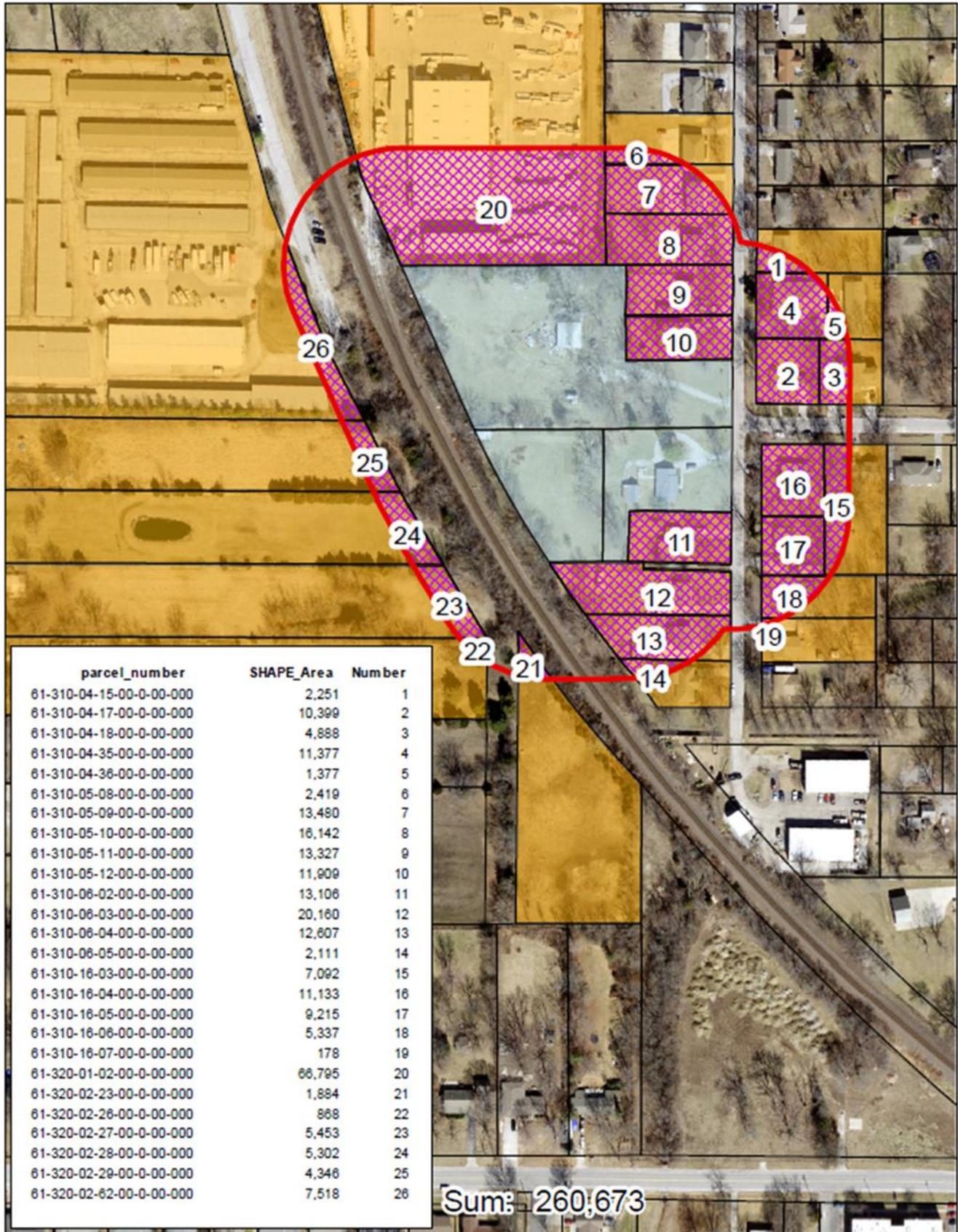
This is a reasonable request as the proposed project is an infill development on a remnant parcel where other properties adjoining the area have already been developed in a manner that precludes connecting to a surrounding existing or potential road system.

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 alignment 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.

Protest Petition

A total of two property owners submitted protest petitions against the project. Only one of those protesting properties is within the 185' notification boundary, and represents 7,092 sq. ft. or 2.72% of the property within 185' from the boundaries of the property included in the application. The criteria to trigger a valid protest petition **HAS NOT** 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 less than the required 30%. Should the criteria to trigger a valid protest petition be met before the commencement of the public hearing held at the City Council, an ordinance approving the application shall not become effective except by the favorable vote of two-thirds of all members of the Governing Body.



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Protesting:				
Property Owners	Parcel Number	Map #	Sq. Ft. w/in 185'	% of Total
Tracey & Tana Neill	61-310-16-03-00-0-00-000	#15	7,092	2.72%
Total			7,092	2.72%
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%
Amy Matson	61-310-04-17-00-0-00-000	#2	10,399	3.99%
Tim & Machell Seiler	61-310-04-18-00-0-00-000	#3	4,888	1.88%
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%
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%
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%
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%
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%
Tena & Johnnie Nichols	61-320-02-28-00-0-00-000	#24	5,302	2.03%
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			253,581	97.28%
<i>**Total Sq. Ft. Within 185' of "Sequoia" Property = 260,673 sq. ft.</i>				

Properties outside of 185':

Property Owners	Parcel Number	Address
Karen & Mike Taylor	61-310-04-14-00-0-00-000	509 NW OLIVE ST

Recommendation

With the conditions of approval below, the application meets the requirements of the UDO and 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 requirement that the maximum number of dwelling units on a cul-de-sac not exceed 20, to allow 24 dwelling units on a cul-de-sac.
3. A modification shall be granted to the requirement that the total number of cul-de-sac lots in a subdivision be no more than ten (10) percent of the total number of lots in the subdivision, to allow the total number of cul-de-sac lots in the subdivision be one hundred (100) percent.
4. No parking shall be allowed on one side of the street (and cul-de-sac). Upon approval of the project and prior to substantial completion of road construction, staff will process necessary requirements to establish No Parking. Developer will be required to install No Parking signs, per City standards/specifications in coordination with the road construction and shall be shown on the Engineering Plan submittals. Developer's preference to which side of street is parking restricted may be reflected on the drawings at such time.
5. Development shall comply with the recommendation of the Transportation Impact Analysis (TIA) dated February 19, 2020, 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. 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.
10. 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).
11. 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). 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.
12. 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.

13. 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.
14. 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 the engineering plans or approval of the final plat. A certified copy shall be submitted to the City for verification.
15. 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."
16. 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.
17. All ADA sidewalk ramps shall be constructed by the developer at the time the street is constructed.
18. 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.
19. 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.