



LEE'S SUMMIT
MISSOURI
Development Services Department

Development Services Staff Report

File Number	PL2020-274 – REZONING from R-1 to PMIX, PMIX to RP-4, R-1 to RP-4 and PRELIMINARY DEVELOPMENT PLAN – Streets of West Pryor, Lot 7 and Tract C
Applicant	Streets of West Pryor, LLC
Location	900 NW Black Twig Ln, 2100 NW Lowenstein Dr and 2200 NW Lowenstein Dr
Planning Commission Date	January 28, 2021
Heard by	Planning Commission and City Council
Analyst	Jennifer Thompson, Senior Planner
Checked By	Hector Soto, Jr., AICP, Planning Manager Kent Monter, PE, Development Engineering Manager

Public Notification

Pre-application held: September 15, 2020

Neighborhood meeting conducted: The requirement for an applicant to hold in-person neighborhood meetings pursuant to UDO §2.205 has been suspended during the period of the Emergency Declaration which will end on January 31, 2021, unless earlier terminated or further extended by the Mayor. Pursuant to the Mayor's Emergency Order, Applicants are encouraged to use all available alternative methods of communication to inform neighbors of each pending application and solicit neighbors' input and feedback and provide answers to questions about proposed land development.

Newspaper notification published on: January 9, 2021

Radius notices mailed to properties within 300 feet on: January 11, 2021

Site posted notice on: January 8, 2021

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Attachments

- Transportation Impact Analysis, dated December 18, 2020 – 3 pages
- Transportation Memo, dated October 14, 2020 – 11 pages
- Preliminary Development Plan, signed and sealed December 4, 2020 – 22 pages
- Rezoning Exhibit, dated October 30, 2020 – 1 page (also included in PDP plan set)
- Mine Mitigation Study, dated December 22, 2020 –14 pages
- Sanitary Sewer Study, signed and sealed December 5, 2020 – 5 pages
- Stormwater Mgt. Plan, signed and sealed November 1, 2020 – 5 pages
- Townhome perspective, dated September 23, 2020 –1 page
- Townhome elevations, dated September 24, 2020 – 1 page
- Townhome floor plan, dated September 25, 2020 – 1 page
- Townhome and Apartment building material board, dated October 27, 2020 – 1 page
- Apartment Building perspective, dated October 27, 2020-- 1 page
- Apartment Building 1 elevations, dated November 30, 2020 – 1 page
- Apartment Building 2 elevations, dated November 30, 2020 – 1 page
- Hotel elevations, dated October 29 – 5 pages
- Hotel material board – 1 page
- Criteria for Rezoning, submitted by applicant, dated December 4, 2020 4 – pages
- Modification Narrative, dated November 24, 2020 – 10 pages
- Location Map

1. Project Data and Facts

Project Data	
Applicant/Status	Streets of West Pryor, LLC / Developer
Applicant’s Representative	David Olson
Location of Property	900 NW Black Twig Ln, 2100 NW Lowenstein Dr, and 2200 NW Lowenstein Dr
Size of Property	± 9.34 acres (406,850 sq. ft.) – townhomes (proposed Lot 7A) ± 9.24 total acres (402,494 sq. ft.) – apartments (proposed Lot 7B) ± 1.67 total acres (72,745) – hotel (proposed Lot 7C)
Current Number of Lots/Tracts	1 lot and 1 tract

Proposed Number of Lots	3 lots
Density/FAR	8.9 units/acre (townhomes) 20 units/acre (apartments) 0.33 FAR (hotel)
Current Zoning	PMIX (Planned Mixed Use District) and R-1 (Single-family Residential)
Proposed Zoning	RP-4 and PMIX
Comprehensive Plan Designation	Low-Density Residential and Commercial (office/retail)
Procedure	<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.</p> <p>Duration of Validity: Rezoning approval by the City Council shall be valid upon approval and has no duration period associated.</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 grant one extension not exceeding twelve (12) months upon written request.</p>

Current Land Use
The subject property is composed of a vacant, platted lot and tract.

Description of Applicant’s Request
<p>The developer proposes to rezone a portion of the property from R-1 to RP-4 to allow for a townhome development. Also proposed is to rezone two small portions of the property from R-1 to PMIX and PMIX to RP-4, for purposes of cleaning up the zoning district boundary lines, which will align with the future lot layout and development limits of the preliminary development plan.</p> <p>The applicant also requests approval of a preliminary development plan that includes a residential and commercial development component. The plan proposes a townhome product totaling 83 units; two 3-story apartment buildings with 184 total units; and a 3-story, 88-unit hotel, located generally at NW Lowenstein Dr. and NW Black Twig Ln.</p> <p>A preliminary development plan for the subject property was approved in 2019 as part of the overall Streets of West Pryor development. The plan consisted of a 4-story senior living apartment building, a large parking lot with pickle-ball courts, and conceptual single-family residential uses. The applicant has since identified a need to modify the type of uses for this portion of the Streets of West Pryor project area. The portion previously conceptually approved for single-family is now the townhome development and the senior living building and pickle-ball court area is now the proposed apartment buildings and hotel.</p> <p>The Unified Development Ordinance (UDO) does not authorize staff to administratively approve substantial changes to previously approved preliminary development plans. The change in uses from the</p>

previously approved preliminary development plan reaches the threshold of a substantial change and requires approval of a new preliminary development plan.

2. Land Use

Description and Character of Surrounding Area

The proposed preliminary development plan is located within the Streets of West Pryor project along the northeast side of NW Lowenstein Drive. The property is located south of I-470 Hwy, adjacent to a residential subdivision to the south, undermined and undeveloped property to the west, and commercial mixed-use development to the east. Lowenstein Park is also to the south - southeast of the development.

Adjacent Land Uses and Zoning

North (and across I-470 Hwy):	Telecommunication tower site / R-1 (Single-family residential); and Rock reclamation site / AG (Agricultural)
South (and across NW Lowenstein Dr):	Single-family residential – Summerfield subdivision / R-1; and Lowenstein Park / AG (Agricultural)
East:	Streets of West Pryor – Mixed Use Development / PMIX (Planned Mixed Use)
West (and across NW Lowenstein Dr.):	Retention ponds and Summerfield residential subdivision / R-1 (Single family residential)

Site Characteristics

The property is bordered by NW Lowenstein Dr. to the southwest. Future NW Black Twig Cir. will continue north into the townhome development area. Access to the development is provided from NW Lowenstein Dr. and future NW Black Twig Cir. The property is currently vacant, has been regraded and is near ready for development. The general area of the proposed townhomes is currently an undermined area, requiring remediation prior to development.

Special Considerations

Remediation of the undermined area is required prior to issuance of any site development or building permits.

The table below illustrates the original approved preliminary development plan for Tract C and Lot 7 and the proposed preliminary development plan for Lots 7A, 7B, and 7C.

Current Platted Lot/Tract	Original Preliminary Development Plan	Proposed Preliminary Development Plan
Tract C	Single-Family Homes	Proposed Lot 7B - Townhomes; Retention ponds area will remain in Tract A
Lot 7	4-story, senior living facility and pickle ball courts with associated parking	Proposed Lot 7A and 7C - two 3-story apartment buildings and a 3-story hotel, respectively

3. Unified Development Ordinance (UDO)

Section	Description
2.240,2.250,2.60,2.300	Rezoning with preliminary development plan
4.130, 4.240	Zoning Districts
7.060	Modifications

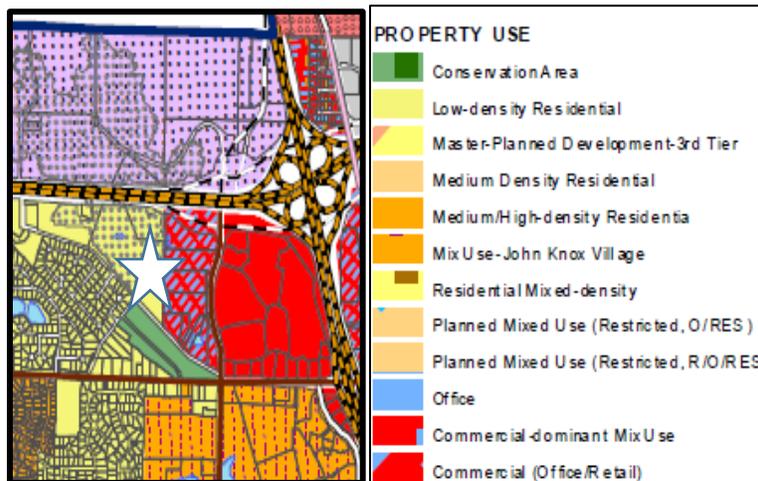
The proposed development is consistent with the overall concept of the Streets of West Pryor development.

4. Comprehensive Plan

Focus Areas	Goals, Objectives & Policies
Economic Development	Objective 2.2 Objective 2.3
Overall Area Land Use	Objective 1.1 Objective 1.2 Objective 1.4
Residential Development	Objective 3.2 Objective 3.3 Objective 3.4
Commercial Development	Objective 4.1 Objective 4.2 Objective 4.3

Comprehensive Plan

The townhomes, apartments, and hotel are generally consistent with the low-density residential and commercial/retail land uses recommended by the Comprehensive Plan for the area. The area has been planned as part of the Streets of West Pryor development and is being developed as a mixed-use residential and commercial development. The proposed plan is compatible with this concept and the Comprehensive Plan.



5. Analysis

Background and History

The applicant proposes to proceed with a rezoning and preliminary development plan application for the development of townhomes, apartments, and a hotel.

- April 6, 2017 – The City Council approved a rezoning (Appl. #PL2016-206) from R-1 and CP-2 to PMIX – Approximately 39 acres generally bounded by I-470 on the north, NW Pryor Road on the east, and NW Lowenstein Drive on the southwest known as West Pryor Village, by Ordinance No. 8127.
- January 8, 2019 – The City Council approved a rezoning and preliminary development plan (Appl. #PL2018-098) from R-1 to PMIX for the Streets of West Pryor development, by Ordinance No. 8531.
- November 11, 2019 – A final development plan (Appl. #PL2019-288) for Lot 10 of Streets of West Pryor (multi-tenant commercial/retail building) was approved administratively by staff.
- November 11, 2019 – A final development plan (Appl. #PL2019-251) for Summit at West Pryor (mixed-use/apartments) was approved administratively by staff.
- December 3, 2019 – A final development plan (Appl. #PL2019-191) for McKeever’s Grocery was approved administratively by staff.

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- June 2, 2020 – A final development plan (Appl. #PL2020-078) for Lot 3 of Streets of West Pryor (multi-tenant commercial/retail building) was approved administratively by staff.
- January 19, 2021 – The City Council approved the second reading for a preliminary development plan (Appl. #PL2020-280) for Streets of West Pryor, Lots 1 and 2.

Compatibility

The proposed townhomes, apartments, and hotel are compatible with the overall concept of the Streets of West Pryor mixed-use development. The existing Tract C provides a large buffer between the existing single-family lots of the Summerfield subdivision and the proposed townhome area. The apartments and hotel are proposed just south and west of the existing grocery store and 4-story apartment/retail buildings.

Adverse Impacts

The proposed development will not negatively impact the use or aesthetics of any neighboring property, nor does it negatively impact the health, safety and welfare of the public. The use is consistent with the existing and continued development of the Streets of West Pryor mixed use development.

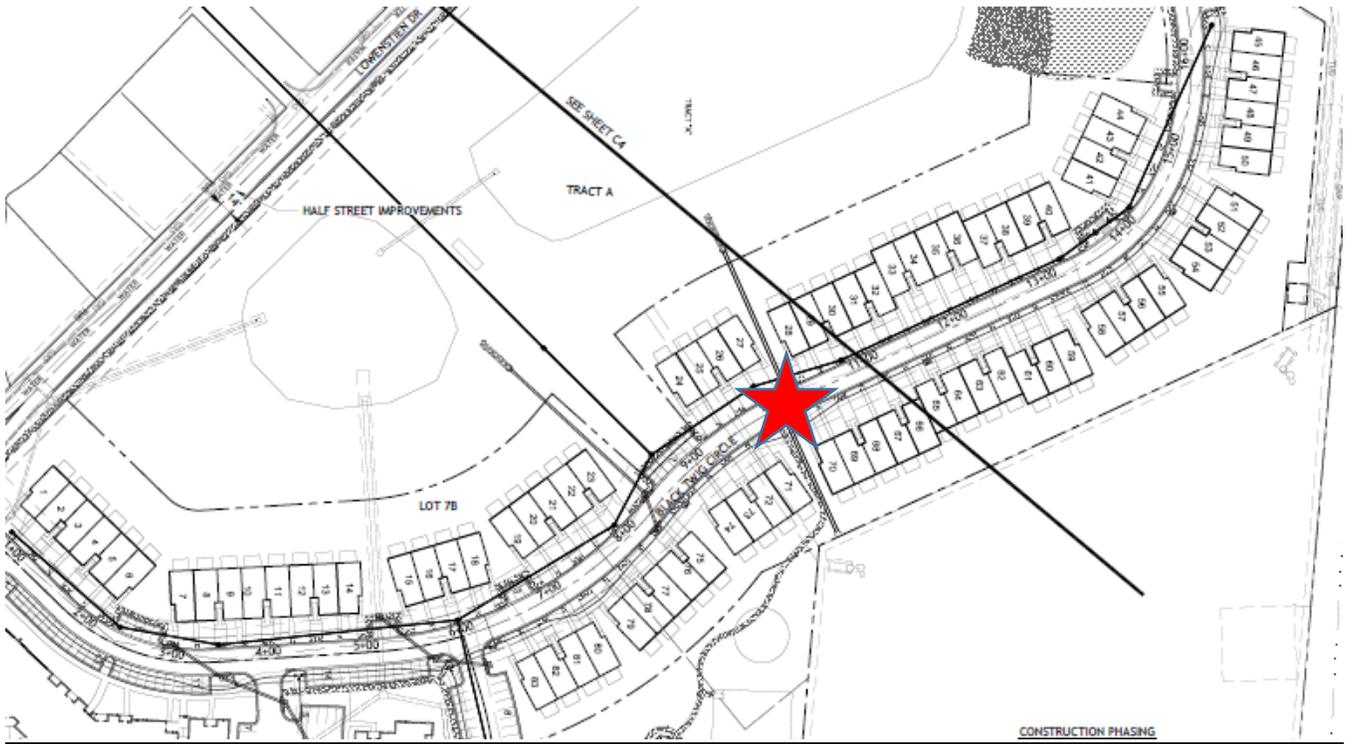
Public Services

The proposed preliminary development plan will not impede the normal and orderly development and improvement of the surrounding property. The necessary water, sanitary sewer and storm sewer improvements will be extended to serve the proposed development.

Townhomes

The plan proposes a townhome development totaling 83 units. Proposed materials include EIFS, aluminum siding, fiber cement siding, brick and stone in a white and brown palette. Below are images of the proposed townhomes and site layout.

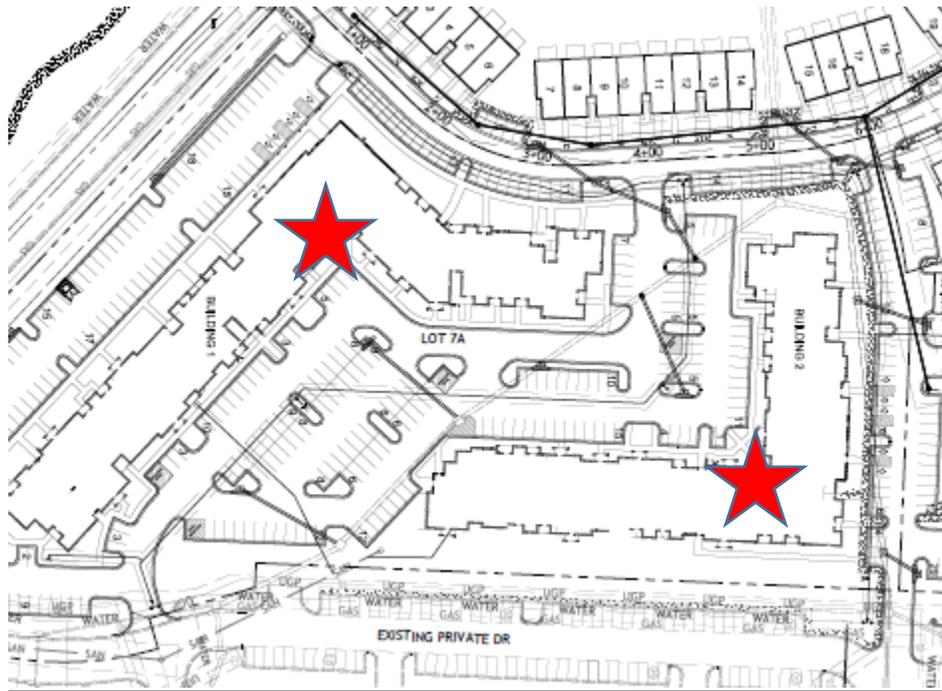




Apartments

The plan proposes two 3-story apartment buildings with 184 total units. Proposed materials include EIFS, aluminum siding, fiber cement siding, brick and stone in a white and brown palette. Below are images of the proposed apartments and site layout.

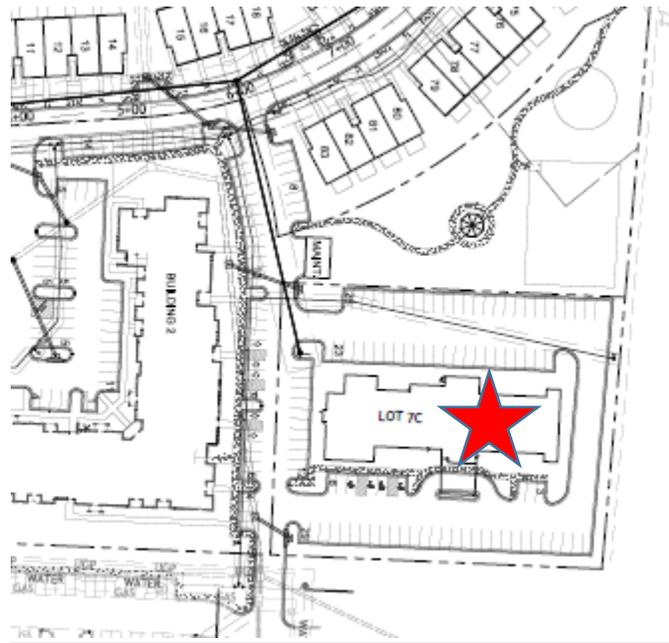




Hotel

The plan proposes a 3-story, 88-unit hotel. Proposed materials include EIFS, Nichiha Shake (cementitious) shingles and Nichiha Vintage Wood (cementitious) panels in muted tones of cream and brown. Staff is requesting additional architectural detail to include horizontal, vertical material breaks and additional articulation for the west elevation at the time of final development plan submittal. Below are images of the proposed hotel and site layout.





Modifications

A high impact buffer is required. A modification has been requested.

- Required – A high impact screening definition: A 100 percent opaque screen between land uses, which are dissimilar in character or zoning district. When the proposed plan is considered to have a high impact on surrounding properties or the adjacent property is considered to have an adverse impact, both of the following shall be installed within the 20-foot buffer yard: (1) six-foot high masonry wall or opaque vinyl fencing, (2) and low impact screening shall be planted on both sides of the wall or the fence. This requirement is technically required between the townhomes (proposed RP-4 zoning) and Tract C (zoned R-1).
- Proposed – A medium impact landscape buffer along the NW Lowenstein Dr. frontage of the apartment and townhome development lots. The medium impact screen will be 20 feet in width and landscaped in accordance with Types A, B, C or combination thereof as prescribed by the UDO.
- Recommended – Staff supports the alternate buffer accommodation and location. The relocation of the proposed vegetated buffer along NW Lowenstein Dr. rather than immediately behind the townhomes provides an aesthetically pleasing landscaped vista between the Summerfield subdivision and serves as a buffer to the detention ponds and townhomes beyond.

Alternate Parking Plan

An alternate parking plan has been proposed and is allowed to be considered by the Director according to the UDO.

- Required – In order to meet the UDO parking requirements, the apartment buildings require a total of 387 parking spaces while the townhomes require a total of 208 parking spaces.
- Proposed – A total of 341 parking spaces are proposed for the apartment buildings and a total of 187 parking spaces are proposed for the townhomes.

- Recommended – Staff supports the number of parking spaces proposed. An analysis has been completed utilizing the ITE (Institute of Transportation Engineers) Parking Generation Manual for multi-family housing (low rise). In summary, the ITE Manual states that for General Urban/Suburban Mid-Rise Multi-family housing not located within ½ mile of rail transit that a parking supply ratio of 1.7 parking spaces per dwelling unit is recommended. The proposed parking exceeds the minimums suggested by the ITE Manual.

Remediation of Undermined Area

A significant portion of the proposed development application is underlain by mine space. This space was created when limestone was mined from the area between 1959 and 1981. The undermined area is located on both the north and south sides of I-470 and is inter-connected by a series of four (4) tunnels which run beneath I-470. Access to the mine was from portals located on the north side of the mine, but is now accessed from various mine rooms that have been exposed due to a current quarrying operation on the north side of I-470 that excavated the portals. The applicant has recently contracted Geotechnology, Inc., an engineering geologist, to evaluate the condition of the mine and provide mitigation recommendations for the south side of the mine in the area of the proposed development.

Last year (mid-2020), individuals from Geotechnology, Inc. and BHC Rhodes (Project Surveyor), both companies engaged by the Developer, completed two inspections of the mine space to make some initial assessments of the condition of the mine. Their inspections identified that a significant portion of the mine was partially filled with water and that various locations existed where “dome-outs” had occurred. (Dome-outs are a partial roof failure that has occurred between roof pillars in the shape of a dome. These “dome-outs” do have the potential to migrate to the surface and cause a visible sinking/collapse of the land surface.) A general stability analysis was performed and it was determined that with the application of engineering controls, the surface over the mine was viable for development. The applicant has contracted Drill Tech & Shoring, Inc., a mine filling contractor, to work with Geotechnology, Inc. and BHC Rhodes to identify the required engineering controls (dewatering and backfilling of the mine).

The applicant has provided the City with a mine mitigation study containing geotechnical exploration information, preliminary information on design methodology and calculations, supporting documentation for proposed filling methodology and monitoring, a draft quality control/quality assurance program, and a preliminary project manual, all which has been reviewed by City staff and a 3rd party consultant educated in mine remediation. (The City has engaged HDR, Inc., an engineering consultant, to review all of the Developer’s information and to provide comments and analysis to City staff. This has guided City staff in our evaluation of this project and the recommended conditions of approval below.)

It is staff’s recommendation that no permits (building or site development) shall be issued until (1) the Developer has entered into a redevelopment agreement with the City to address long-term management and liability issues associated with development over the undermined areas, (2) the final mine remediation plans and specifications have been approved pursuant to the terms and conditions of the redevelopment agreement, and (3) that the remediation work has been completed as designed and certified by an independent professional geotechnical engineer.

Recommendation

With the conditions of approval below, the application meets the requirements of the UDO and Design and Construction Manual (DCM).

6. Recommended Conditions of Approval

Site Specific

1. A modification shall be granted to the required high impact buffer requirement, to allow a vegetated buffer along NW Lowenstein Dr., in accordance with the medium impact buffer requirements of the UDO.
2. The Developer shall execute a mutually satisfactory development agreement (or amend the original development agreement) with the City, which addresses, at a minimum, any remaining off-site transportation improvements associated with the Streets of West Pryor Development and improvements to Lowenstein Dr. to urban standards as addressed in the City Traffic Engineer's TIA dated December 18, 2020. 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 Records' Office.
3. No building or site development permits shall be issued until (1) the Developer has entered into a redevelopment agreement with the City to address long-term management and liability issues associated with development over the undermined areas, (2) the final mine remediation plans and specifications have been approved pursuant to the terms and conditions of the redevelopment agreement, and (3) that the remediation work has been completed as designed and certified by an independent professional geotechnical engineer.
4. Additional architectural detail shall be required for the proposed hotel to include horizontal, vertical material breaks and additional articulation for the west elevation, which will be required at the time of final development plan submittal.

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. 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).
7. 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.
8. Certain aspects of the development plan 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.

9. Private parking lots shall follow Article 8 of the Unified Development Ordinance for pavement thickness and base requirements.
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 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 and local amendments.
12. NW Black Twig Circle shall be built to 28' from back-of-curb to back-of-curb (City standard).
13. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction. A water model shall be provided upon final development plan submittal, showing that adequate fire flow will be supplied for all of buildings (Building 1: 3,875 gpm and Building 2: 3,000 gpm).
14. Where required by the fire code official, approved signs or other approved notices or markings that include the words NO PARKING—FIRE LANE shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. The means by which fire lanes are designated shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility. One side of Black Twig shall be posted "No Parking".
15. Vertical combustible construction may not take place until the required water supply, private streets, and base asphalt of all of the parking lots are in place.
16. A Mine Safety Plan is required before any work is performed as part of the mine remediation project.
17. A minor plat shall be approved and recorded prior to any building permits being issued.