

## Legislation Details (With Text)

**File #:** 2022-4923      **Name:**

**Type:** Public Hearing - Sworn      **Status:** Presented

**File created:** 1/21/2022      **In control:** City Council - Regular Session

**On agenda:** 5/10/2022      **Final action:** 5/10/2022

**Title:** Public Hearing: Application #PL2021-450 - Rezoning from AG to RP-3 and Preliminary Development Plan - Anderson Pointe, 5601 NE Anderson Road; Engineering Solutions, LLC, applicant.  
(Note: This was continued from April 12, 2022 per the applicant's request.)

**Sponsors:** Development Services

**Indexes:**

**Code sections:**

**Attachments:** 1. Protest Petitions - Summary of Written Issues/Concerns/Comments, 2. Planning Commission Testimony Recap Memo, 3. Legal Protest Memo, 4. Planning Commission Minutes, 5. Staff Report, 6. Transportation Impact Analysis, 7. Traffic Impact Study - original (Aug 2021), 8. Traffic Impact Study - revised (Mar 2022), 9. Preliminary Development Plan, 10. Single-family Building Elevations 1 (1.5 Story), 11. Single-family Building Elevations 2 (1.5 Story), 12. Single-family Building Elevations 1 (2 Story), 13. Single-family Building Elevations 2 (2 Story), 14. Duplex Building Elevations (1.5 Story), 15. Duplex Building Elevations (2 Story), 16. Development Design Guidelines, 17. Macro Stormwater Study, 18. Sanitary Sewer Study, 19. Protest Petitions within 185' of Project Site, 20. Protest Petitions outside 185' of Project Site, 21. Location Map, 22. Planning Ccommission Applicant Presentation, 23. Planning Ccommission Staff Presentation

Date	Ver.	Action By	Action	Result
5/10/2022	1	City Council - Regular Session	presented	
4/12/2022	1	City Council - Regular Session	continued	Pass
3/17/2022	1	Planning Commission	recommended for approval	Pass
3/10/2022	1	Planning Commission	continued	Pass
2/10/2022	1	Planning Commission	continued	Pass
1/27/2022	1	Planning Commission	continued	Pass

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(Note: This was continued from April 12, 2022 per the applicant's request.)

Issue/Request:

The applicant proposes to rezone the subject property from AG to RP-3 to allow a proposed residential development consisting of 66 single-family homes and 10 duplexes (20 dwelling units) totaling 86 dwelling units on 23.73 acres. The development includes two amenity areas in the form of a playground and a swimming pool. The plan also calls for the establishment of tree preservation areas along the development's entire I-470 frontage, along the site's northern boundary and along portions of the development's northernmost frontage along NE Anderson Dr.

The applicant requests a modification to the minimum 50' street frontage requirement for five (5) of the proposed single-family residential lots.

Area residents have expressed concern and opposition to the proposed development citing issues that include: existing flooding/stormwater issues; traffic generation and safety; unimproved road conditions along

NE Anderson Dr; compatibility; school capacity issues; and loss of open space/wildlife habitat.

Based on the concerns cited above, area residents have submitted protest petitions to the City. Protest petitions from the owners of more than 30% of the surrounding property (55.7%, more specifically) located within 185' of the project site have been confirmed and has thus triggered a valid legal protest. A valid legal protest has no impact on any process or proceeding at the Planning Commission level. However, a valid legal protest triggers the requirement for a minimum six (6) votes in the affirmative to pass an ordinance approving the application at the City Council level.

Matt Schlicht, P.E., Applicant  
Hector Soto, AICP, Senior Planner

Recommendation: With the conditions of approval below, the application meets the requirements of the UDO and Design & Construction Manual:

1. A modification shall be granted to the requirement for each lot to have a minimum 50' of street frontage, to allow the following: Lot 41 - 17' of street frontage; Lot 45 - 40.08' of street frontage; and Lots 42-44 - 0' of street frontage.
2. The Developer shall execute a mutually satisfactory development agreement with the City, which addresses, at a minimum, paved shoulder improvements along NE Anderson Dr from NE Velie Dr to NE Lakewood Blvd as addressed in the City Traffic Engineer's TIA dated February 10, 2022. 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. A revised Macro Stormwater Drainage Study shall be submitted to, reviewed and approved by the City prior to approval of any final development plan to address all outstanding discrepancies identified by City staff.
4. All design waivers shall be submitted, reviewed and approved by the City Engineer prior to approval of any final development plan.
5. Development shall be in accordance with the preliminary development plan dated November 17, 2021, time stamped January 12, 2022; Single-family building elevations 1 and 2 (1.5-story), time stamped December 21, 2021; Single-family building elevations 1 and 2 (2-story), time stamped December 21, 2021; and Development Design Guidelines, date stamped December 21, 2021.

On a motion by Vice Chair Arth, seconded by Ms. Rader, the Planning Commission unanimously voted (7-0; 2 absences) on March 17, 2022, to recommend approval for Application #PL2021-450 - Rezoning from AG to RP-3 and Preliminary Development Plan - Anderson Pointe, 5601 NE Anderson Road; Engineering Solutions, LLC, applicant.