

Legislation Text

File #: 2017-1193, **Version:** 1

PUBLIC HEARING - Appl. #PL2016-219 - REZONING from AG to R-1 and PRELIMINARY DEVELOPMENT PLAN - Whispering Woods, approximately 76 acres generally located at the northeast corner of SW Pryor Rd and SW Hook Rd; Whispering Woods Land, LLC, applicant.

(NOTE: This item was **CONTINUED** from May 18, 2017, per the applicant's request.)

Issue/Request:

A rezoning and preliminary development plan application was filed with the City in 2016 proposing to rezone 76 acres from AG to R-1 and plat 164 lots, for the Whispering Woods single-family residential subdivision. The application was considered by and subsequently recommended for approval by the Planning Commission on February 14, 2017. The application was considered by and subsequently denied by the City Council on March 2, 2017. The application was reconsidered by and subsequently remanded back to the Planning Commission by the City Council on March 9, 2017. The rezoning and preliminary development plan presented for reconsideration is unchanged from the original submittals.

The applicant proposes to rezone approximately 76 acres located at the northeast corner of SW Pryor Rd and SW Hook Rd from AG (Agricultural) to R-1 (Single-Family Residential). The property is immediately north of Hawthorne Hill Elementary School and west of Lee's Summit West High School. The proposed *Whispering Woods* subdivision will be a six-phase single-family residential development composed of 164 lots and 15 common area tracts.

The subject application also includes a preliminary development plan. Preliminary development plans typically do not accompany rezoning applications for R-1 zoning. However, the applicant is requesting one modification to the UDO which can only be granted as part of a preliminary development plan application. A modification is requested to the R-1 minimum rear setback requirement of 30-feet to allow a 20-foot rear setback for Lots 1-4 and Lots 129-144. Staff supports the requested modification.

Phase 1 and 2 of this development proposes a total of sixty-eight (68) lots with one (1) point of ingress to and egress from the subdivision. However, no more than fifty (50) building permits shall be issued until such time as SW 26th Terrace is constructed between SW Pryor Rd. and SW River Run Dr. to an acceptable City Standard, and thereby providing a second point of access to SW Pryor Rd.

The traffic improvements required for this development include the construction of multiple turn-lanes along SW Pryor Road at the proposed intersections of SW River Run Drive and SW 26th Terrace. In addition, a temporary traffic signal at the intersection of SW Pryor Road and SW Scherer Road will be required in the later phases of this development. A Development Agreement shall be required to address the off-site road improvements identified within the traffic study and the off-site sanitary sewer and water needs.

-164 lots and 15 common area tracts on 76 acres

-2.15 units/acre including common area - 4 units/acre maximum permitted

-2.90 units/acre excluding common area

Proposed City Council Motion:

I move to direct staff to present an ordinance approving Application #PL2016-219 - REZONING from AG to R-1 and PRELIMINARY DEVELOPMENT PLAN - Whispering Woods, approximately 76 acres generally located at the

northeast corner of SW Pryor Rd and SW Hook Rd; Whispering Woods Land, LLC, applicant.

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

1. A modification shall be granted to the R-1 minimum rear setback requirement of 30 feet, to allow a 20-foot rear setback for Lots 1-4 and Lots 129-144.
2. A total of sixty-eight (68) lots may be platted within Phase 1 and 2. However, no more than fifty (50) building permits shall be issued until such time as SW 26th Terrace is constructed between SW Pryor Rd. and SW River Run Dr. to a standard acceptable to the Fire Department, all in compliance with the Fire Code and Unified Development Ordinance regulations requiring a second point of access for developments in excess of fifty (50) single family homes.
3. Development shall be in accordance with the preliminary development plan, date stamped February 5, 2017.
4. The developer shall execute a mutually satisfactory development agreement with the City, which addresses, at a minimum, the required off-site sanitary sewer, and waterline improvements, and off-site transportation improvements listed in the TIA, dated February 7, 2017. No infrastructure permit shall be issued in the development until written proof is provided to the City that the development agreement has been recorded in the Jackson County Records' Office. All public improvements shall be substantially complete prior to issuance of any building permit.

Planning Commission recommendation: On motion of Mr. DeMoro and seconded by Mr. Lopez the Planning Commission voted six "yes" (Mr. Norbury, Mr. Lopez, Mr. Watson, Mr. Gustafson, Mr. Funk and Mr. DeMoro) and one "no" (Ms. Roberts) by voice vote, on May 9, 2017 to APPROVE Appl. #PL2016-219 - REZONING from AG to R-1 and PRELIMINARY DEVELOPMENT PLAN - Whispering Woods, approximately 76 acres generally located at the northeast corner of SW Pryor Rd and SW Hook Rd; Whispering Woods Land, LLC, applicant, subject to staff's letter, dated May 5, 2017, recommendation items 1-4.