

**MEETING
DATE:**

December 8, 2020

STAFF: Stuart Borders, Senior Planner

PROJECT NAME: The Falls apartment complex

CASE NUMBER/REQUEST: Case 20-125-01 – Rezoning and Preliminary Development Plan – 4500/4580 S. Bass Pro Drive – Case Development LLC, requests rezoning and preliminary development plan approval

APPLICANT: Case Development, LLC

OWNER: Crackerneck Creek, LLC

PROPERTY ADDRESS: 4500/4580 S. Bass Pro Drive

SITE ACREAGE: 13.57 acres +/-

CURRENT USE: Vacant land

SURROUNDING ZONING/LAND USE:

N/E: C-2 (General Commercial); hobby store, recreational outfitter

S: C-2, Street right-of-way, parkland

W: R-12/PUD (Two Family Residential/Planned Unit Development); Single family homes

PUBLIC NOTICE:

- Letters to adjoining property owners – August 7 and November 25, 2020
- Public notice published in the Independence Examiner – September 26 and November 21, 2020
- Signs posted on property – September 24 and October 2, 2020

FURTHER ACTION:

Following action by the Planning Commission, this application is scheduled for its first and second reading by the City Council in early 2021 in conjunction with the amended Tax Increment Financing (TIF) Plan.

RECOMMENDATION

Staff recommends that this rezoning and preliminary development plan be approved for the following conditions:

1. On Sheets P2 and P5, the trash enclosures must be masonry, see Code Section 14-503-08.
2. On Sheet P3, the ADA sign on the post must have the '\$50-\$300 Fine' warning sign added, see Section 14-501-11.

3. On Sheet P6.2, the main entry sign is eight feet in height, but in the 'Architect's Collective' response #2 it mentions a 20 foot high sign. All signs must meet the design standards of the adopted Crackerneck Creek Special Character District.
4. Interior landscape parking islands should have three shrubs in addition to one tree per island. The landscape screen (tree line) along the western property line needs additional trees.
5. For the A5T/B5T/B6T buildings along the west side of the project, the rear elevations need more architecture features at the garage level, such as windows or contrasting brick trim.
6. The 8-inch ductile iron water main layout shown on Sheet CE05 is very general which the Water Department finds acceptable at this stage of the project. This layout is not approved for construction as we will need plan and profile sheets with all valves, all air release pits, our notes and detail sheets. This information has been provided to the developers engineer by the Water Department.
7. In order for the southern driveway to meet minimum sight distance standards for left turn movement, the foliage along the north side of Bass Pro Drive (and in particular, the extreme southwest corner of this lot) must be trimmed back to meet the minimum standard. The project's access design should confirm adequate sight distance is obtained for the drive. Maintenance of foliage should be conducted to maintain sight distance.
8. The location of the fencing around the perimeter of the site must be reviewed, and modified if necessary, to ensure not to create a sight distance issue at the driveway/street connection points.

PROJECT DESCRIPTION & BACKGROUND INFORMATION

PROJECT DESCRIPTION:

Case Development LLC (Case) requests to rezone property located north and west of S. Bass Pro Drive from C-2 (General Commercial) to R-30/PUD (High Density Residential/Planned Unit Development) and approve a Preliminary Development Plan.

Building Design - The proposed 13.57+/- acre development, entitled 'The Falls' will consist of 285 multi-family units divided into 23 buildings. The structures will be either two- or three- story buildings with the shorter structures sited along Bass Pro Drive with the taller buildings in the center of the site. Some 133 apartments will be single bedroom units, with the remaining 142 being two bedroom units. Square footage will range from 789 SF for the smallest single bedroom unit to 1,267 SF for larger two bedroom unit. Rental rates range from \$1,000 for the smallest single bedroom unit to \$1,300 for the largest two bedroom unit. Case states that this is a market rate project; the company does not accept subsidized housing vouchers (i.e., Section 8).

The complex will feature several building designs from a typical apartment multi-story structure to two-story building with townhome appearance. Buildings will take styling cues from the Bass Pro Shop's 'Adirondack' style featuring a combination of stone, brick, siding, and other architectural elements of that building. The color palette features reddish/brown brick, medium brown stone, with a medium brown siding. A contrasting dark brown and green will be used on the building's gables. Most of the buildings will feature garages, no free-standing detached garages are provided.

Project amenities will include a 3,453 square foot clubhouse/leasing office facility with a game room, fitness and media centers. Adjacent to the clubhouse is the outdoor pool with cabana, social area with a fireplace and barbeque grill.

Site Improvements - The site is accessed by three driveways: the north, south and the primary entrance onto Bass Pro Drive on the east side of the lot. Circulation through the site is provided via a private circle drive with two cross drives. Security gates, activated remotely by the tenants, will be installed at, or adjacent to, all three entrances. White three-rail vinyl fencing will be erected along most of the south, east and part of the north sides of the site; with the remainder of the north fencing being a six foot privacy fence.

In addition to the 100+ garage spaces, over 375 parking spaces for tenants and guests are provided throughout the site. A dog park/courtyard is sited in the south part of the complex.

The tree line along the west property line that separated the The Falls at Crackerneck from the Whispering Meadow subdivision was retained and combined with a masonry wall, 10 feet in height, to provide screening and buffering between the commercial and residential properties; this wall/landscape buffer is retained by The Falls. Since then however, the tree line has thinned and additional trees are needed to supplement the existing vegetation.

Current/Proposed Zoning: Currently the property is zoned C-2 (General Commercial) which allows for offices, department stores, childcares, restaurants, hair salons, specialty retail stores and other Conditional and Special Uses (body art shops, tobacco stores). If rezoned to R-30/PUD (High Density Residential/Planned Unit Development) several types of multi-family dwellings, as well as child daycares, schools, churches, cemeteries, and some other Conditional and Special Uses are allowed.

Adjacent Land Use and Zoning: The proposed development is bounded by C-2 zoned properties on its north, south and west sides with existing retail businesses to the north and east. Land to the west is the Whispering Meadows subdivision zoned R-12/PUD.

Utilities: When The Falls at Crackerneck development was constructed over a decade ago, the streets and utilities were installed throughout the entire project, including for this lot. As such, water, sanitary sewer, and electric services are already on the property or a short distance away and readily available for extension; the developer is responsible for the extension of those services.

Storm Water: The project is eligible for payment in lieu of detention as it is served by a regional detention facility (Bass Pro Lake); such payment must be made before the final plans are approved. Preliminary site drawings show much of the storm drainage flowing into an existing 96 inch drain pipe which transverses the southern part of the site in an east/west direction. A second storm drain will system will serve the southern part of site, also draining into the Bass Pro Lake.

Traffic: As the original Falls at Crackerneck concept had been slated for commercial use, a new study was conducted based upon this proposed residential component. This new study includes impacts of this apartment project on the existing roadway network, the need for additional turn lanes, storage bays, intersection controls, and so forth. It contains scenarios of the existing conditions, existing plus development conditions, and then projections for future year 2040 conditions.

In general, the study finds:

1. the study's intersections are not expected to be significantly impacted by the proposed development;
2. the southern drive doesn't meet the minimum sight distance standard but existing foliage along Bass Pro Drive west of the driveway can be trimmed to improve conditions;
3. that while the project's eastern drive doesn't meet the minimum intersection spacing with Bass Pro Shops western service entrance, this service drive has a low traffic volume;
4. the northbound right turn for the Bass Pro Drive at Lee's Summit Road should be monitored for the possible need for an additional right turn lane.

A copy of the traffic impact study (minus appendices) is attached.

Historic and Archeological Sites: There are no apparent historic issues with this property.

ANALYSIS

Consistency with *Independence for All*, Strategic Plan:

In accordance with objectives outlined in the Strategic Plan, this proposed apartment venture will 'build new housing units to fill a market need' while contributing to the continuing development of this overall project.

Comprehensive Plan Guiding Land Use Principles:

This site, along with other land in the southwest quadrant of the I-70 and M-291/I-470 crossroads is designated for 'Mixed Use' by the Imagine Independence 2040 Comprehensive Plan. It's in accordance with the Plan's comments "... to accommodate a mixture of medium- and high-density housing and complementary office, commercial and institutional uses that have, or will have, sufficient public utilities." The project will promote walkable neighborhood with easy access to stores and business in this development and the nearby Eastland Center. This project will also contribute to the further development of the remaining lots in this Crackerneck Creek development.

REVIEW CRITERIA

Recommendations and decisions on a proposed Preliminary Development Plan must be based on consideration of the criteria listed in Section 14-703-05-H:

1. **The consistency with the Comprehensive Plan.**

The Comprehensive Plan envisions Mixed Use for the site, along with the remainder of this development. This development is consistent with the Comprehensive Plan.

2. **The consistency with the PUD standards of Section 14-902, including the statement of purpose.**

Section 14-902 is intended to allow design flexibility that results in greater public benefit than would be achieved using conventional zoning regulations; this project is in conformance with that standard and promotes attractive residential development compatible with the surrounding area.

3. The nature and extent of Common Open Space in the PUD.

The site plan provides for open space/recreation areas in the central (clubhouse amenities) and south end of the development (courtyard/dog park). Other features include an internal sidewalk through the site and the existing natural buffer area between this project and the neighboring Whispering Meadows subdivision to the west.

4. The reliability of the proposals for maintenance and conservation of Common Open Space.

The applicant states that the ownership of the project will be constructed, managed and maintained by a single limited liability corporation. No units, buildings, or property will be sold but will remain in a single ownership.

5. The adequacy or inadequacy of the amount and function of Common Open Space in terms of the densities and dwelling types proposed in the plan.

The preliminary development plan proposes amenities and open space in the central (clubhouse/pool) and the south side (courtyard/dog park) areas of the site. Additional open space is provided via the nearby Bass Pro Lake and its accompanying recreational activities.

6. The extent to which the proposed use will adversely affect the capacity of safety portions of the street network or present parking problems in the vicinity of the property. Whether adequate provision for public services, provides adequate control over vehicular traffic, and furthers the amenities of light and air, recreation and visual enjoyment.

The traffic impact study indicates that, other than a sight distance issue for the southern driveway onto Bass Pro Drive, this proposed project will not adversely affect the street network in the vicinity of the project. More than adequate parking is provided internal to the complex; no on street parking is allowed on Bass Pro Drive. Public services such as water, sanitary sewer, and electric are readily available to the site. An apartment complex here will provide more opportunities for light, air, recreation and visual enjoyment than the commercial development originally slated for this site.

7. The extent to which the proposed use will have a substantially adverse effect on adjacent property and the development or conservation of the neighborhood area.

When originally prepared for development as part of The Falls at Crackerneck, this site was slated for commercial use, retail businesses in particular. As such, the mitigation of impact measures relating to traffic, parking, recreation, and related elements were designed into project at its inception.

8. Whether potential adverse impacts have been mitigated to the maximum practical extent.

Mitigation efforts have been made by the original developer, and by Case, to reduce impacts to the adjoining Whispering Meadows subdivision. This was done by eliminating any street connection to the subdivision and providing a 50 feet+ wide natural buffer area with a masonry wall along the entire length of the property line between The Falls and the residential neighborhood.

9. Whether the Preliminary Development Plan represents such a unique development proposal that it could not have accomplished through use of (non-PUD) conventional zoning regulations.

The R-30/PUD zoning classification requires the review and approval of a Preliminary Development Plan. With its building design, site layout, and planned amenities, the proposed

development does present a unique design that it could not be achieved using conventional zoning regulations.

10. The sufficiency of the terms and conditions proposed to protect the interest of the public and the residents of the PUD in the case of a plan that proposes development over a period of years.

The applicant states this development will be constructed in a single phase and remain entirely in one ownership.

EXHIBITS

1. Applicant's letter
2. Mailing affidavit
3. Property owner notification mailing list
4. Traffic impact study (minus appendices)
5. Preliminary development plan
6. Building elevations
7. Zoning map
8. Comprehensive Plan map