

**MEETING DATE:** May 11, 2021

**STAFF:** Brian L. Harker, Planner

**PROJECT NAME:** Sterling Village

**CASE NUMBER/REQUEST:** Case 21-810-02 – Preliminary Development Plan – 2901-2925 S. Harvard Avenue – Marck de Lautour, on behalf of SBD Capital Investments, LLC, requests approval for a four-plex development, located west of S. Sterling Avenue and north of E. Sheley Road

**APPLICANT:** Marck de Lautour

**OWNER:** SSD Capital Development, LLC

**PROPERTY ADDRESS:** 2901-2925 S. Harvard Avenue

**PROPERTY ZONING:** R-6/PUD (Single-Family Residential/Planned Unit Development)...developed and undevelopment four-plex lots

**SITE ACREAGE:** 13.39-acres (original)

**CURRENT USE:** uncompleted four-plex subdivision

**SURROUNDING ZONING/LAND USE:**

**North:** R-30/PUD (High-Density Residential/Planned Unit Development)...assisted living facility

**South:** R-6/PUD (Single-Family Residential/Planned Unit Development)...four-plexes

**East:** R-6 (Single-Family Residential)...single-family residences

**West:** R-6 (Single-Family Residential)...single-family residences

**PUBLIC NOTICE:**

- Letters to adjoining property owners – April 21, 2021
- Public notice published in the Independence Examiner – April 24, 2021
- Sign posted on property – April 23, 2021

**FURTHER ACTION:**

Following action by the Planning Commission, this application is scheduled for its first reading on May 11<sup>th</sup> by the City Council on June 7<sup>th</sup> and the public hearing/second reading on June 21<sup>st</sup>.

## RECOMMENDATION

Staff recommends **APPROVAL** of this PUD/Preliminary Development Plan with the following conditions:

1. More trees and shrubs are needed for screening along S. Sterling Avenue. A detailed copy of a landscaping and screening plan meeting the screening and landscaping concerns stated in the earlier Final Development Plan is needed.
2. Add a note to the plan that states that all living units will be served by individual utility services.
3. On the Preliminary and Final Development Plans, list the following setbacks:
  - a. 50-foot building setback along S. Sterling Avenue;
  - b. Driveway lengths must be at least 18 feet from the property line to provide an adequate outdoor off-street parking space for each unit.
4. Floor plans and building elevations shall generally conform to the drawings submitted with this development plan and contain the required below:
  - a. At least the lowest floor of the front building facade shall be masonry or stone (Submit drawing with the Final Development Plan);
  - b. Masonry/stone materials should be used as with the earlier fourplexes that have been constructed; and
  - c. The roof material shall be a 30-year Timberline or equivalent.
5. Storm water detention is required for the entire development. Storm water runoff and detention calculations must be included in the engineering plans.

## PROJECT DESCRIPTION & BACKGROUND INFORMATION

### PROJECT HISTORY AND DESCRIPTION:

When approved by the City Council in February 1999, the Final Development Plan for Sterling Village included 62 living units in two, three, or fourplex designs. The development was intended to provide new, affordable owner-occupied housing in this older area of southwestern Independence. All buildings had direct access to a private looped street which connected to both E. Sheley Road and S. Sterling Avenue.

After Final Development Plan approval, a private street, entitled S. Harvard Avenue, was constructed from E. Sheley Road and the first fourplex built. Sale of the units had not progressed as well as hoped and only the first building had been constructed. Then in 2005, another member of the LLC ownership took control of the project and submitted a revised plan to jump-start the project. Only four-fourplex buildings were built and the development stalled once again.

The remaining 13 lots of the Sterling Village PUD have been bought by SBD Capital Development. Thirteen fourplexes, similar the four most recently built, will occupy the undeveloped lots creating 72 additional dwelling units.

**Residential Design Standards** - These buildings will also be two-story but will have three and four-bedrooms instead of two and three. The units would be 1,400-square feet in area. Each unit will have a one car garage and driveway. The new structures will have 30-year architectural shingles, high end vinyl siding, quality windows and Trane brand HVAC systems. The roofs will be weathered wood in color. The buildings will have varied colors all along the grey/taupe scale. The new buildings will generally architecturally match the existing structures; however, the elevations submitted do not have brick façades. The façades should be brick as with the four previously buildings built there.

The applicant has had discussions with the existing Homes Association president and is willing to take over the entire HOA as soon as they begin construction. Sterling Village PUD will all be under one HOA governance and will remain a maintenance provided community.

**Building Lines and Setbacks** - As this is a Planned Unit Development, setbacks are established by the approved Final Development Plan. With the previous plan, a front yard setback of 15 feet had been proposed and at least 15 feet was to be provided between buildings. The spacings of some lots the current proposal are as little as 10 feet. The depth of the rear yard along S. Sterling Avenue varies but is at least 50 feet.

**Topography** - The topography of the property slopes west from S. Sterling Avenue to a creek which runs northerly through the project area, approximately 400 feet west of, and parallel to, S. Sterling Avenue. This creek is a tributary to Rock Creek, but it is not included as a part of the Rock Creek floodplain area. At the south end of the project area, the difference in elevation is 20 feet from S. Sterling Avenue to the creek.

**Stream Buffer** - Portions of the five lots west of S. Harvard Avenue are in one or more of the zones of the code defined Stream Buffer. The building footprints of the three most northern lots will be within the outer zones, if not “removed” by the substitution of other nearby areas.

**Open Space/Landscaping** – As the fourplex buildings are concentrated along S. Harvard Avenue, most of the area outside of this 200-foot-wide strip of street and dwellings will remain open space. Some of the open space west of S. Harvard Avenue will be cleared for a detention basin expansion, but the remainder will remain undisturbed.

Street trees and shrubs will be provided along S. Harvard Avenue as required by City Code. The developer will propose a reduced planting buffer strip along S. Sterling Avenue due to the limiting factors of overhead power lines and the sharp drop-off from the edge of the right-of-way to the site. The use berms and fences will be ineffective here due to the slope and the overhead lines limit the tree varieties for screening.

The sidewalk along the east side S. Harvard Avenue will be extended and a walking trail installed behind the western row of buildings and the property line. The walking trail is the only amenity provided for the project.

**Water and Sanitary Sewer** – During the first phase of Sterling Village, water and sanitary sewer service was installed along S. Harvard Avenue. These mains have the capacity to handle the additional dwelling units.

**Storm Water/Water Quality Management** – A small detention was designed and constructed just north of the first building several years ago. In order to provide capacity for the City’s current 100-year storm requirement, the existing detention basin will be expanded, and an additional detention basin will be added west of Buildings 4 and 6. The basins are an all-earthen basins which provides some filtration for stormwater.

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

## ANALYSIS

### **Consistency with *Independence for All*, Strategic Plan:**

*The Comprehensive Plan outlines principles for providing a variety of housing options, ensuring a balance of housing types, and promoting a mix of housing types within neighborhoods. This development provides for newer, multiple-family options along the S. Sterling Avenue corridor.*

### **Comprehensive Plan Guiding Land Use Principles:**

*The Imagine Independence 2040 Comp Plan provides the guiding principle to “foster redevelopment opportunities within the City to revitalize unused or underused property.” It does this by promoting in-fill development, **where appropriate**, to support compact urban form and reduce needless sprawl. The proposed application seeks to complete a partially completed, multiple-family 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 Residential Neighborhoods for the vicinity. An applicable Guiding Principle of the Comprehensive Plan would be to, “provide a diversity of housing options in all neighborhoods”.*
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. The PUD portion allows for attached units within single-family zoning.*
3. **The nature and extent of Common Open Space in the PUD.** – *The application provides for open space or preserved woods at the east and west sides of the development. It will provide for landscaped buffering along the S. Sterling Avenue right-of-way and tree and riparian area preservation on the west side of the property.*
4. **The reliability of the proposals for maintenance and conservation of Common Open Space.** – *The applicant states that all of the Sterling Village PUD will be under one HOA governance and will remain a maintenance provided community as provided for in the existing covenants.*
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 open space on the east side of the property that can be characterized as more useful as a buffer than as a recreational space.*
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 small scale of this development will have little effect on surrounding streets, particularly to the adjacent arterial roadway.*
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.** – *The project is*

*already partially completed. Fourplexes and an assisted living facility already are located along S. Harvard Avenue.*

8. **Whether potential adverse impacts have been mitigated to the maximum practical extent.** – *The project was already underway, the infrastructure is largely already in; the major points yet to be mitigated are stream buffer boundaries and storm water detention issues.*
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-6/PUD zoning classification requires the review and approval of a Preliminary Development Plan given the PUD portion of the zoning is already established.*
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.** – *Public Works is over-seeing storm water issues, which is the only major public impact.*

## **EXHIBITS**

1. Applicant's Letter
2. Mailing Affidavit
3. Property Owner Notification Mailing List
4. Preliminary Development Plan
5. Elevations and Floorplans
6. Zoning Map
7. Comprehensive Plan Map