

**MEETING DATE:** March 22, 2022

**STAFF:** Stuart Borders, Senior Planner

**PROJECT NAME:** McBee Rezoning/Planned Unit Development

**CASE NUMBER:** 22-125-01

**REQUEST:** Rezoning from C-2 (General Commercial) to R-12/PUD (Two Family Residential/Planned Unit Development) and approval of a Preliminary Development Plan for McBee Acres

---

**APPLICANT/OWNER:** Ashley E. Smith for McBee Construction Company

**PROPERTY LOCATION:** Southwest of Salem Drive, east of Bay Avenue, north of US 24 Highway

**SURROUNDING ZONING/LAND USE:**

**N/W/E:** Single and multi-family zoning in Jackson County; single and two family dwellings

**S:** C-2 (General Commercial); Quik Trip convenience store

**PUBLIC NOTICE:**

- Letter to adjoining property owners – February 4, 2022
- Public Notice published in The Kansas City Star – March 4, 2022
- Signs posted on property – March 2, 2022

### RECOMMENDATION

Staff recommends **APPROVAL** of this rezoning request and the accompanying Preliminary Development Plan with the following conditions:

1. The properties must be properly replatted through the final plat process in conjunction with approval of the engineering plans for the public improvements.
  2. The front setback of the buildings shall utilize varying setbacks of 20 feet, 25 feet and 30 feet with a maximum of three building in a row using the same setback. These setbacks must be shown on the final development plan.
  3. The minimum rear setback for buildings around the perimeter of the property shall be 20 feet; there's no required rear yard setback for buildings interior to the circle drive. The rear building line must be eliminated. The minimum distance between buildings shall be at least 12 feet.
  4. In addition to the walking trail on the south part of the site, provide another project amenity, such as a picnic area or park amenities.
-

5. The applicant must work with the City and Jackson County to ensure that the existing stormwater management system, including detention basins, meet both entities requirements.
6. Between Buildings 17 and 18, provide a small, pull-in parking lot of three or four spaces to be used for temporary parking to reduce parking on the street.
7. With the final development plan, provide a tree preservation/landscape plan for the project showing new plantings and how the existing tree lines along the north and east sides of the site will be retained or improved. A landscape feature must be added around the central detention basin, show on the plans.
8. The street names and addresses will be assigned during the final development stage.

## PROJECT DESCRIPTION & BACKGROUND INFORMATION

### PROJECT DESCRIPTION:

McBee Construction (McBee) seeks to rezone the property southwest of Salem Drive, east of Bay Avenue, north of US 24 Highway from C-2 (General Commercial) to R-12 (Two-Family Residential/Planned Unit Development) and approval of a Preliminary Development Plan.

<b>Current Zoning:</b>	C-2 (General Commercial)	<b>Proposed Zoning:</b>	R-12/PUD (Two Family Residential/Planned Unit Development)
<b>Acreage:</b>	11.43 acres +/-	<b>Existing Use:</b>	Undeveloped
		<b>Proposed Use:</b>	Two family dwellings

### BACKGROUND & HISTORY:

This site was annexed into the city in 2015 with the intent that a grocery store and some other small retail uses would be developed on the site. That concept never came to fruition and the land remains undeveloped. McBee now seeks to construct a loop road with a connection to Salem Drive providing access to 39 duplex buildings containing 78 dwelling units.

**Buildings** - Each residential building will contain two adjoining identical two-story units constructed on a slab foundation. The first floor will feature about 700 square feet with a living room, dining room, ½ bath and a single car garage. The second floor will contain roughly 800 SF divided into three bedrooms and two bathrooms. Exterior building materials will consist of Hardie Board siding with veneer cultured stone on the front elevation, all in a light grey color. Asphalt composite shingles in a dark grey/black color will be used on all roofs. All buildings will be rental units owned and maintained by the developer. Expected monthly rental will be \$1,400, not including utilities.

**Site Improvements** – All buildings will be accessed by a looped public street connecting to Salem Drive. Two stormwater detention basins are being created: one central to the site on Lot 2; the other in its northwest corner on Lot 1. A walking trail is shown looping south from the new street to the

right-of-way of Old Lexington Road (pending the vacation of the right-of-way) before turning north then reconnecting to the street. A monument subdivision sign is positioned at the northwest corner of Salem Drive and the loop road. Staff has recommended another project amenity be included in the development to enhance the open space area.

## ANALYSIS

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

This rezoning could contribute to the Strategic Plan by building new housing units to fill a market need.

### **Comprehensive Plan Guiding Land Use Principles for the Current Designation:**

In conjunction with this rezoning application, the City Comprehensive Plan is being amended to reflect this land use. One of the Comprehensive Plan Guiding Principles is to “Protect and enhance the viability, livability and affordability of the City’s residential neighborhoods while integrating multi-family development throughout the community.”

In addition, the City-Wide Housing Study outlined five complementary strategies to meet the broad range of housing needs in Independence. One of these strategies is to be proactive about new development. New development is critical to accommodating future growth for Independence. Whether it is having new and diverse housing stock to meet the needs of changing demographics of the City’s current population or having the right stock and amenities to attract new residents from around the region and beyond, it is important for the City to encourage a diversity of market-supported development in specific locations throughout the City.

### **Historic and Archeological Sites:**

There are no apparent historic/archeological issues with this property.

### **Utilities:**

Both water and sanitary services are in the general area and will be extended to serve this site.

### **Street access:**

The internal loop road will be a typical residential public street with a 28-foot roadway within a 50 feet right-of-way; a sidewalk will be constructed in the interior of the circle drive. The internal street’s only connection to the surrounding street network is to Salem Drive in unincorporated Jackson County; the County has been involved in the review of the proposal. It is requiring a sidewalk segment installed along on the project’s frontage on Salem Drive, providing a proper sight triangle at the street’s intersection with Salem Drive, a construction permit for the street connection, and will require a review of the project’s detention plans.

## REVIEW CRITERIA

Recommendations and decisions for proposed planned unit development rezoning and its accompanying 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.**

In conjunction with this rezoning application, the City Comprehensive Plan is being amended to reflect this land use and will “Protect and enhance the viability, livability and affordability of the City’s residential neighborhoods while integrating multi-family development throughout the community.”

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.*

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

*The project’s open space is primarily contained within the two planned detention basins with an area of over nine acres.*

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

*McBee states that it will construct, manage, and maintain the property; it has no intent to sell any units or buildings.*

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 two detention basins, containing over nine acres, is being provided by the project. Staff is recommending that an additional amenity feature be added, something to enhance the open space areas.*

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.**

*This proposed project is not expected to adversely affect the street network in the vicinity of the project. Jackson County is requiring a construction permit for the project’s connection with Salem Drive and has been involved early on with the project.*

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.**

*In some regards, this project can be considered a self-contained development with limited impacts on adjacent development. To the south/southeast are two gas/convenience stores, with the residential properties to the north and west backing up to this site. Only one street connection is planned, it will be directly across Salem Drive from an existing street. Two detention basins manage stormwater; utilities will be extended to serve the site and have adequate capacity.*

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

*Mitigation efforts have been planned by the developer to reduce impacts to the area. This will be managed by limiting access to a single connection, providing adequate stormwater management, and extending the existing public utilities throughout the site.*

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.**

*Due to the project's design and all the buildings being on two parcels, its not possible to develop the project through any means other than through the Planned Unit Development (PUD) process.*

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.**

*This project will be constructed in a single phase and the entire development is proposed to be under one ownership.*

#### **EXHIBITS**

1. Applicant's Letter
2. Application
3. Notification Letter
4. Mailing Affidavit
5. Addresses
6. Preliminary Development Plan
7. Preliminary Plat
8. Preliminary Landscape Plan
9. Front Elevations
10. Cultured Stone Image
11. Building Plans
12. Comp Plan Map
13. Zoning map