

**MEETING DATE:** July 12, 2022

**STAFF:** Brian Harker, Planner

**PROJECT NAME:** Summit Living Townhomes-An Active Independence Living Community

**CASE NUMBER/REQUEST:** Case 22-125-08 – Rezoning – 2610 and 2612 S. Lee’s Summit Road – A request by Joseph J. Laughlin to rezone this property from District C-1 (Neighborhood Commercial) and District R-6 (Single-Family Residential) to District R-18/PUD (Moderate Density Residential/Planned Unit Development) and approve a Preliminary Development Plan

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**APPLICANT/OWNER:** Joseph J. O’Loughlin, O’Loughlin Development LLC

**PROPERTY ADDRESS:** 2610 and 2612 S. Lee’s Summit Road

**SURROUNDING ZONING/LAND USE:**

- North:** District R-6...single-family homes
- West:** District R-6...single-family homes
- East:** District R-6...single-family homes and elementary school
- South:** District R-6/PUD...single-family homes

**PUBLIC NOTICE:**

- Letters to adjoining property owners – June 24, 2022
- Public Notice published in the Independence Examiner – June 25, 2022
- Sign posted on property – June 25, 2022

**FURTHER ACTION:**

Following action by the Planning Commission, this rezoning request is scheduled for a first reading by the City Council on August 1, 2022 and the public hearing/second reading on August 15, 2022.

### RECOMMENDATION

Staff recommends approval of the rezoning/preliminary development with the following conditions.

- 1) For the Final Development Plan, create a denser landscaped buffer along the southern edge of the property. Create a Medium-Intensity landscape buffer per the landscaping section of the Unified Development Ordinance (UDO);
  - 2) Provide a four-foot high berm along Lee’s Summit Road. Submit a cross-section elevation with the Final Development Plan;
  - 3) All sidewalks provided must be 5-foot wide to meet ADA requirements;
  - 4) Provide parking lot parameter trees and shrubs, and shrubs around the buildings (the exact number of plantings worked out with staff for the Final Development Plan);
  - 5) The Final Development Plan should provide an elevation of a entry sign/feature;
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- 6) Stripe a left-turn lane at the entrance to the proposed development;
- 7) The Masonry façades on the front elevations of the buildings must be carried for at least two feet onto the adjacent side elevations and across all right-of-way facing façades;
- 8) On the Final Development Plan, label the new public right-of-way, “E. 26<sup>th</sup> Terrace Court S.” The units will be addressed on the Final Development Plan as well;
- 9) Prior to the issuance of any building permits, a replat of the property shall be approved.

**PROJECT DESCRIPTION & BACKGROUND INFORMATION**

**PROJECT DESCRIPTION:** A request by Joseph J. Laughlin to rezone this property from C-1 (Neighborhood Commercial) and R-6 (Single-Family Residential) to R-18/PUD (Moderate Density Residential/Planned Unit Development) and approve a Preliminary Development Plan.

<b>Current Zonings:</b>	C-1 (Neighborhood Commercial) and R-6 (Single-Family Residential)	<b>Proposed Zoning:</b>	R-18/PUD (Moderate Density Residential/Planned Unit Development)
<b>Current Use:</b>	undeveloped land	<b>Proposed Uses:</b>	Multiple-Family Development
<b>Square Footage:</b>	585,922-square feet		
<b>Former Zoning</b>	Prior to 1980, from 1965 – R-1 (Single-Family Residential) Prior to 2009, from 1980 – CP-1 (Planned Neighborhood Commercial) and R-1b (Single-Family Residential)		

**PROPERTY HISTORY**

This property is actual two tracts similar in size lying adjacent and abutting the Lee’s Summit Road right-of-way. The northern of the two contains a small, old farmhouse with an accessory structure west in the rear yard. The seven-acre tract has had some form of single-family residential designation since 1965 and its use as been single-family residential through that entire period. The southern six-acre tract has been undeveloped field over the same time period. In earlier times, it had agricultural uses, but today it is an underutilized field. In 1980, it was given a CP-1 zoning designation, a change from its earlier single-family zoning designation. However, nothing ever came of that neighborhood commercial zoning opportunity. The properties have been owned by Englewood Assembly of God for 35 years and had been envisioned as a location for a new church. They have been marketed for sale off and on since the early 2000’s.

**PHYSICAL CHARACTERISTICS OF PROPERTY**

The property is the site of a small, old farmhouse and a never developed field. The tracts are fairly flat and featureless, except for stands of trees around the perimeter. The property is neither in a flood plain or near a stream requiring accompanying stream buffer zones.

## **CHARACTERISTICS OF THE AREA**

The surrounding neighborhood is largely residential in nature. Although Glendale Elementary lies across Lee's Summit Road, the immediate vicinity largely consist of single-family homes. The Mansion Apartments lie almost three blocks to the southeast. Although most nearby residences are of fairly good quality and condition, the newest developments in the neighborhood, The Mansion and Drum Farm, are of an architectural quality that staff believes should be reflected in this new townhome community. Thus, conditions for the Final Development Plan include improvement to the building elevations, particularly higher wainscots and extensions that should wrap around the sides of the buildings and cover all right-of-way facing façades.

## **PROPOSAL:**

Summit Living Townhomes will be an age restricted (50+) community with 123 units on 13 acres. The applicant indicates in his narrative that, "the purpose of Summit Living Townhomes is to help older adults remain in the community, as well as remain independent."

The zoning proposed R-18/PUD would permit up to 18-units per acre. The applicant needs it only to be able to accommodate his proposal for a development with 10-units per acre.

Provided amenities will include a dog park and community building. Sidewalks will be provided on both sides of the rights-of-way and around the perimeters of the parking lots.

The applicant's intention is to create a development similar in design and concept to Parkway Villas in Blue Springs. It consists of eight, 5-unit buildings and one, 4-unit building on 3.86-acres (a density of 11.39-units per acre). In Independence, the applicant proposes twenty-eight 4-unit buildings with 112-units, three 3-unit buildings with 9-units and one 2-unit building with 2-units. Nine of the 4-unit buildings and two of the 3-unit buildings will have one-story units without garages. The remainder of the buildings will have two-story units with garages. The two-story units will be along public rights-of-way and those that are one-story will be arranged around one of two parking lots.

## **ANALYSIS**

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

The proposal relates to the Goal "Achieve livability, choice, access, health and safety through a quality, built environment through building new housing units to fill a market need."

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

The Imagine Independence 2040 Comprehensive Plan designated this site for "Residential Neighborhoods," which envisions new neighborhoods with a walkable layout with streets that connect in a logical manner throughout the neighborhood and to adjacent developments for seamless transitions. The Comprehensive Plan Guiding Principles most relevant to the proposed development are, "Provide a diversity of housing options in all neighborhoods", "Facilitate the development of connected neighborhoods where appropriate," and "Neighborhoods and housing should be designed to be inclusive of the needs of the wide span of mobility."

**Zoning:**

The applicant proposes R-18/PUD zoning. District R-18/PUD allows; multiple-family housing, home based daycare, government facilities, churches, schools, utilities, cemeteries, crops and gardening. The existing districts for the two tracts allow the following uses. District C-1 allows; residential above the first floor and in 50-percent of the first-floor area, retail sales, government facilities, churches, schools, utilities, artist workspaces, employment and business support services, restaurants, small venues, banks, medical services, offices, parking, personal improvement services, artisan uses, crops and gardening. District R-6 allows: single-family housing, home based daycare, government facilities, churches, schools, utilities, cemeteries, crops and gardening.

**Historic and Archeological Sites:**

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

**Public Utilities:**

Water, sewer and electrical services are available to the property.

**Environmental, Storm Water and Stream Buffer:**

The property is the site of a small, old farmhouse and a never developed field. There is not any reason to believe that the property has experienced environmental degradation.

The tracts are fairly flat and featureless, except for stands of trees around the perimeter. The property is neither in a floodplain nor near a stream requiring accompanying stream buffer zones.

The Municipal Services environmental division will require approved plans to ensure the parking, loading and storage areas comply with Chapter 20 of the City Code.

**Building Permits and Phasing:**

Given the proposed development will be a rental community sited on one or two lots and constructed in two phases, permits for each structure, in a particular phase, will be submitted around the same time. In the development's first phase, the two-story units with garages, near Lee's Summit Road, and the one-story units in the middle of the development will be constructed. The remainder of the two-story units with garages will be constructed in the second phase. Most of the new right-of-way, the parking lots and accompanying sidewalks will be constructed in the first phase. The remainder of the public street and sidewalks will be completed in the second phase.

**Elevations:**

Whether they are four, three or two-unit buildings, the applicant proposes just two style of structures, two-story structures with garages and one-story structures without garages. The two-story structures will have dormers (above some of the garage doors) and covered front entries. The one-story buildings without the garages will have mission style entries from adjacent patios and gables. All the façades will be predominantly lap siding but will need to have four-foot-tall masonry wainscots (that are higher than indicated on the submitted elevations). Further, those wainscots must wrap at least two feet around the side of the buildings as well as be present on all right-of-way facing façades. The buildings will have composition shingles and the units will have two-bedrooms. None of the units will have basements.

### **CIP Investments**

The City's 2022-28 Capital Improvement Plan has programmed the Woodbury and 25<sup>th</sup> Street stormwater project, which is located northwest of the subject property, for 2026-27. This project will address the lack of stormwater facilities in that area. The applicant's project will not have an impact on the CIP project.

### **Traffic Study:**

The applicant submitted a Traffic Impact Study, which analyzes the traffic impacts on the surrounding roadway network for the *Existing* and *Existing + Site* traffic-volume scenarios. The Study concluded the addition of the development traffic has minimal impact on existing traffic operations. The analysis indicated that no turn lanes are warranted at the intersection of S Lee's Summit Road & the Proposed Site Drive. However, a left turn lane into the school is currently warranted and the City's traffic division is recommending striping of a left turn lane for the entrance to this addition as part of the first phase.

### **Streets, Driveways and Parking Lots:**

The right-of-way with its two, appendage cul-de-sacs will be labeled and addresses as one street; a public street, build to City standards and having accompanying public sidewalks on both sides. A limited access drive, for the use of emergency vehicles, will be constructed leading from the street to the northwest corner of the property where it will connect with S. Trail Ridge Drive, but be gated. Driveways to the units accessing the right-of-way will provide parking for one car and lead to a single garage providing parking for another. The two parking lots provided for the units without garages will each provide 36 spaces (2 handicapped spaces) for 19 and 23-units. Staff believes, given the expected senior residents, more handicapped spaces should be provided than ADA requires. Lastly, a 16-space parking lot will be provided for the community building.

### **Landscape, Screening and Berm:**

When the Final Development Plan is submitted, in addition to the street trees indicated on the Preliminary Development Plan, trees and shrubs should be provided around the parking lot perimeters and buildings as indicated in the Unified Development Ordinance (UDO). The stands of trees abutting the west and northwest sides of the property appear to be adequate buffers. Along the southern edge of the property, where there is some thick landscaping in place, Medium-Intensity landscaping, as defined in the UDO, should be planted. Lastly, a four-foot-tall berm should be constructed along the S. Lee's Summit Road right-of-way.

## **REVIEW CRITERIA**

Recommendations and decisions on rezoning applications must be based on consideration of all the following criteria:

### **1. Conformance of the requested zoning with the Comprehensive Plan.**

*The Comprehensive Plan envisions Residential Neighborhoods uses for this vicinity. The proposed multiple-family use, and the rezoning of the southern tract from C-1 to R-18/PUD, will be in keeping with the plan's vision;*

**2. Conformance of the requested zoning with any adopted neighborhood or sub-area plans in which the property is located or abuts.**

*There are not any subarea plans that cover the vicinity around this proposed development;*

**3. The compatibility of the proposed zoning with the zoning and use of nearby property, including any overlay zoning.**

*The proposed zoning will be most compatible with the Mansion Apartment across Lee's Summit Road to the southeast and with the Glendale Elementary located directly across the street. The development is arguably less compatible with the adjacent and nearby single-family residential uses; however, the applicant has minimized the impact via buffering and similar architectural style;*

**4. The compatibility of the proposed zoning and allowed uses with the character of the neighborhood.**

*Although the residential uses in the immediate vicinity are largely single-family residential, there is R-18/PUD zoning 2½-blocks to the southeast containing a large apartment complex with hundreds of units. Further, the property across the street is an elementary school. The masonry façades of the proposed buildings will be somewhat reflective of the façade standard of the adjacent single-family development to the south;*

**5. The suitability of the subject property for the uses to which it has been restricted under the existing zoning regulations.**

*The more northern tract, being zoned R-6, is in keeping with the surrounding zonings. The southern tract less so without some aesthetic standards;*

**6. The length of time the subject property has remained vacant as zoned.**

*The southern property has never been developed. The northern property has a residence;*

**7. The extent to which approving the rezoning will detrimentally affect nearby properties.**

*With the medium intensity landscape screening prescribed by the UDO, detrimental effects could be mitigated;*

**8. The gain, if any, to the public health, safety and welfare due to denial of the application, as compared to the hardship imposed upon the landowner, if any, as a result of denial of the application.**

*If the rezoning is denied, the developer will not be able to build at the density he wishes. If approved, proposed use will advance the Guiding Principle of creating a diversity of housing and thus the welfare of the community.*

**EXHIBITS**

1. Applicant's letter
2. Application
3. Notification letter
4. Mailing List
5. Affidavit
6. Pre-Development Plan

7. Elevations Materials
8. Traffic Study
9. Comp Plan Map
10. Zoning Map