

COMMUNITY PROJECT/REZONING

160812

Ordinance Fact Sheet

Ordinance Number

Case No. 13298-P-3 and 13298-P-4

Brief Title

To approve a rezoning and development plan which acts as a preliminary plat for Woodbridge Manor, 153-lot open space residential subdivision.

Details

Location: Along west side of Jackson Ave about ¼ mile north of Red Bridge Rd.

Reason for Legislation: Rezoning and development plan approval requires Council action.

EXISTING CONDITIONS:
The subject property is a 54-acre undeveloped site located along the west side of Jackson Ave about one-quarter of a mile north of Red Bridge Rd. The site located between two established residential subdivisions; St Catherine’s Gardens to the north and Southern Hills to the south. Two large residential lots are located along Jackson Ave to the northeast and southeast respectively. City-owned parkland known as the Gambil Tract is located immediately to the west. The subject property is heavily vegetated with substantial relief and contains two regulated streams in the north and west which drain the site towards the west into the Blue River. The site is currently served by gravity sanitary sewer along these streams. Sewer and water are both available in street stubs from both existing subdivisions to the north and south as well as along Jackson Ave.

REZONING AND DEVELOPMENT PLAN REVIEW:
The developer is proposing a 154-lot detached dwelling (single-family) residential development, which requires rezoning to District R-7.5 and approval of a development plan which is also acting as a preliminary plat. The developer proposes to use an open space development standard which provides relaxed lot and building standards in exchange for setting aside at least 30% of the total land area as permanent open space.

Access to the subdivision is proposed from Jackson Ave (1), from St Catherine’s Gardens to the north (1, via Mersington Ave), and from Southern Hills to the south (4 via Southern Hills Dr, Bales Ave, Cleveland Ave and Myrtle Ave). A total of five phases are proposed, from east to west. All but fifteen of the 154 lots are within the first four phases and located south and east of the two streams. Phase 5 is located north and west of the streams and would require a street extension and bridge over one of the two streams. All internal streets are proposed to be public streets constructed by the developer and dedicated to the City. Stormwater is proposed to be handled through a series of BMP’s within tracts owned and maintained by a to-be-established homeowners association.

Positions/Recommendations

Sponsors	Jeffrey Williams, AICP, Director Department of City Planning & Development
Programs, Departments or Groups Affected	6 th District (Taylor, McManus)
Applicants / Proponents	Applicant Dan Foster Schlagel & Associates, P.A. 14920 W 107th St Lenexa, KS 66215
	City Department City Planning & Development
	Other
Opponents	Groups or Individuals Some individual neighbors
	Basis of Opposition Stormwater, loss of vegetation, air quality, density, traffic
Staff Recommendation	<input checked="" type="checkbox"/> For
	<input type="checkbox"/> Against
	Reason Against
Board or Commission Recommendation	City Plan Commission (7-0) 7-19-2016 By Archie, Burnette, Crawl, Gutierrez, Macy, May and Martin
	<input type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken
	<input checked="" type="checkbox"/> For, with revisions or conditions (see details column for conditions)
Council Committee Actions	<input type="checkbox"/> Do Pass
	<input type="checkbox"/> Do Pass (as amended)
	<input type="checkbox"/> Committee Sub.
	<input type="checkbox"/> Without Recommendation
	<input type="checkbox"/> Hold
	<input type="checkbox"/> Do not pass

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Trails KC identifies a segment of the Three Trails Corridor Trail through the subject property. This corridor will serve to connect the Blue River Greenway trails in the west to major destinations north and east of the site, including the Cerner Three Trails Campus. The development plan depicts a 10 foot wide asphalt trail through the northern portion of the development beginning at Jackson Ave in the east through Tracts B, C and E along the northern edge of the development. The developer is proposing these tracts will be owned by the homeowners association and are to contain an easement for trail access. As the trail extends westward it will enter Tracts F and G which the developer proposes to dedicate to the City as park land. In recent conversations with Parks Department staff, there appears to be little to no support for this land to be dedicated to the City and Parks staff recommends they instead be dedicated as private open space in lieu of dedicating it to the City. Either option is sufficient to satisfy the park land requirements as well as open space requirements (discussed below).

The developer will construct the trail in each tract but Tract G, where the City's Parks Department will be responsible for construction. The City's Parks Department will assume maintenance responsibility for the entire segment once constructed by the developer.

The trail must be designed and constructed in accordance with the relevant recommendations of Trails KC and the 6th District Pedestrian Intermodal Transportation Connector Plan (PITC), adopted by Ordinance 100747 on October 31, 2010.

Open Space Development Standards

The proposed development is an "open space development" which is one of three residential development options authorized by the zoning and development code (conventional and conservation are the other two). Open space development provisions offer relaxed lot and building standards in exchange for the provision of permanent open space. The amount of open space provided must equal or exceed 30% or more of the gross site area. In this case that amounts to 16.2 acres. The zoning and development code permits any land dedicated for public park land and private open space areas - even those that include stormwater facilities - as eligible to be credited toward the minimum open space area if it meets one or more of the criteria contained in 88-410-066-B-1. The majority of Tracts F and G contain stream buffer, substantial relief and heavy vegetation and therefore it is desirable that they not be developed and instead be preserved as open space. Tracts B, C and E contain lesser amounts of these features but they do include the proposed trail and land which provides for outdoor recreation opportunities may be credited toward the minimum open space required as well.

<p>Policy or Program Change</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Operational Impact Assessment</p>	

Finances

<p>Cost & Revenue Projections – Including Indirect Costs</p>	
<p>Financial Impact</p>	
<p>Funding Source(s) and Appropriation Account Codes</p>	

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According to 88-410-06-C, the developer must identify the owner of the open space and submit a management plan which must:

- a. allocate responsibility and guidelines for the maintenance and operation of the open space and any associated facilities, including provisions for ongoing maintenance and for long-term capital improvements;
- b. estimate the costs and staffing requirements needed for maintenance, operation and insurance and outline the means by which necessary funding will be obtained or provided;
- c. provide that any changes to the management plan be approved by the development review committee; and
- d. provide for enforcement of the management plan.

Section 88-410-6-D requires that boundary markers be placed to identify the boundaries of the open space before construction.

Staff is recommending conditions related to these.

Parkland Dedication (88-408)

Gambil Tract is currently a relatively isolated park, accessed only from the north via St Catherine's Lane. The park is developed as a trailhead providing future trail connections to the west and east to the proposed trail on the subject property along the south side of the creek. A total of 3.42 acres of parkland are required and the developer is proposing to dedicate both Tracts F and G for park land purposes, the sum of which is 13.19 acres.

Landscaping and Screening Standards (88-425)

Applicable landscape standards are limited to street trees along each street. The developer must secure approval of a Street Tree Planting Plan from the City Forester and plant in accordance with the plan.

Lots 1, 14, 15 and 16 abut Jackson St. A 25 foot-wide portion of Tract B lies between Lot 1 and Jackson Ave. Staff believes this area should be landscaped including berming and or decorative fencing and a mixture of evergreen and ornamental trees (in addition to required street trees). Lots 14, 15 and 16 back up to Jackson Ave without any tract located between the lots and right-of-way. Staff believes an approximately 25 foot wide tract should be provided between these lots and the street or a landscape easement of the same width be provided and that said area shall be landscaped as described above. Staff is recommending a condition related to this.

ANALYSIS:

In reviewing and making decisions on proposed zoning map amendments, the city planning and development director, city plan commission, and city council must consider at least the following factors:

88-515-08-A. Conformance with adopted plans and planning policies;

The subject property falls within the South Area Development Plan area plan which recommends residential uses for the property. The proposed rezoning conforms to this recommendation.

88-515-08-B. Zoning and use of nearby property;

Much of the surrounding area is zoned R-7.5. Exceptions include the Gambil Tract and the large lot residential to the northeast, both zoned R-80.

88-515-08-C. Physical character of the area in which the subject property is located;

The physical character is residential and semi-rural.

88-515-08-D. Whether public facilities (infrastructure) and services will be adequate to serve development allowed by the requested zoning map amendment;

Subject to the recommended conditions, adequate public facilities will be available.

88-515-08-E. Suitability of the subject property for the uses to which it has been restricted under the existing zoning regulations;

Existing zoning restricts the property to large lot residential uses with a minimum lot size of 80,000 square feet, which would permit only 25 lots on the subject property. Given that the property is surrounded by higher densities to the north, south and east and park land to the west, the property is no longer suitable for such a low density.

88-515-08-F. Length of time the subject property has remained vacant as zoned;

The property has been vacant and undeveloped for an unknown number of years.

88-515-08-G. The extent to which approving the rezoning will detrimentally affect nearby properties; and

The proposed zoning will allow the property to be developed with similar residential use type and similar residential density to surrounding properties. Approval of the rezoning is not expected to detrimentally affect nearby properties.

88-515-08-H. 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.

Denial of the application would likely result in the property remaining undeveloped for the foreseeable future and would preclude the construction of the proposed trail and potential dedication of more than 13 acres of public parkland. Denial is not expected to result in any gain to the public health, safety or welfare.

RECOMMENDATIONS:

- a. **Case No. 13298-P-3** - To consider approval of a rezoning from District R-80 (Residential 80) to District R-7.5 Open Space (Residential 7.5 Open Space Development) to allow a residential development on undeveloped property.

City Planning and Development Staff RECOMMENDS APPROVAL of Case No. 13298-P-3 without conditions.

- b. **Case No. 13298-P-4** - To consider approval of a development plan which also acts as a preliminary plat in District R-7.5 Open Space (Residential 7.5 Open Space Development) on about 54 acres to allow a 153-lot single-family residential development on undeveloped property.

City Planning and Development Staff RECOMMENDS APPROVAL of Case No. 13298-P-4 based on the application, plans, and documents provided for review prior to the hearing and subject to the following conditions as provided by the Development Review Committee on November 4, 2015:

1. That two (2) collated, stapled, and folded (to 8.5 by 11 in. size) hardcopies and one (1) digital copy (CD containing a pdf file, a georeferenced monochromatic TIF file, and CAD/GIS compatible layer of the site plan boundary referenced to the Missouri state plane coordinate system) of the plans, **revised as noted below**, be submitted to Development Management staff (15th Floor, City Hall), prior to ordinance request showing:

The following plan corrections are recommended by the Development Management Division of City Planning & Development. Please contact Joseph Rexwinkle at 816-513-8824 or joseph.rexwinkle@kcmo.org with questions.

- a. That an approximately 25 foot wide tract or easement be provided along the rear of Lots 14, 15, and 16 for landscaping and buffering and that the plan note that said tract or easement be maintained by the homeowners association.
- b. That the plan note that that portion of Tract B lying between Jackson Ave and Lot 1 and the tract or easement referenced above is for the purpose of buffering, landscaping and screening and is subject to approval of a Minor Site Plan.
- c. That minimum five foot wide concrete sidewalks be clearly shown and labeled as such in the following locations:
 - i. From north property line at Bales Ave in St. Catherine's Gardens southward to allow for a future connection from the north.
 - ii. In a tract between Lots 87 and 88.
 - iii. From the ends of both proposed north/south cul-de-sacs.

The following plan corrections are recommended by the Land Development Division of City Planning & Development. Please contact Brett Cox at 816-513-2509 or brett.cox@kcmo.org with questions.

- d. Show additional Right-of-Way dedicate for Jackson Ave.
- e. Show sidewalk on both sides of all proposed streets.
- f. Preliminary Stream Buffer Plan comments:
 - i. Provide dimensions of Outer Zone. Show limits of Outer Zone for areas southwest of channel. Note Minimum Outer Zone is 25 feet, per 88-415-05-C.2.c
 - ii. Provide tabulation of Streamside and Middle Zone area disturbed for stormwater management facilities/grading.

Following receipt of revised plans on September 23, 2016, staff has reviewed and confirmed that the above-plan corrections have been satisfied.

The following conditions are recommended by the Development Management Division of City Planning & Development. Please contact Joseph Rexwinkle at 816-513-8824 or joseph.rexwinkle@kcmo.org with questions.

2. The developer shall submit a street tree planting plan to Development Management Division and the City Forester and secure the approval of said plan by the City Forester prior to release of each final plat for recording. The plan shall include size, type, species and placement of trees in compliance with 88-425-03. The developer shall agree to plant in accordance with the plan approved by the City Forester.
3. Prior to issuance of a final certificate of occupancy on each lot the developer, builder, or property owner shall plant street trees as required by the approved street tree planting plan. Prior to City Plan Commission consideration of any subsequent final plats, the developer shall provide a letter to the Development Management Division certifying that all required street trees in the previous plat have been planted in accordance with the approved street planting plan and are healthy. The letter shall be signed and sealed by a registered landscape architect licensed in the State of Missouri.

4. That the developer shall submit a street name plan for the entire development plan area and secure approval of said plan from the Street Naming Committee prior to mylar release for the first final plat within the development.
5. The developer shall submit a minor site plan for each tract or landscape easement within each final plat, secure approval of said plan by Development Management Division staff, and complete improvements shown on said plans prior to release of final plat for recording. Said plans shall depict details such as stormwater bmp's, landscaping, fencing, berming, sidewalks, trails, and other resident amenities proposed or required. In the case of tracts containing the proposed trail, the minor site plans shall depict the trail designed in compliance with Trails KC and the 6th District Pedestrian Intermodal Transportation Connector Plan (PITC), adopted by Ordinance 100747 on October 31, 2010. Tracts and/or easements lying adjacent to Jackson Ave shall be landscaped with berming and or decorative fencing and a mixture of evergreen and ornamental trees in addition to required street trees.
6. That the developer is responsible for constructing street connections to Myrtle Avenue, Cleveland Avenue, Bales Avenue and Southern Hills Drive within Southern Hills subdivision to the south.
7. That the developer is responsible for constructing a street connection to Mersington Avenue within the St Catherine's Gardens subdivision to the north be made.
8. That the developer must post a sign at the terminus of all stub streets indicating that the stub street is intended to be opened to through traffic when the adjacent property is developed. The sign must state "FUTURE THROUGH STREET. TO BE CONNECTED WHEN ABUTTING PROPERTY DEVELOPS." The city may provide specifications for required signs
9. That a minimum of 30% of the total site area be set aside as permanent open space and identified as such on all subsequent plans and plats. Said open space shall be owned and maintained as required of 88-410-06-C. The developer must submit a management plan for all permanent open space demonstrating conformance to 88-410-06-C-2 to the Development Management Division of City Planning & Development and secure approval of said plan from the Development Review Committee prior to recording the final plat for the first phase.
10. The developer shall install boundary markers identifying the location of permanent open space areas as required by 88-410-06-D prior to commencement of any work including, grading or clearing of vegetation. In addition the developer shall install signs which read "Permanent Open Space Set-Aside – Do Not Disturb (City Code 88-410)" constructed and located in a manner as required by this section.
11. The permanent open space must be protected in perpetuity by a binding legal instrument recorded with the deed as required of 88-410-06-E.

The following conditions are recommended by the Parks & Recreation Department. Please contact Richard Allen at 816-513-7713 or richard.allen@kcmo.org with questions.

12. The developer is responsible for dedication of parkland, private open space in lieu of parkland, or payment of cash-in-lieu of either form of dedication, or any combination thereof. The minimum area required shall be based upon the following formula (number of residential units X 3.7 persons per unit X 0.006 acres = required dedication in acres). Should the developer choose to pay cash-in-lieu of dedicating all or a portion of the required area, the amount due shall be based upon the 2015 acquisition rate of \$16,907.93 per acre. The final plat for each phase shall delineate the areas, if any, to be counted toward required dedication showing said areas within a tract and note the amount due, if any, for payment in lieu of dedication. Such payment shall be made prior to release of final plat for recording. If tracts containing trails are proposed to be used to count toward the required private open space dedication, only 50 ft in total width times the length of the trail is allowed to be counted toward this requirement unless other recreational amenities are provided in the same tract.
13. That a trail is constructed from east to west through the proposed development as depicted on the development plan and that said trail shall:
 - a. Conform to the relevant recommendations of Trails KC.
 - b. Conform to relevant recommendations of the 6th District Pedestrian Intermodal Connector (PITC) Plan.
 - c. Be constructed as a 10 foot wide, 6 inch deep concrete trail.
 - d. That the developer is responsible for the trail's construction in Tracts B, C, E, F and in the right-of-way between Tracts F and G.
 - e. That the City's Parks and Recreation Department is responsible for the trail's construction in Tract G.
 - f. That the City's Parks and Recreation Department is responsible for the trail's maintenance.
 - iii. That the developer is responsible for constructing five foot wide sidewalks providing access to the trail at the following points: from the ends of the cul-de-sacs between Lots 116 and 117 and Lots 128 and 129; from north property line at Bales Ave in St. Catherine's Gardens southward to the trail; and, from the street to the trail between Lots 87 and 88.
 - g. That the trail and sidewalks connecting to it are placed in an easement which provides public access to the trail and conforms to easement recommendations of Trails KC.
 - h. That the trail is reviewed and approved by the National Park Service prior to its construction.
 - i. **That the developer maintain as many trees as possible between St. Catherine Gardens and the trail to provide a buffer. (This condition was added by the Plan Commission)**
14. The developer will provide an easement to the City in a form acceptable to the City for the entire trail segment from Jackson to Gambil Park to be recorded prior to recording the first plat. The developer will be responsible for the easement maintenance prior to construction of any trail improvements within the easement. The City has the right, at its sole discretion and expense, to accelerate the construction of all or any portion of the trail segment from Jackson to Gambil Park upon written notice to the

developer. The developer agrees to promptly reimburse the City for that portion of the trail cost expended by the City for Tracts B, C, E, and F as each such Tract is completed by the developer in accordance with the development phasing with the exception of Tract G which shall be at the sole cost of the City. Any unpaid trail cost reimbursement owed by the developer to the City shall constitute a lien on all of the land in the development.

The following conditions are recommended by the Land Development Division of City Planning & Development. Please contact Brett Cox at 816-513-2509 or brett.cox@kcmo.org with questions.

15. The developer shall cause the area to be platted and processed in accordance with Chapter 88, Code of Ordinances of the City of Kansas City, Missouri, as amended, commonly known as the Development Regulations.
16. The developer must submit a Macro and detailed Micro storm drainage study, including stormwater management mitigation, roof drainage and surface drainage contribution reductions to the combined sewer where applicable from collection and connection of runoff, all in accordance with the strategic policies of the January 30, 2009 Overflow Control Plan, and Sections 7.3.13 Best Management Practice, and APWA Section 5600, to the Land Development Division for review and acceptance for the entire development area, and that the developer secure permits to construct any improvements prior to recording the plat or prior to issuance of a Building Permit, whichever occurs first as required by the Land Development Division. At a minimum retain the first 1.5 inches of runoff for the 100-year storm event and control the 100-year peak flow rate to the capacity of the downstream system of the combined sewer.
17. The developer must dedicate additional right of way for Jackson Ave as required by Chapter 88 so as to provide a minimum of 30 feet of right of way as measured from the centerline, and ensure right of way dedication is adequate for any proposed road improvements as required by Public Works Department adjacent to this project.
18. The developer must subordinate to the City all private interest in the area of any right-of-way dedication, in accordance with Chapter 88 and as required by the Land Development Division, and that the owner/developer shall be responsible for all costs associated with subordination activities now and in the future.
19. After the City Plan Commission enters its disposition for the development plan, the developer shall not enter into any agreement that would encumber or otherwise have any impact on the proposed right-of-way dedications for the planned project without the prior written consent of the Land Development Division.
20. That the west half of Jackson Ave shall be improved to Collector standards as required by Chapter 88, to current standards, including curbs and gutters, sidewalks, street lights, relocating any utilities as may be necessary and adjusting vertical grades for the road, etc., and obtaining required permit from Land Development Division for said improvement prior to recording the plat.
21. The developer must design and construct all interior public streets to City Standards, as required by the Land Development Division, including curb and gutter, storm sewers, street lights, and sidewalks.
22. The developer must pay impact fees as required by Chapter 39 of the City's Code of ordinances as required by the Land Development Division.
23. The developer must obtain the executed and recorded city approved grading, temporary construction, drainage/sewer, or any other necessary easements from the abutting property owner(s) that may be required prior to submitting any public improvements crossing properties not controlled by the developer and include said document(s) within the public improvement applications submitted for permitting.
24. The owner/developer must submit plans for grading, siltation, and erosion control to Land Development Division for review and acceptance, and secure a Site Disturbance permit for any proposed disturbance area equal to one acre or more prior to beginning any construction activities.
25. The developer must secure permits to extend sanitary and storm water conveyance systems to serve all proposed lots within the development and determine adequacy of receiving systems as required by the Land Development Division, prior to recording the plat or issuance of a building permit whichever occurs first.
26. The developer shall submit a final stream buffer plan to the Land Development Division for approval and obtain permits for the Stream Buffer prior to removal of any mature riparian species within the buffer zones and prior to recording the final plat, in accordance with the Section 88-415 requirements.
27. The developer must show and label the final stream buffer zones on the subdivision plat within a private open space tract, as required by Chapter 88 and Land Development Division, prior to issuance of any stream buffer permits.
28. The developer must obtain a floodplain certificate from Development Services prior to beginning any construction activities with the floodplain.
29. The developer must show the limits of the 100-year floodplain on the final plat and show the Minimum Low Opening Elevation (MLOE) of any structure on each lot that abuts a 100-year flood prone area on any plat and plan, as required by the Land Development Division.
30. The developer must submit covenants, conditions and restrictions to the Land Development Division for review by the Law Department for approval and enter into covenant agreements for the maintenance of any private open space tracts with stream buffer zones or stormwater detention area tracts, prior to recording the plat.

The following conditions are recommended by Water Services Development. Please contact Heather Massey at 816-513-0460 or heather.massey@kcmo.org with questions.

30. The developer shall extend water mains as required by Water Services Department.
31. The developer shall provide wider sanitary sewer easements as required by Water Services Department sewer easement matrix.

The following conditions are recommended by Fire Development. Please contact John Hastings at 816-513-4643 or john.hastings@kcmo.org with questions.

32. The developer shall provide fire hydrant(s) within 600 feet on a fire access road following an approved route established by the Authority Having Jurisdiction (AHJ) of any exterior portion of a building. The use of existing fire hydrant(s) may be used to satisfy this requirement otherwise a private fire hydrant(s) or hydrant system may be required. *(IFC-2012: § 507.5.1)*
33. Fire hydrants shall be installed and operable prior to the arrival of any combustible building materials onto the site. *(IFC-2012: § 3312.1; NFPA 241-2010: § 8.7.2)*
34. Fire hydrants shall meet the minimum fire hydrant requirements of KCMO Water Services applicable to a water main extension which is every 600 feet residentially zoned area.
35. Fire Department access roads shall be provided prior to construction/demolition projects begin. *(IFC-2012: § 3310.1; NFPA 241-2009: § 7.5.5)*
36. **The developer shall notify all property owners within 300' of the final plat boundaries if blasting is to occur. The developer shall conduct a pre-blast survey of the properties prior to any blasting and a post-blast survey to ensure no damage has occurred. (This condition was added by the City Plan Commission.)**

Fact Sheet Prepared By: Joseph Rexwinkle, AICP
Staff Planner

Date: October 14, 2016

Initial Application Filed: October 15, 2015, continued off-docket due to lack of traffic study. Traffic study received on May 9, 2016 and case was then docketed for June 21, 2016 City Plan Commission.

Reviewed By: Diane Binckley, AICP
Division Manager
Development Management

Date: October 14, 2016

City Plan Commission: June 21, 2016, continued
July 19, 2016

Revised Plans Filed: September 23, 2016

Reference Numbers:

Case No. 13298-P-3 and 13298-P-4