

COMMUNITY PROJECT/REZONING

160530

Ordinance Fact Sheet

Case No. 14505-P and SD 1492

Brief Title Rezoning 59.2 acres at the NW cor of NE 108th and N Eastern from R80 (Residential 80) to R-7.5 (Residential 7.5) and approving a Preliminary Plat in District R-7.5 (Residential 7.5) creating 165 single family lots and 4 tracts

Details

Location: About 59.21 acres Generally located at the northwest corner NE 108th Street and N. Eastern Avenue

Reason for Legislation: To approve a rezoning and preliminary plat to allow for 165 SF lots

EXISTING CONDITIONS:

The proposed development is located on the west side of N Eastern Avenue, north of NE 108th Street and south of NE 112th Terrace. The site is on the western edge of recently constructed single family home development. To the east of the site are the Auburn Estates 1st, 2nd and 3rd plats and the Brooke Ridge 1st through 6th plats. These plats feature single family detached units on lots averaging 70 feet widths. Southeast of the subject site is the Kellybrook Elementary School and the Kellybrook residential subdivisions. South of the site, across NE 108th Street, is undeveloped land zoned B 2-2, R-2.5 and R-10. West of the site are nine (9) scattered large lot acreages with homes on some lots which measure up to 20 acres and fronting on both NE 108th Street and NE Reinking Road. West of NE Reinking Road is undeveloped, unplatted open space. To the north of the site are some lots within the Meadows of Auburndale Second Plat and a pool for the subdivision. The developer proposes the subject 60 acre subdivision along both N Eastern Avenue and NE 108th Street -- taking advantage of the residential expansion southward and westward from the recently constructed subdivisions cited above. North Eastern Avenue is an unimproved two-lane asphalt roadway with some improvements on the east side due to the construction of the Brooke Ridge subdivisions. Northeast 108th Street is generally improved as a four-lane roadway with turn lanes at N Eastern Avenue, then tapering down to two lanes west.

Ordinance Number

Positions/Recommendations

Sponsors	Jeffrey Williams, AICP, Director Department of City Planning & Development
Programs, Departments or Groups Affected	1 st District (Wagner, Hall)
Applicants / Proponents	<p>Applicant Art Akin, P.E. AGC Engineers, Inc. 405 S Leonard St., Ste D Liberty, MO 64068</p> <p>City Department City Planning & Development</p> <p>Other</p>
Opponents	<p>Groups or Individuals None known</p> <p>Basis of Opposition</p>
Staff Recommendation	<p><input checked="" type="checkbox"/> For</p> <p><input type="checkbox"/> Against</p> <p>Reason Against</p>
Board or Commission Recommendation	<p>City Plan Commission (5-0) 04-19-2016 By Baker-Hughes, Crowl, Gutierrez, Martin and May;</p> <p><input type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken</p> <p><input checked="" type="checkbox"/> For, with revisions or conditions (see details column for conditions)</p>
Council Committee Actions	<p><input type="checkbox"/> Do Pass</p> <p><input type="checkbox"/> Do Pass (as amended)</p> <p><input type="checkbox"/> Committee Sub.</p> <p><input type="checkbox"/> Without Recommendation</p> <p><input type="checkbox"/> Hold</p> <p><input type="checkbox"/> Do not pass</p>

Continued from Page 1

The subject property is an elongated rectangular parcel measuring 2,600 feet N/S fronting along N Eastern Avenue and 1,000 feet E/W fronting along NE 108th Street. Generally, the entire parcel is vacant and in row crop. There is a central, west side pond, but generally treeless, except for some volunteer trees along the right of way of NE 108th Street. The topography is highest at the NW corner of the site with an elevation of about 1036 and lowest at the south/southeast corner with an elevation of about 1000. Although there is generally a 36 foot drop in elevation, this difference in elevations is over a ½ mile distance. The site is currently zoned R-80.

REQUEST:

The applicant proposes to rezone the entire site from District R-80 (Residential 80) to District R-7.5 (Residential 7.5) (Case No. 14505-P) and approve a preliminary plat for 165 single family lots and 4 tracts (Case SD 1492). The rezoning is needed because District R-80 is a residential zone requiring 80,000 SF per structure and is considered an agricultural or large lot/holding zone typically, until more standard types of residential development occur. District R 7.5 is a residential zone requiring a minimum of 7,500 SF per lot. At 43,560 SF per acre, this zone can accommodate between 5 and 6 units per acre.

The project is proposed for two phases. Phase one includes 96 lots and is generally the south one-half of the development. Phase two contains 69 lots (for a total of 165) and is generally the north one-half of the development. There are two street entry points on N Eastern Avenue and none proposed for NE 108th Street. The applicant states that “walk-out” basement home designs are very popular with home owners. To supply this product, the proposed grading plan includes streets at a higher elevation, with the elevation of the lot sloping down towards the back of the lot.

Fact Sheet Prepared By: John Eckardt, Staff Planner
Date: July 8, 2016

Reviewed By: Diane Binckley, AICP
Division Manager
Development Management
Date: July 8, 2016

Reference Numbers:
Case No. 14505-P & SD 1492

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

Finances

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

Initial Application Filed: August 22, 2014
City Plan Commission: April 19, 2016
Resubmittal Filed: June 7, 2016

This design demands more grading than one which would respect the existing topography. The design is simple and includes three N/S streets, with the two outer streets looping back to connect. Therefore, there are three N/S streets and five E/W streets with lots laid out in a geometric and consistent design. The lots are typically 75 feet wide with a minimum lot area of 7,500 SF and are consistent with the existing lots in the area. There are two roads extending to the west and dead-ending for future development. The back, or south sides of the lots on the south side of the development are 150 feet north of the proposed north right of way of NE 108th Street. The plan shows a private open space tract all along the south side for storm water detention and also shows a tract for private open space. The private open space is for a pool and clubhouse and is 2.20 acres. The plan also shows a 30 foot wide landscape easement along the entire frontage of N Eastern Avenue.

The plan proposes a monument sign at the northwest corner of NE 108th Street and N Eastern Avenue. It is unclear the size of the sign but it appears to be larger than the code allows for in Section 88-445-06-A-6.

PARKLAND DEDICATION:

Parkland dedication is a requirement of platting for residential development. According to Section 88-405-17 the developer has three options for this dedication whenever residential development is proposed. Applicants can dedicate land to the City, provide private open space for park purposes or pay money in lieu of parkland dedication. The plan shows the proposal for 165 multifamily residential units. Therefore the money in lieu is calculated as follows:

- * 165 MF units x 3.7 persons/unit x 0.006 acres/person = 3.663 acres
- * 3.663 acres – 1.0 acres = 2.663 acres x \$16,815.50 = \$ 44,779.68

The plan shows parkland usage of 2.20 acres but about ½ of the proposed private open space tract will be a steep hill towards NE 108th Street and most of the tract cannot be used for park space. City staff will recommend that this private open space tract be divided up into two tracts—one for private open space and one for private open space for park purposes. In addition, the tract for park purposes should be limited to one acre, include the pool and parking for the pool and identified on the Data and General Notes as such.

ANALYSIS:

The single family proposal is in conformance with the *Shoal Creek Valley Area Plan*. Initially, city staff was cautious in recommending approval of the design of the street pattern and lot configuration believing that it did not respect the existing topography and was unimaginative. Following the October 7, 2014 City Plan Commission continuance, city staff met with the applicant to discuss the design. The applicant then described the intent to provide walk-out rear basements – a feature very popular with new home buyers.

Many of the below staff recommendations serve to bring the development into compliance with the current city code.

A traffic study was required for this project. After a review of the traffic study by the Streets and Traffic Division of the Public Works Department, it was determined that no additional traffic conditions need apply to this project. Note however that right of way dedication for both NE 108th Street and N Eastern Avenue will be required since both of these streets are on the Major Street Plan.

88-515-08 REVIEW CRITERIA

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;
- 88-515-08-B.** zoning and use of nearby property;
- 88-515-08-C.** physical character of the area in which the subject property is located;
- 88-515-08-D.** whether public facilities (infrastructure) and services will be adequate to serve development allowed by the requested zoning map amendment;
- 88-515-08-E.** suitability of the subject property for the uses to which it has been restricted under the existing zoning regulations;
- 88-515-08-F.** length of time the subject property has remained vacant as zoned;
- 88-515-08-G.** the extent to which approving the rezoning will detrimentally affect nearby properties; and
- 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.

RECOMMENDATIONS:

At its regularly scheduled meeting on April 19, 2016, the City Plan Commission recommended in the following manner on the above listed cases with the following conditions: Note additions in bold and deletions in strikethrough:

a) Case No. 14505-P – Approval with no conditions

b) SD 1492, Preliminary Plat, Providence Point – Phase 1 and Phase 2 -- Approval with the following conditions:

Condition.1 per Land Development Division (Brett Cox, (brett.cox@kcmo.org) and John Eckardt (john.eckardt@kcmo.org)

1. That one (1) collated, stapled and folded copies (and a 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 plan coordinate system) of (a revised drawing /all listed sheets), revised as noted, be submitted to Development Management staff (15th Floor, City Hall), prior to ordinance request showing:
 - a. Provide street information, including curve radius information, taper information, etc.
 - b. Provide typical street section for N Eastern Ave. (Note, turn lanes are not required, and therefore not eligible for Impact Fee Credits)
 - c. Change the entire 30 foot wide landscape easement located on the west side of N Eastern Avenue to a continuous private open space tract as required by Section 405-05-F of the Code to be maintained by the Homes Association.
 - d. Extend NE 110th Street to the west boundary of the subdivision.
 - e. Divide Tract 1 Private Open Space tract so that one acre is in private open space for park purposes which includes the pool and parking and the remainder in private open space.
 - f. Revise the Development Data Table to include a Private Open Space category for Park Purposes and make the entry one acre for the pool and parking.
 - g. Change General Notes Item 13. To be one acre for private open space for park purposes.
 - h. State that the parking for the pool will be constructed to Chapter 52 and 88 standards.
 - i. Include Avenues and Streets naming on all proposed city rights of way.
 - j. Change the heading of the submittal from Development Plan to Preliminary Plat.
 - k. Revise the Monument sign sizing to those limitations found in Section 88-445-06-A-6, including that the sign be limited to a maximum of 32 SF.
 - l. Revise the lot count and all affected data from 165 to 164 following the removal of the lot needed for the extension of NE 110th to the western parcel boundary.
 - m. Revise the plan to eliminate all turn lanes on N. Eastern Avenue north of NE 108th Street.**

Conditions 2-19 per Land Development Division (Brett Cox, (brett.cox@kcmo.org)

2. 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.

3. The developer must submit a Macro storm drainage study with the first Plat, from a Missouri-licensed civil engineer to the Land Development Division showing compliance with current adopted standards in effect at the time of submission, including Water Quality BMP's, to the Land Development Division for review and acceptance for the entire development area, and submit Micro storm drainage study with each subsequent Plat or Phase showing compliance with the approved Macro and adopted standards. The developer shall secure permits to construct any improvements as necessary to mitigate impacts from rate, volume, and quality of runoff from each proposed phase, prior to recording the plat as required by the Land Development Division.
4. The developer must dedicate additional right of way for N Eastern Ave as required by the adopted Major Street Plan and Chapter 88 so as to provide a minimum of 40 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.
5. 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.
6. 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.
7. 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.
8. The developer shall submit construction plans in compliance with adopted standards for all improvements required by the traffic study approved by the Public Works Department, and shall secure permits for those improvements as required by the Land Development Division, prior to recording the plat.
9. The developer must construct temporary off-site cul-de-sacs and grant a city approved temporary cul-de-sac easement, for that portion outside of the dedicated street right-of-way, to the City as required by the Land Development Division, prior to recording the plat.
10. The developer shall submit verification of vertical and horizontal sight distance for the drive connection to public right-of-way to the Land Development Division and make improvements to ensure local jurisdiction and/or minimum AASHTO adequate sight distance standards are met, prior to issuance of any certificate of occupancy.
11. 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.
12. The developer submit plans to Land Development Division and obtain permits to construct all ADA Ramps at street intersections, sidewalks along the platted frontage for N Eastern Ave., and along any platted Private Open Space, prior to releasing the Final Plat for Recording.
13. 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.
14. 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.

15. The developer must secure permits to extend public 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.
16. The developer must grant BMP and/or Surface Drainage Easements to the City as required by the Land Development Division, prior to recording the plat.
17. The developer shall submit a preliminary & final buffer plan prior to issuance of a permit for the offsite sanitary sewer extension in accordance with the Section 88-415 requirements.
18. The developer must grant on City approved forms, a STREAM BUFFER Easement to the, as required by Chapter 88 and Land Development Division, prior to issuance of any stream buffer permits.
19. The developer must submit covenants, conditions and restrictions to the Land Development Division for review by the Law Department for approval for the maintenance of private open space and enter into a covenant agreement for the maintenance of any stormwater detention area tracts, prior to recording the plat.

Condition 20 per Fire Marshal's Office (John.Hastings@kcmo.org)

20. That the developer provide fire protection as required by the Fire Marshal's Office.

Condition 21 per Water Department (Heather.Massey@kcmo.org)

21. That the developer relocate, extend and abandon water mains as required by the Water Services Department.

Condition 22 per Parks and Recreation Department (Richard.allen@kcmo.org)

22. That the developer contribute parkland dedication money at a rate of \$16,815.50 per acre in satisfaction of Section 88-405-17 of the Zoning and Development Code and as anticipated to be as follows:

* 165 MF units x 3.7 persons/unit x 0.006 acres/person = 3.663 acres

* 3.663 acres – 1.0 acres = 2.663 acres x \$16,815.50 = \$ 44,779.68