

AN ORDINANCE GRANTING A CHANGE IN ZONING CLASSIFICATION FROM AG TO R-1 ON APPROXIMATELY 76 ACRES GENERALLY LOCATED AT THE NORTHEAST CORNER OF SW PRYOR RD. AND SW HOOK RD. FOR THE PROPOSED WHISPERING WOODS RESIDENTIAL SUBDIVISION, AND APPROVING A PRELIMINARY DEVELOPMENT PLAN FOR WHISPERING WOODS SUBDIVISION, ALL IN ACCORDANCE WITH THE PROVISIONS OF UNIFIED DEVELOPMENT ORDINANCE NO. 5209 FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #2016-219 requesting a change in zoning classification from District AG (Agricultural) to District R-1 (Single Family Residential District) on approximately 76 acres located at the Northeast corner of SW Pryor Rd. and SW Hook Rd. for the proposed Whispering Woods residential subdivision, and requesting approval of a preliminary development plan for Whispering Woods subdivision, submitted by Whispering Wood Land, LLC, was referred to the Planning Commission to hold a public hearing; and,

WHEREAS, after due public notice in the manner prescribed by law, the Planning Commission held a public hearing for the request on May 9, 2017, and rendered a report to the City Council recommending that the zoning requested and the preliminary development plan be approved; and,

WHEREAS, after due public notice in the manner prescribed by law, the City Council held a public hearing on June 1, 2017, and rendered a decision to rezone said property and approve the preliminary development plan for said property.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LEE'S SUMMIT, MISSOURI, as follows:

SECTION 1. That the following described property is hereby rezoned from District AG to District R-1:

Part of the Southwest Quarter of Section 24, Township 47 North of the Baseline, Range 32 West of the Fifth Principal Meridian, Lee's Summit, Jackson County, Missouri, described as follows:

COMMENCING at the Southwest Corner of said Southwest Quarter; THENCE North 2°45'31" East on the West Line of said Southwest Quarter, 949.28 feet to the Westerly Prolongation of the North Line of Lot 1, "R-7 ELEMENTARY SCHOOL AT PRYOR ROAD, LOT 1", a Subdivision recorded in Plat Book I-67, Page 68 at the Jackson County Recorder's Office; THENCE South 87°35'27" East on said Westerly Prolongation, 50.00 feet to the East Right-of-Way Line of Pryor Road, and the POINT OF BEGINNING; THENCE North 2°45'31" East on said East Right-of-Way Line, being 50.00 feet East from, and parallel with, the West line of said Southwest Quarter, 1686.19 feet to the North Line of said Southwest Quarter; THENCE South 87°40'43" East on said North Line, 2257.77 feet to the Northwest Corner of Lot 1, "R-7 HIGH SCHOOL AT WARD ROAD, LOT 1", a Subdivision recorded in Plat Book I-67, Page 67 at the Jackson County Recorder's Office; THENCE South 2°42'30" West on the West Line of said Lot 1, 1319.46 feet to the South Line of the North Half of said Southwest Quarter; THENCE North 87°38'05"

West on said South Line, 1319.41 feet to the Northwest Corner of a Tract described in the Warranty Deed recorded as Document No. 2016-E-0032376 in the Jackson County Recorder's Office; THENCE South 2°44'00" West on the West Line of said Tract, 369.17 feet to the Northeast Corner of said Lot 1, "R-7 ELEMENTARY SCHOOL AT PRYOR ROAD, LOT 1"; THENCE North 87°35'27" West on the North Line of said Lot 1, 939.67 feet to the POINT OF BEGINNING, containing 76.315 acres more or less. All bearings herein are referenced to the Missouri State Plane Coordinate System of 1983, West Zone.

SECTION 2. That development shall be in accordance with the preliminary development plan dated February 5, 2017 appended hereto and made a part hereof.

SECTION 3. That the following conditions of approval apply:

1. A modification shall be to the R-1 minimum rear setback requirement of 30 feet, to allow a 20-foot rear setback for Lots 1-4 and Lots 129-144.
2. A total of sixty-eight (68) lots may be platted within Phase 1 and 2. However, no more than fifty (50) building permits shall be issued until such time as SW 26th Terrace is constructed between SW Pryor Rd. and SW River Run Dr. to a standard acceptable to the Fire Department, all in compliance with the Fire Code and Unified Development Ordinance regulations requiring a second point of access for developments in excess of fifty (50) single family homes.
3. Development shall be in accordance with the preliminary development plan, date stamped February 5, 2017.
4. The developer shall execute a mutually satisfactory development agreement with the City, which addresses, at a minimum, the required off-site sanitary sewer, and waterline improvements, and off-site transportation improvements listed in the TIA, dated February 7, 2017. No infrastructure permit shall be issued in the development until written proof is provided to the City that the development agreement has been recorded in the Jackson County Recorder's Office. All public improvements shall be substantially complete prior to issuance of any building permit.

SECTION 4. In granting modifications listed herein, the Governing Body concludes that the development will provide sustainable value to the City, incorporates sound planning principles and design elements that are compatible with surrounding properties and consistent through the proposed project, effectively utilize the land upon which the development is proposed, and further the goals, spirit and intent of the Unified Development Ordinance.

SECTION 5. Nonseverability. All provisions of this ordinance are so essentially and inseparably connected with, and so dependent upon, each other that no such provision would be enacted without all others. If a court of competent jurisdiction enters a final judgment on the merits that is not subject to appeal and that declares any provision or part of this ordinance void, unconstitutional, or unenforceable, then this ordinance, in its collective entirety, is invalid and shall have no legal effect as of the date of such judgment.

SECTION 6. That failure to comply with all of the provisions contained in this ordinance shall constitute violations of both this ordinance and the City's Unified Development Ordinance, enacted by Ordinance No. 5209 and amended from time to time.

SECTION 7. That this ordinance shall be in full force and effect from and after the date of its passage and adoption, and approval by the Mayor.

PASSED by the City Council of the City of Lee's Summit, Missouri, this 1st day of June, 2017.


Mayor Randall L. Rhoads

ATTEST:


City Clerk Denise R. Chisum

APPROVED by the Mayor of said city this 6th day of June, 2017.


Mayor Randall L. Rhoads

ATTEST:


City Clerk Denise R. Chisum

APPROVED AS TO FORM:



City Attorney Brian W. Head

City of Lee's Summit

Development Services Department

May 5, 2017

TO: Planning Commission

FROM: Robert G. McKay, AICP, Director of Planning and Special Projects 

RE: **PUBLIC HEARING – Appl. #PL2016-219 – REZONING from AG to R-1 and PRELIMINARY DEVELOPMENT PLAN – Whispering Woods, approximately 76 acres generally located at the northeast corner of SW Pryor Rd and SW Hook Rd; Whispering Woods Land, LLC, applicant**

Commentary

A rezoning and preliminary development plan application was filed with the City in 2016 proposing to rezone 76 acres from AG to R-1 and plat 164 lots, for the Whispering Woods single-family residential subdivision. The application was considered by and subsequently recommended for approval by the Planning Commission on February 14, 2017. The application was considered by and subsequently denied by the City Council on March 2, 2017. The application was reconsidered by and subsequently remanded back to the Planning Commission by the City Council on March 9, 2017. The rezoning and preliminary development plan presented for reconsideration is unchanged from the original submittals.

The applicant proposes to rezone approximately 76 acres located at the northeast corner of SW Pryor Rd and SW Hook Rd from AG (Agricultural) to R-1 (Single-Family Residential). The property is immediately north of Hawthorne Hill Elementary School and west of Lee's Summit West High School. The proposed *Whispering Woods* subdivision will be a six-phase single-family residential development composed of 164 lots and 15 common area tracts.

The subject application also includes a preliminary development plan. Preliminary development plans typically do not accompany rezoning applications for R-1 zoning. However, the applicant is requesting one modification to the UDO which can only be granted as part of a preliminary development plan application. A modification is requested to the R-1 minimum rear setback requirement of 30-feet to allow a 20-foot rear setback for Lots 1-4 and Lots 129-144. Staff supports the requested modification.

Phase 1 and 2 of this development proposes a total of sixty-eight (68) lots with one (1) point of ingress to and egress from the subdivision. However, no more than fifty (50) building permits shall be issued until such time as SW 26th Terrace is constructed between SW Pryor Rd. and SW River Run Dr. to an acceptable City Standard, and thereby providing a second point of access to SW Pryor Rd.

The traffic improvements required for this development include the construction of multiple turn-lanes along SW Pryor Road at the proposed intersections of SW River Run Drive and SW 26th Terrace. In addition, a temporary traffic signal at the intersection of SW Pryor Road and SW Scherer Road will be required in the later phases of this development. A Development Agreement shall be required to address the off-site road improvements identified within the traffic study and the off-site sanitary sewer and water needs.

- 164 lots and 15 common area tracts on 76 acres
- 2.15 units/acre including common area – 4 units/acre maximum permitted
- 2.90 units/acre excluding common area

Recommendation

Staff recommends **APPROVAL** of the rezoning and preliminary development plan, subject to the following:

1. A modification shall be granted to the R-1 minimum rear setback requirement of 30 feet, to allow a 20-foot rear setback for Lots 1-4 and Lots 129-144.
2. A total of sixty-eight (68) lots may be platted within Phase 1 and 2. However, no more than fifty (50) building permits shall be issued until such time as SW 26th Terrace is constructed between SW Pryor Rd. and SW River Run Dr. to a standard acceptable to the Fire Department, all in compliance with the Fire Code and Unified Development Ordinance regulations requiring a second point of access for developments in excess of fifty (50) single family homes.
3. Development shall be in accordance with the preliminary development plan, date stamped February 5, 2017.
4. The developer shall execute a mutually satisfactory development agreement with the City, which addresses, at a minimum, the required off-site sanitary sewer, and waterline improvements, and off-site transportation improvements listed in the TIA, dated February 7, 2017. No infrastructure permit shall be issued in the development until written proof is provided to the City that the development agreement has been recorded in the Jackson County Records' Office. All public improvements shall be substantially complete prior to issuance of any building permit.

Project Information

Proposed Use: single-family residential subdivision

Current Zoning: AG (Agricultural)

Proposed Zoning: R-1 (Single-Family Residential District)

Land Area:

Phase 1—	17.08 acres
Phase 2—	10.99 acres
Phase 3—	20.82 acres
Phase 4—	7.76 acres
Phase 5—	12.03 acres
<u>Phase 6—</u>	<u>7.64 acres</u>
Total—	76.32 acres

Number of Lots:

Phase 1—	33 lots and 5 common area tracts
Phase 2—	35 lots and 1 common area tract
Phase 3—	28 lots and 6 common area tracts
Phase 4—	18 lots and 0 common area tracts
Phase 5—	27 lots and 2 common area tracts
<u>Phase 6—</u>	<u>23 lots and 1 common area tract</u>
Total—	164 lots and 15 common area tracts

Density: 2.15 units/acre, including common area; 2.90 units/acre excluding common area

Location: northeast corner of SW Pryor Rd. and SW Hook Rd

Surrounding zoning and use:

North: AG (Agricultural)—vacant ground-PRI property

South: AG (Agricultural)—Lee's Summit R-7 Hawthorne Hill Elementary School and large lot single-family homes

East: AG (Agricultural)—Lee's Summit R-7 West High School

West: R-1 (Single-Family Residential)—vacant ground; and CP-1 (Planned Neighborhood Commercial District)—vacant ground

Analysis of Rezoning

Whispering Woods. The proposal is to rezone approximately 76 acres, located at the northeast corner of SW Pryor Rd and SW Hook Rd from AG (Agricultural) to R-1 (Single-Family Residential). The property is immediately north of Hawthorne Hill Elementary School and west of Lee's Summit West High School. The proposed *Whispering Woods* subdivision will be a six-phase, single-family residential development composed of 164 lots and 15 common area tracts.

Comprehensive Plan. The 2005 Lee's Summit Comprehensive Plan shows the area as primarily low-density residential with a small portion of the area shown as a commercial dominant mix use. The *Whispering Woods* plan is a slight deviation from the Comprehensive Plan in that the proposed development is comprised entirely of low density residential. Staff supports the proposed *Whispering Woods* plan.

Surrounding Uses. The properties to the north, east, and south are zoned AG, consisting of undeveloped or large lot agricultural property to the north; Lee's Summit West High School to the east; Hawthorne Hill elementary school and large lot single-family homes to the south. The property to the west is zoned R-1 and CP-1 and consists of undeveloped ground.

Recommendation. Staff recommends approval of the proposed rezoning to R-1. The use is consistent with the Comprehensive Plan and is compatible with the existing and developing single-family residential subdivisions to the west and northwest. The development is also compatible with the adjacent schools and will create a desirable neighborhood-school setting.

Analysis of Preliminary Development Plan

Rear Setbacks. Modification requested. **Staff supports requested modification.**

- Proposed – The applicant proposes a 20-foot rear setback for Lots 1-4 and Lots 129-144.
- Required – The required minimum rear yard setback for the R-1 zoning district is 30-feet.
- Recommended – Staff supports the requested modification to allow a 20-foot rear yard setback for Lots 1-4 and Lots 129-144. Due to accommodation of the walking trail that connects Pryor Road to Lee's Summit West High School and other infrastructure constraints, the normal rear yard setback of 30 feet will not accommodate the desired building footprints anticipated for this development. Although the requested setback for Lots 129-144 will be established at 20 feet, this will be measured from the 20 foot wide tracts that are reserved for the walking trail, which will effectively provide a 40-foot setback from the plat boundary.

Public Utilities (Water and Sanitary).

The proposed development may require off-site sanitary sewer improvements. Downstream of the proposed development, approximately 160 linear feet of 16-inch sewer owned by Little Blue Valley Sewer District may need to be upgraded to a 24-inch sewer. Final determination shall be made by Little Blue Valley Sewer District.

Phasing and Number of Lots.

- Proposed – Sixty-eight single family homes are proposed within Phase 1 and Phase 2 of the Whispering Woods subdivision with one (1) point of ingress to and egress from the subdivision.
- Required – A limit of fifty (50) single family homes with one (1) point of ingress to and egress from the subdivision.
- Recommended – A total of sixty-eight (68) lots may be platted within Phase 1 and 2. However, no more than fifty (50) building permits shall be issued until such time as SW 26th Terrace is constructed between SW Pryor Rd. and SW River Run Dr. to a standard acceptable to the Fire Department, all in compliance with the Fire Code and Unified Development Ordinance regulations requiring a second point of access for developments in excess of fifty (50) single family homes.

Street Improvements. Since the proposed development will generate more than 100 vehicle trips to the surrounding street system in the peak hours, a traffic impact study was prepared and submitted to City staff for review. The study determined the proposed development will warrant the need to construct multiple turn-lanes along SW Pryor Road at the proposed intersections of SW River Run Drive and SW 26th Terrace. In addition, a temporary traffic signal at the intersection of SW Pryor Road and SW Scherer Road will be required in the later phases of this development. For additional information refer to the Transportation Impact Analysis, as submitted by the City Traffic Engineer.

Livable Streets. The proposed development plan is in compliance with the City's Livable Street Policy. Elements of the plan supporting this policy include sidewalks, greenway paths, street connectivity and accessibility. The development will enhance access to the adjacent schools, and walking and biking to school. For additional information refer to the Transportation Impact Analysis, as submitted by the City Traffic Engineer.

Code and Ordinance Requirements

The items in the box below are specific to this development and must be satisfactorily addressed in order to bring the plan into compliance with the Codes and Ordinances of the City.

Engineering

1. All required engineering plans and studies, including water lines, sanitary sewers, storm drainage, streets and erosion and sediment control shall be submitted along with the final plat and approved prior to the approval of the final plat. All public infrastructure must be substantially complete prior to the issuance of any building permits.
2. A Master Drainage Plan (MDP) shall be submitted and approved in accordance with the City's Design and Construction Manual for all areas of the development, including all surrounding impacted areas, along with the engineering plans for the development. The MDP shall address drainage level of service issues on an individual lot basis.
3. All Engineering Plan Review and Inspection Fees shall be paid for prior to approval of the engineering plans and prior to the issuance of any infrastructure permits or the start of construction (excluding land disturbance permit).

4. A Land Disturbance Permit shall be obtained from the City prior to any ground-breaking activities on the site.
5. The As-graded Master Drainage Plan shall be submitted to and accepted by the City prior to the issuance of any building permits for the development.
6. All subdivision-related public improvements must have a Certificate of Final Acceptance prior to approval of the final plat, unless security is provided in the manner set forth in the City's Unified Development Ordinance (UDO) Section 16.340. If security is provided, building permits may be issued upon issuance of a Certificate of Substantial Completion of the public infrastructure as outlined in Section 1000 of the City's Design and Construction Manual.
7. All permanent off-site easements, in a form acceptable to the City, shall be executed and recorded with the Jackson County Recorder of Deeds prior to the approval of any final plat. A certified copy shall be submitted to the City for verification.
8. Upon approval of the proposed rezoning by City Council, the applicant will become responsible for providing the appropriate level of right-of-way maintenance (mowing) during each growing season with the defined area abutting their property as defined and outlined in the City's Mowing Policy, approved by Council on November 3, 2005.
9. The applicant shall enter into a mutually-satisfactory Development Agreement for off-site improvements, including traffic, installation of a 16" water line extension from Scherer Rd. to the development, and upgrades to 16-inch sanitary sewer owned by the Little Blue Valley Sewer District.
10. All United States Army Corps of Engineers (USACE) permitting requirements shall be the responsibility of the applicant.
11. Any development within the floodplain shall be subject to a City-issued Floodplain Development Permit.
12. Any work within the floodway for installation of the box culvert or bridge crossing, shall be subject to a No-Rise Certificate. The No-Rise Certificate must be accompanied by the proper studies, modeling results, and other information required by the City Floodplain Administrator.

Fire

13. All issues pertaining to life safety and property protection from the hazards of fire, explosion or dangerous conditions in new and existing buildings, structures and premises, and to the safety of fire fighters and emergency responders during emergency operations, shall be in accordance with the 2012 International Fire Code.
14. The phases will go through as shown with the first phases being limited to only 50 building permits, unless there is progress being made on the second access per the provisions of Section D107.1, exception 2.

Planning

15. Sign permits shall be obtained prior to installation of any signs through the Department of Development Services. All proposed signs must comply with the sign requirements of Article 13 of the UDO.
16. A final plat shall be approved and recorded prior to any building permits being issued. All subdivision-related public improvements must be complete prior to approval of the final plat

by the City Council unless security is provided in the manner set forth in UDO Section 16.340.

17. No final plat shall be recorded by the developer until the director of Planning and Special Projects and the City Attorney have reviewed and approved the declaration of covenants and restrictions pertaining to common property as prepared in accordance with Section 5.330 of the UDO, and until the Director has received certification from the Missouri Secretary of State verifying the existence and good standing of the property owners' association required by Section 5.340 of the UDO. In addition, the approved Declaration of Covenants, Conditions and Restrictions shall be recorded prior to the recording of the final plat.
18. An electronic copy of the legal description shall be submitted. Microsoft Word document or selectable text PDF are the preferred file formats. The legal description can be emailed to the planner's email address.
19. Revise Note #2 to read SW Swan Creek Road.
20. Within the building setback requirement table include Lot 141 as having a 20-foot rear yard setback.

RGM/jmt

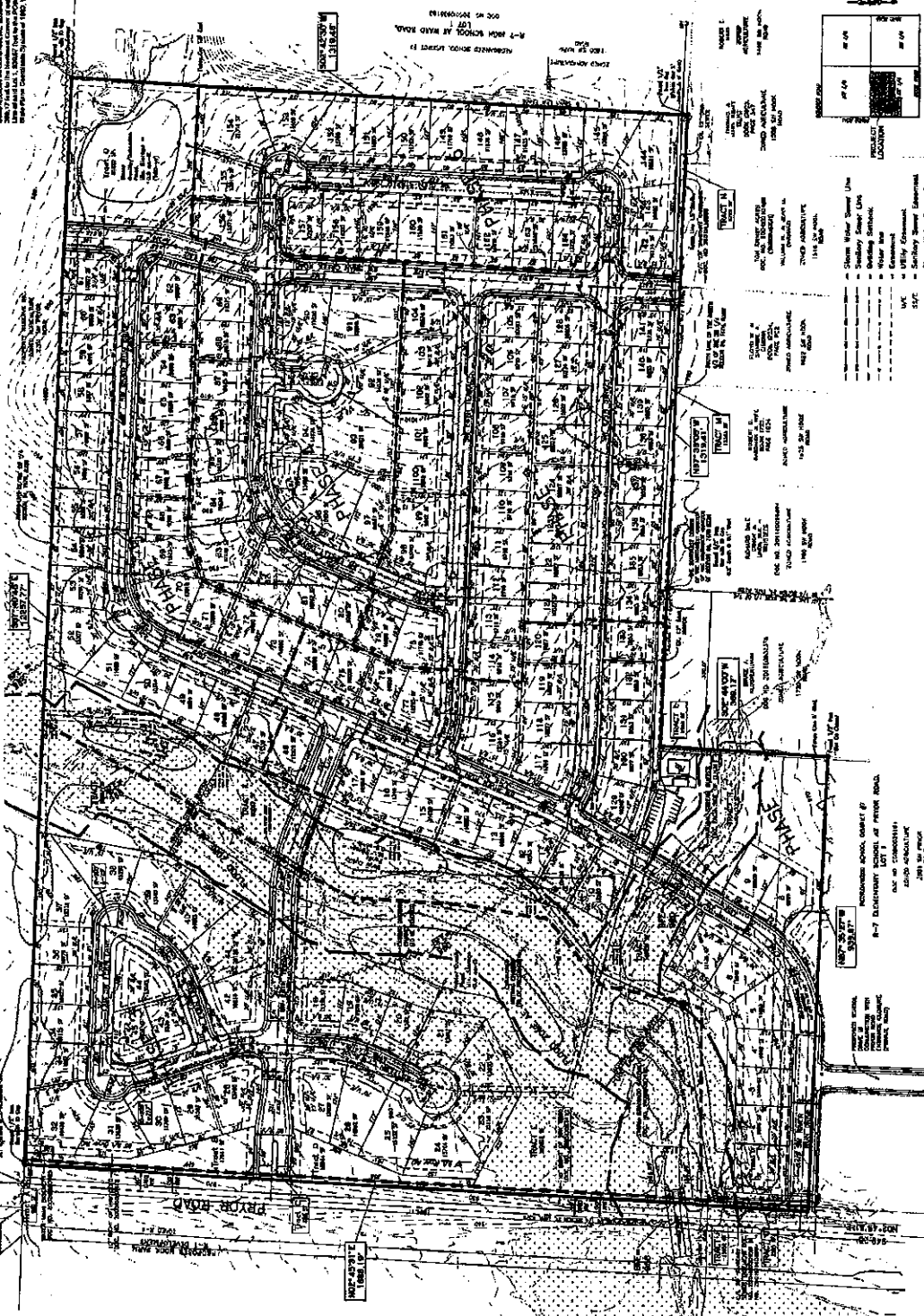
Attachments:

1. Planning Commission minutes from the February 14, 2017 Planning Commission meeting— 4 pages
2. City Council action letter from March 2, 2017 City Council meeting— 2 pages
3. City Council action letter from March 9, 2017 City Council meeting— 1 page
4. Transportation Impact Analysis prepared by Michael Park, dated February 7, 2017— 4 pages
5. Traffic Impact Study, prepared by Priority Engineers, Inc., dated January 3, 2017 – 27 pages
6. Supplemental Traffic Analysis, prepared by Priority Engineers, Inc., dated January 10, 2017 –5 pages
7. Rezoning Exhibit dated February 5, 2017—1 page
8. Preliminary Development Plan, date stamped February 5, 2017— 2 pages
9. Single-Family Residential Compatibility Form, date stamped January 3, 2017—3 pages
10. Correspondence from engineer outlining the modification requests—1 page
11. Location Map

WHISPERING WOODS

LOTS 1-164 & TRACTS A-O

PART OF SECTION 24, TOWNSHIP 47N, RANGE 32W, LEE'S SUMMIT, JACKSON COUNTY, MISSOURI

[illegible]

**PHOENIX ENGINEERING
& SURVEYING, LLC**

M4732-24 SHEET 1 of 1

SECRET

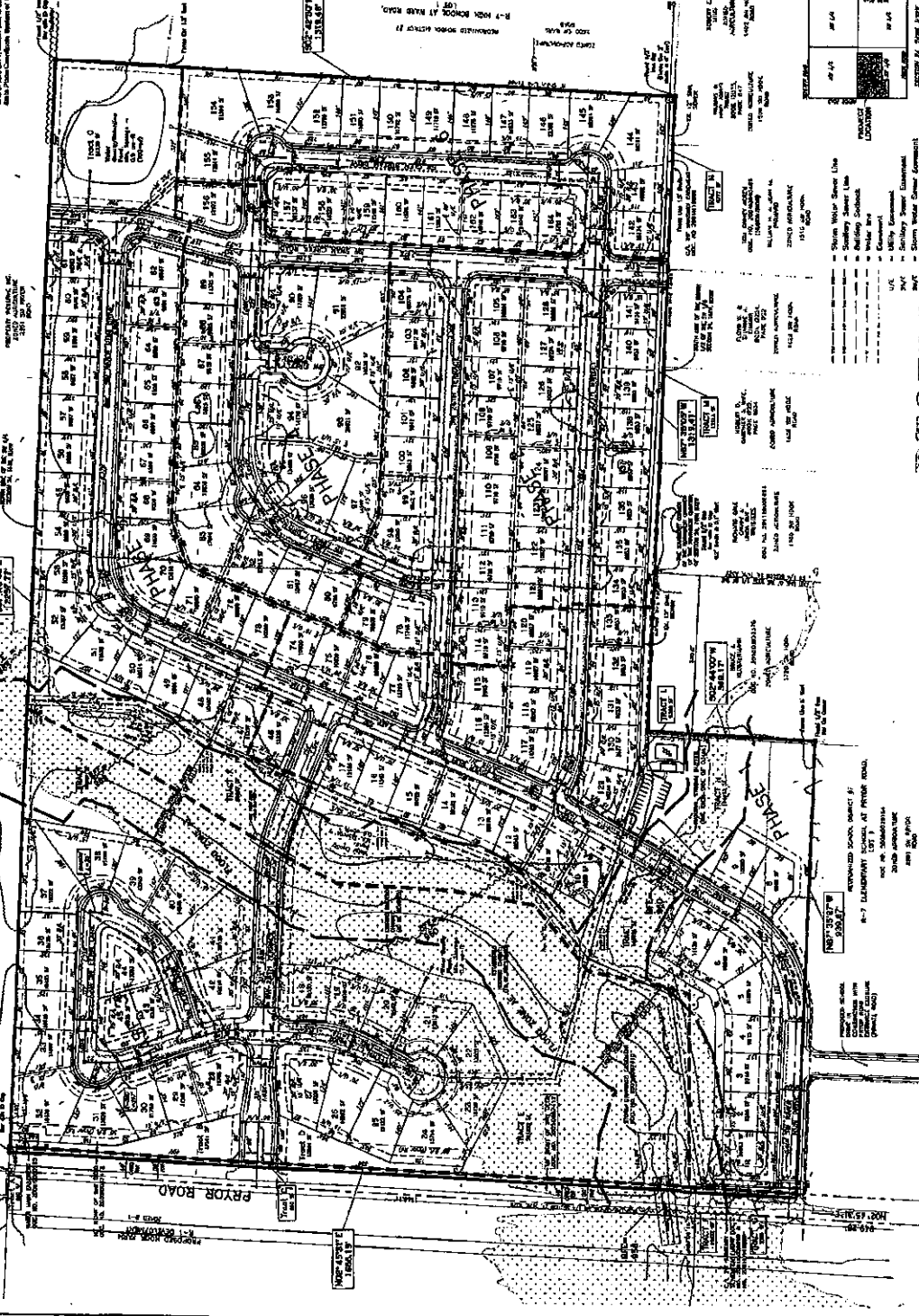
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Planning & Codes Admin

-2016-219-

PRELIMINARY DEVELOPMENT PLAN EXHIBIT (CONTOURS OMITTED) WHISPERING WOODS LOTS 1-168 & TRACTS A-D

PART OF SECTION 24, TOWNSHIP 47N, RANGE 32W, LEE'S SUMMIT, JACKSON COUNTY, MISSOURI



ADDITIONAL DESCRIPTION
 The property is located in the unincorporated area of Lee's Summit, Missouri, and is zoned R-1. The property is bounded by Pryor Road to the north, Lee's Summit Road to the east, and an unnamed road to the south. The property is divided into 168 lots and four tracts (A, B, C, and D). The total area of the property is approximately 1,200 acres.

SITE DATA

Lot	Area (Acres)	Owner
1-168	1,200	Whispering Woods, LLC
Tract A	100	Whispering Woods, LLC
Tract B	100	Whispering Woods, LLC
Tract C	100	Whispering Woods, LLC
Tract D	100	Whispering Woods, LLC

- NOTES**
1. The property is located in the unincorporated area of Lee's Summit, Missouri, and is zoned R-1.
 2. The property is divided into 168 lots and four tracts (A, B, C, and D).
 3. The total area of the property is approximately 1,200 acres.
 4. The property is bounded by Pryor Road to the north, Lee's Summit Road to the east, and an unnamed road to the south.
 5. The property is owned by Whispering Woods, LLC.
 6. The property is being developed for residential use.
 7. The property is being developed in three phases (Phase 1, Phase 2, and Phase 3).
 8. The property is being developed in accordance with the preliminary development plan.
 9. The property is being developed in accordance with the zoning ordinance.
 10. The property is being developed in accordance with the subdivision ordinance.

PHASE 1 LOT DATA

Lot	Area (Acres)	Owner
1-168	1,200	Whispering Woods, LLC
Tract A	100	Whispering Woods, LLC
Tract B	100	Whispering Woods, LLC
Tract C	100	Whispering Woods, LLC
Tract D	100	Whispering Woods, LLC

PHASE 1 LOT DATA

Lot 1-168, Tract A, B, C, and D, are being developed for residential use. The property is being developed in three phases (Phase 1, Phase 2, and Phase 3). The property is being developed in accordance with the preliminary development plan.

PHASE 1 LOT DATA

Lot 1-168, Tract A, B, C, and D, are being developed for residential use. The property is being developed in three phases (Phase 1, Phase 2, and Phase 3). The property is being developed in accordance with the preliminary development plan.

M4782-24 SHEET 1 of 1

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-2016-219-

**PL#2016-219-REZONING AND PREL DEV PLAN
WHISPERING WOODS, LOT 1-164 & TRACTS A-O
WHISPERING WOODS LAND, LLC., APPLICANT**

