

AN ORDINANCE APPROVING A PRELIMINARY DEVELOPMENT PLAN LOCATED ON LOT 18 HEARNE'S ADDITION IN DISTRICT RP-2, PROPOSED HEARNE'S ADDITION, LOTS 18A, 18B, AND 18C IN ACCORDANCE WITH THE PROVISIONS OF UNIFIED DEVELOPMENT ORDINANCE, NO. 5209, FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2018-093 submitted by Dymon Wood, requesting approval of a preliminary development plan in District RP-2 (Planned Two-family Residential District) on land located on *Lot 18, Hearne's Addition* was referred to the Planning Commission to hold a public hearing; and

WHEREAS, the Unified Development Ordinance provides for the approval of a preliminary development plan by the City following public hearings by the Planning Commission and City Council, and

WHEREAS, after due public notice in the manner prescribed by law, the Planning Commission held a public hearing for the consideration of the preliminary development plan on June 26, 2018, and rendered a report to the City Council recommending that 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 July 12, 2018, and rendered a decision to 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 a preliminary development plan is hereby approved in District RP-2 on the following described property:

Section 6, Township 47 North, Range 31 West, in Lee's Summit, Jackson County, Missouri, being described as follows:

*LOT 18, HEARNE'S ADDITION, A SUBDIVISION IN LEE'S SUMMIT, JACKSON COUNTY, MISSOURI.*

SECTION 2. That development shall be in accordance with the preliminary development plan, date stamped March 5, 2018, appended hereto and made a part hereof.

SECTION 3. 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.

**BILL NO. 18-107**

**ORDINANCE NO. 8424**

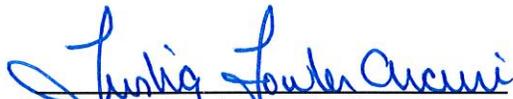
SECTION 4. That failure to comply with all of the provisions contained in this ordinance shall constitute violations of both this ordinance and the City's Unified Development Ordinance, enacted by Ordinance No. 5209 and amended from time to time.

SECTION 5. 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 26<sup>th</sup> day of July, 2018.

  
\_\_\_\_\_  
Mayor William A. Baird

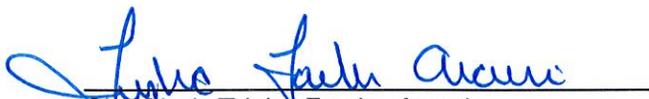
ATTEST:

  
\_\_\_\_\_  
City Clerk Trisha Fowler Arcuri

APPROVED by the Mayor of said city this 27<sup>th</sup> day of July, 2018.

  
\_\_\_\_\_  
Mayor William A. Baird

ATTEST:

  
\_\_\_\_\_  
City Clerk Trisha Fowler Arcuri

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney Brian Head

# City of Lee's Summit

## Development Services Department

June 22, 2018

TO: Planning Commission  
PREPARED BY: Jennifer Thompson, Planner  
CHECKED BY: Hector Soto, Jr., AICP, Current Planning Manager  
RE: **PUBLIC HEARING – Appl. #PL2018-093 – PRELIMINARY DEVELOPMENT PLAN – Hearne's Addition, Lots 18A, 18B, and 18C, located at the SW corner of NE Main St and NW Orchard St; Dymon Wood, applicant**

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### Commentary

This application is to request approval for the development of three (3) single-family residences in the RP-2 (Planned Two-family Residential) district located at the SW corner of NE Main Street and NW Orchard Street. The property is currently an undeveloped lot platted as *Lot 18, Hearne's Addition*.

Prior to the submittal of the preliminary development plan, and as directed by staff, a minor plat was submitted for administrative review for the subdivision of the property into three (3) lots. Upon the conclusion of staff's review and approval of the minor plat, but prior to recording, it was determined that a preliminary development plan is required for any development of vacant land in the RP-2 zoning district (per Article 4, Section 4.300 of the Unified Development Ordinance). The preliminary development plan application was subsequently submitted and is now presented for consideration.

The proposed single-family homes will be located on the proposed *Lots 18A, 18B, and 18C, Hearne's Addition*. The RP-2 zoning district standards, as defined in the Unified Development Ordinance, will apply to the residential lots. The placement and layout of the structure will be evaluated and approved at the time of the plot plan submittal. Proposed elevation and design concepts have been included as part of this preliminary development plan.

The City Traffic Engineer has evaluated the application and determined that the proposed development of three (3) single-family homes does not negatively impact the site or surrounding neighborhood from a traffic perspective, therefore no Transportation Impact Analysis was prepared for this application.

### Recommendation

Staff recommends **APPROVAL** of the preliminary development plan.

### Zoning and Land Use Information

**Location:** SW corner of NE Main St. and NW Orchard St.

**Current Zoning:** RP-2 (Planned Two-family Residential District)

**Surrounding zoning and use:**

**North (across NW Orchard St):** RP-2 (Planned Two-family Residential) — vacant ground and single-family residential

**South:** RP-2 (Planned Two-family Residential) — single-family residential

**East (across NW Orchard St):** RP-2 (Planned Two-family Residential) — single-family residential

**West:** RP-2 (Planned Two-family Residential — single-family residential

**Site Characteristics.** The property is an undeveloped, platted lot, approximately 0.94 acres, located on the southwest corner of NW Orchard St. and NE Main St.

**Description and Character of Surrounding Area.** The subject property is located at 1 NW Orchard St. and has remained a vacant lot within the Old Lee's Summit Neighborhood. The property to the north, south, east, and west are zoned RP-2 and are developed primarily as single-family homes, with the exception of the property to the north which is currently a vacant lot.

### Project Information

**Current Use:** vacant property

**Proposed Use:** three (3) single family homes

**Land Area:** 41,161 sq. ft.; 0.94 acres

### Public Notification

**Neighborhood meeting conducted:** n/a

**Newspaper notification published:** June 9, 2018

**Radius notices mailed to properties within 185 feet:** June 8, 2018

### Process

**Procedure:** The Planning Commission makes a recommendation to the City Council on the proposed preliminary development plan. The City Council takes final action on the preliminary development plan application.

**Duration of Validity:** Preliminary development plan approval by the City Council shall not be valid for a period longer than twenty-four (24) months from the date of such approval, unless within such period a final development plan application is submitted. The City Council may grant one extension not exceeding twelve (12) months upon written request.

### Unified Development Ordinance

Applicable Section(s)	Description
4.300, 4.310, 4.320	Preliminary Development Plan
5.110	Zoning Districts

### Background

- March 16, 1887 – The plat for *Hearne's Addition* was established.
- February 14, 2018 – A minor plat (Appl. #PL2018-016) was submitted for City staff review for *Hearne's Addition, Lots 18A, 18B, and 18C* (the plat has not been recorded at Jackson County Recorder's Office at this time).
- April 12, 2018 – The City Council approved a Development Agreement for Sidewalk Improvement Obligations relating to the Plat *Hearne's Addition, Lots 18A, 18B, and 18C*, by

Ord. No. 8378. The Development Agreement was recorded at Jackson County Recorder Office on April 17, 2018 by Instrument Number: 208E0032619.

## Analysis of the Preliminary Development Plan

### Sidewalk construction.

- Required – Construction of a sidewalk is required adjacent to the buildable lots. Sidewalks shall be constructed by the builder prior to occupancy of any structure on said lots.
- Action Taken –The City and the developer have agreed to enter into a development agreement to satisfy certain provisions of the Unified Development Ordinance and Design and Construction Manual to allow the developer to make a payment in lieu of constructing the required sidewalk improvements along NW Orchard. This agreement was executed on April 12, 2018. The City is not requesting sidewalk improvements be installed along the west side of NE Main Street as it is anticipated that any future sidewalk along NE Main St. would be located on the east side of the street, due to an existing 8-inch public water line located on the west side of NE Main St.
- Recommendation – Staff agreed with this course of action as it's acknowledged that the sidewalk improvements are premature for this area, considered extraordinary for the unimproved road conditions, and conceivably will be removed by a future undetermined Capital Improvement Plan (CIP) project in which any constructed sidewalk would be replaced in conjunction with other infrastructure improvements. The developer agreed to make payment in lieu of said public sidewalk improvements for an estimated cost of construction. The City will allocate these funds for public sidewalk improvements. Payment by the developer will fulfill the intent of the sidewalk obligations for the development.

### Old Lee's Summit Development Master Plan

The property is located within the Old Lee's Summit Neighborhood as defined by the *Old Lee's Summit Development Master Plan (2004)*. The plan identifies this property as a location for "Residential Infill Opportunities". The study recommends increasing the housing stock within the Old Lee's Summit Neighborhood and suggests this could be accomplished with a variety of housing types including single-family and entry-level products. The proposal for the additional single-family homes in this area aligns with the vision of this master plan.

### 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.*

#### **Planning**

1. A minor plat shall be approved and recorded prior to any building permits being issued.

#### Attachments:

1. Minor Plat, date stamped June 1, 2018 – 1 page
2. Elevations, date stamped June 1, 2018 – 5 pages
3. Ordinance approving the Development Agreement – 2 pages
4. Executed Development Agreement – 12 pages
5. Location Map



# PL#2018-093-PRELIMINARY DEV PLAN HEARNE'S ADDITION, LOTS 18A, 18B, & 18C DYMON WOOD, APPLICANT

