AN ORDINANCE APPROVING A REZONING FROM DISTRICT AG TO DISTRICT RP-4 AND CP-2, PRELIMINARY DEVELOPMENT PLAN AND CONCEPTUAL PLAN GENERALLY LOCATED AT THE NORTHWEST CORNER OF NE DOUGLAS ST AND NW COLBERN RD, PROPOSED ARIA AND SUMMIT VILLAGE NORTH DEVELOPMENT IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 33, THE UNIFIED DEVELOPMENT ORDINANCE OF LEE'S SUMMIT CODE OF ORDINANCES, FOR THE FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2019-075 submitted by Unity Realty, LLC, requesting approval of a rezoning from District AG (Agricultural District) to RP-4 (Planned Apartment Residential District) and CP-2 (Planned Community Commercial District), preliminary development plan and conceptual plan on land generally located at the northwest corner of NE Douglas St and NW Colbern Rd was referred to the Planning Commission to hold a public hearing; and,

WHEREAS, the Unified Development Ordinance provides for the approval of a rezoning, preliminary development plan and conceptual 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 rezoning, preliminary development plan and conceptual plan on May 23, 2019, and rendered a report to the City Council recommending that the rezoning, preliminary development plan and conceptual plan be approved; and,

WHEREAS, after due public notice in the manner prescribed by law, the City Council held a public hearing on July 9, 2019, and rendered a decision to approve the rezoning and 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 rezoning, preliminary development plan and conceptual plan is hereby approved on the following described property:

Portion to be rezoned to RP-4:

A tract of land in the Northeast Quarter of Section 30 Township 48 North, Range 31 West of the 5th Principal Meridian in Lee's Summit, Jackson County, Missouri being bounded and described as follows: Commencing at the Northwest corner of said Northeast Quarter Section; thence South 01°37'50" West, on the west line of said quarter section, 853.75 feet to a point on the southeast lot line of Lot 1, Lee's Summit Road Pump Station, a subdivision recorded in book I 51 at page 90 in the Jackson County Recorder of Deeds office; thence North 50°41'15" East, on said southeast lot line, 59.22 feet; to the Point of Beginning of the tract of land to be herein described; thence continuing North 50°41'15" East along said line, 116.89 feet; thence North 44°49'51" East, 792.38 feet to a point on the westerly right-of-way line of NW Lee's Summit Road as established by

Document number 2015E0017982 in the Jackson County Recorder of Deeds office; thence on said westerly right-of-way line, South 54°34'12" East, 95.69 feet; thence Southeasterly along a curve to the right being tangent to the last described course with a radius of 1,142.00 feet, a central angle of 56°01'43" and an arc distance of 1,116.74 feet; thence South 01°27'31" West, 322.27 feet; thence leaving said right-of-way line, North 88°32'29" West, 375.74 feet; thence North 01°27'27" East, 62.94 feet; thence South 90°00'00" West, 195.68 feet; thence North 45°00'00" West, 889.18 feet to the Point of Beginning. Containing 979,968 square feet or 22.50 acres, more or less.

#### Portion to be rezoned to CP-2:

A tract of land in the Northeast Quarter of Section 30 Township 48 North, Range 31 West of the 5th Principal Meridian in Lee's Summit, Jackson County, Missouri being bounded and described as follows: Commencing at the Northwest corner of said Northeast Quarter Section; thence South 01°37'50" West, on the west line of said guarter section, 853.75 feet to a point on the southeast lot line of Lot 1, Lee's Summit Road Pump Station, a subdivision recorded in book I 51 at page 90 in the Jackson County Recorder of Deeds office, and the Point of Beginning of the tract of land to be herein described; thence North 50°41'15" East, on said southeast lot line, 59.22 feet; thence leaving said lot line, South 45°00'00" East, 889.18 feet; thence North 90°00'00" East, 195.68 feet; thence South 01°27'27" West, 62.94 feet; thence South 88°32'29" East, 375.74 feet to a point on the westerly right-of-way line of NE Douglas Street as established by Document number 2015E0017982 in the Jackson County Recorder of Deeds office; thence on said westerly right-of-way line, South 01°27'31" West, 1,114.58 feet; thence South 46°40'17" West, 35.22 feet to the intersection of the northerly right-of-way line of NE Colburn Road as established by a survey provided by Hamilton Sterrett and Dooley, project number 99021; thence on said northerly right-of-way line North 88°06'56" West, 730.85 feet; thence Westerly along a curve to the left having an initial tangent bearing of North 87°33'04" West with a radius of 2,904.93 feet, a central angle of 10°06'02" and an arc distance of 512.10 feet to the Southwest corner of the said Northeast Quarter; thence North 01°37'22" East, on the west line of the northeast quarter of said section 30, a distance of 1,328.05 feet to the northwest corner of the southwest quarter of the said northeast quarter; thence continuing on the said west line, North 01°37'50" East, 473.96 feet to the Point of Beginning, Containing 1,717,197 square feet or 39,42 acres, more or less.

SECTION 2. That the following conditions of approval apply:

- 1. A modification shall be granted to the required high- and medium-impact landscape buffers along the southwest and northwest portions of the property, to allow an existing off-site, dense-treed area to serve as a buffer.
- 2. A modification shall be granted to the maximum allowable density of 12 dwelling units per acre in the RP-4 district, to allow 21.55 dwelling units per acre.
- 3. The Developer shall execute a mutually satisfactory development agreement with the City, which addresses, at a minimum, an off-site landscape easement, road improvements on Lee's Summit Road and possible down stream stormwater improvements. No building permits shall be issued for any structure in the development until written proof is provided to the City that the development agreement has been recorded in the Jackson County Recorder of Deeds Office.
- 4. Development shall be in accordance with the preliminary development plan date stamped May 7, 2019.
- 5. Road improvements shall be provided on both sides of the street for the length of the applicant's development.

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.

SECTION 4. That failure to comply with all of the provisions contained in this ordinance shall constitute violations of both this ordinance and Chapter 33, the City's Unified Development Ordinance, of the Code of Ordinances for the City of Lee's Summit.

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.

Mayor William A Baird

ATTEST:

clerk *Trisha Fowler Arcur* 

APPROVED by the Mayor of said city this 18 day of 3, 2019.

Mayor William A. Baird

ATTEST:

City Clerk *Trisha Rowler Arcuri* 

APPROVED AS TO FORM:

City Attorney Brian Head



## LEE'S SUMMIT

## DEVELOPMENT REVIEW FORM TRANSPORTATION IMPACT

DATE:

May 14, 2019

CONDUCTED BY: Michael K Park, PE, PTOE

SUBMITTAL DATE:

May 7, 2019

**PHONE:** 816.969.1800

APPLICATION #:

PL2019075

EMAIL: Michael.Park@cityofls.net

PROJECT NAME:

ARIA/SUMMIT VILLAGE NORTH

PROJECT TYPE: Rezoning

#### **SURROUNDING ENVIRONMENT (Streets, Developments)**

The proposed rezoning with preliminary development plan and conceptual development plan is located at the northwest corner of Douglas Street/Lee's Summit Road and Colbern Road. The surrounding area is generally undeveloped. The Lee's Summit Airport is located east of Douglas Street/Lee's Summit Road in the immediate vicinity of the project. The preliminary development plan is more specifically located near the intersection of Lee's Summit Road and Douglas Road/Douglas Street. The conceptual development plan is located between the preliminary development plan and Colbern Road along the west side of Lee's Summit Road/Douglas Street.

#### **ALLOWABLE ACCESS**

The proposed development will be accessed from Lee's Summit Road/Douglas Street (hereafter referred to as Lee's Summit Road where located north of Colbern Road). Portions of the conceptual development will also access Colbern Road. All access along Lee's Summit Road and Colbern Road and the travel ways within the development will be private streets or private driveways. All intersections proposed along Lee's Summit Road and Colbern Road are full access with exception of a driveway limited to right-in/right-out movements along Colbern Road in closest proximity to Douglas Street to comply with the Access Management Code.

#### **EXISTING STREET CHARACTERISTICS** (Lanes, Speed limits, Sight Distance, Medians)

Colbern Road is a 45 mph two-lane undivided major arterial currently constructed to interim/unimproved road (e.g. rural) standard between Blue Parkway and Douglas Street. East of Douglas Street and West of Blue Parkway, Colbern Road is has an urban design with four or more lanes including medians along some divided roadway sections. The City of Lee's Summit has a planned, and funded, capital improvement project for the interim/unimproved section of Colbern Road between 350 Highway and Douglas Street. Those capital improvements, funded in part by federal aid, will widen Colbern Road to at least 4 lanes, replace the bridge over the UPRR, add curb, street lights, sidewalk, shared-use path, medians, turn lanes, etc. Those capital improvements are currently under design and scheduled for construction in 2021/22. Colbern Road extends east-west across Lee's Summit with a roundabout intersection at Blue Parkway (major arterial) and signal controlled intersections at several other thoroughfares and highway interchanges (e.g. Douglas Street, Todd George Parkway, Blackwell Parkway, Independence Ave., M-291 Highway, 350 Highway, etc.) along the corridor. Lee's Summit Road/Douglas Street (referred to as Douglas Street south of Colbern Road and Lee's Summit Road north of Colbern Road) is a 45 mph major arterial with signal control at the intersection of Colbern Road. Douglas Street south of Colbern Road is an urban multi-lane facility having curbs, lighting, medians, turn lanes, and sidewalk with an interchange at I-470 adjacent to Colbern Road. Lee's Summit Road north of Colbern Road is a three-lane, 45 mph, roadway built to interim road standards (i.e. paved shoulders), but also has lighting and shared-use path along the east side. Lee's Summit Road

includes curbing and the shoulders transition to bike lanes at Kansas City's municipal boundary (about halfway between Strother Road and Douglas Road). Blue Parkway is a four-lane median divided major arterial between 1-470 and Colbern Road with a multi-lane roundabout at the intersection of Colbern Road.

Sight distances at the proposed intersections with Lee's Summit Road, especially where located along the curve in Lee's Summit Road near Douglas Road, should be verified to have adequate conditions during the engineering review. Intersections proposed along Colbern Road should be coordinated during the design of Colbern Road by the City of Lee's Summit to ensure adequate spacing and sight distance.

UNIMPROVED ROAD POLICY (Resolution 16-22) CONFOR	MANT EXCEPTIONS
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Lee's Summit Road and Colbern Road are defined according to the City Council adopted Unimproved Road Policy as built to interim road and unimproved road standards, respectively. Based on the Unimproved Road Policy, development including the land uses proposed on the preliminary development plan and conceptual development plan, are not permitted on interim roads or unimproved roads. Improvement of Lee's Summit Road and Colbern Road to meet the policy defined urban standard (e.g. curbs, sidewalks, typical lane widths, etc.) are required for any non-residential (i.e. single family exclusive) development regardless of traffic volume or impact. The conceptual development will be phased to occur after the completion of City planned improvements to Colbern Road. Thus, the conceptual development, if phased after the Colbern Road improvements, will conform to the policy. The preliminary development plan does not directly access Colbern Road. However, the preliminary development plan does access Lee's Summit Road and does not propose any urban roadway improvement.

The applicant is requesting an exception to this policy be granted by City Council so as to leave Lee's Summit Road in the current interim road condition. The policy would otherwise require the construction of curb along Lee's Summit Road from the City Limit (where Lee's Summit Road is currently improved to urban standards) to Colbern Road if conformance with the policy is desired (the sidewalk and lighting roadway elements already exist). Staff recommends conformance with the adopted policy, but would support a partial improvement approach or phased implementation discussed with the applicant along the corridor in consideration of the conceptual development plan opportunity to complete the road improvements at a future date. A partial or phased approach would include urban road improvements from the south property line of the preliminary development plan to the north City Limit along Lee's Summit Road, both sides; leaving the remainder of improvement to Lee's Summit Road from the preliminary development plan to Colbern Road for future responsibility of adjacent development when the conceptual development plan proceeds.

Access Management Code	COMPLIANT 🖂	WAIVERS
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The preliminary development plan and conceptual development plan includes all required turn lanes in compliance with the Access Management Code. The turn lanes would be constructed prior to each associated phase of development.

All driveways and intersections associated with these development plans are properly separated. The internal site circulation, driveway throat depths, sight distance, connectivity and queue storages required by the Access Management Code have also been satisfied.

Access management and required improvements along Douglas Street, Lee's Summit Road and Colbern Road in association with the impact of this development extend beyond the jurisdictional controls of Lee's Summit. Consequently, this proposed development has been coordinated between the developer, Kansas City, MoDOT and Lee's Summit. MoDOT and the City of Kansas City, Missouri have reviewed the traffic impact of this development and its recommendations, roadway improvements, etc. Both agencies have accepted the traffic study, its recommendations and support the related transportation improvements as written in the staff conditions of approval to meet their respective requirements.

#### TRIP GENERATION

Time Period	Total	In	Out
Weekday	2,616	1,308	1,308
A.M. Peak Hour	160	42	118
P.M. Peak Hour	200	122	78

The trip generation shown above represents the Preliminary Development Plan for the Weekday A.M. and P.M. Peak Hours. Trip generation shown in the subsequent table represents the total traffic anticipated during the Weekday A.M. and P.M. Peak Hours for the Preliminary Development Plan and Conceptual Development Plan combined.

Time Period	Total	ln	Out
Weekday	15,422	7,711	7,711
A.M. Peak Hour	1,242	630	614
P.M. Peak Hour	1,258	676	582

TRANSPORTATION IMPACT ANALYSIS	STUDY REQUIRED 🔀	STUDY NOT REQUIRED
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The proposed preliminary development plan will likely generate more than 100 vehicle trips to the surrounding street system during any given peak hour. The proposed conceptual development plan will generate significant amounts of traffic in addition to the preliminary development plan.

A traffic impact study for the proposed development was completed by Olsson, dated April 24, 2019. The traffic study characterized the preliminary development plan as Phase 1 and conceptual development plan as Phase 2. The various traffic study scenarios included existing conditions, existing plus Phase 1 conditions, and existing plus Full Build (Phase 1 and Phase 2 combined) conditions during the A.M. and P.M. Peak Hours. The study included analysis of existing and proposed intersections along Lee's Summit Road/Douglas Street from Gregory Boulevard/Little Blue Road through the I-470 interchange, including Strother Road and St. Michaels High School/85<sup>th</sup> Street intersections. The study also included analysis of existing and proposed intersections along Colbern Road from Blue Parkway to Douglas Street.

The study analysis and recommendations for mitigation of the development impact to achieve adequate operations at each of the study intersections for each scenario and peak hour were based on level of service (vehicle delay) and vehicle queuing. Level of service is characterized according to a performance rating from A to F, similar to a school grade card with A representing free flow conditions and F highly congested gridlock or failed operation. It is a standardized measure of acceptable traffic operations. The City Council has adopted a level of service goal C,

but level of service D and below may be acceptable for some stop controlled movements. MoDOT (LOS E) and Kansas City (LOS D) may have different standards of acceptance for level of service than Lee's Summit.

The study results for existing conditions and existing plus Phase 1 (the preliminary development plan) show adequate traffic operations and managed queues for all intersections during both peak hours with exception of the Colbern Road and Douglas Street traffic signal during the P.M. Peak Hour and a few stop controlled movements along Lee's Summit Road. The stop controlled movements that exhibit a level of service (LOS) D or E during the peak hours have an associated vehicle queue less than 50 feet and cannot be mitigated by turn lane improvements (and traffic signals are not warranted for these stop controlled conditions). The intersection of Colbern Road and Douglas Street has an existing LOS D during the P.M. Peak Hour and continues to have a projected LOS D upon impact of Phase 1 during the same time period. Vehicle queues may extend beyond the adjacent interchange ramp intersection, but MoDOT concurs with the study recommendations as existing conditions that do not significantly change as a result of the preliminary development plan. Staff also concurs with the study analysis, reported performance results and improvement recommendations.

The study results for Full Build conditions that include trip generation from the conceptual development plan area exhibit various required left-turn and right-turn lanes at proposed driveways/intersections along Lee's Summit Road and Colbern Road, as well as mitigations at the intersection of Colbern Road and Douglas Street for adequate level of service. The study assumed Colbern Road would be improved as planned by the City between Blue Parkway and Douglas Street prior to Full Build. Those improvements were assumed to include a raised median along Colbern Road to restrict access at Drive 7 to right-in/right-out only. In consideration of these improvements and other mitigations recommended in the traffic study, the intersection level of service at Douglas Street and Colbern Road would meet the City's minimum desired goal (LOS C) for both peak hours.

As previously mentioned, trips generated by the proposed development will directly impact Kansas City and MoDOT roadways and highways. As such, the traffic study was submitted to Kansas City and MoDOT for review. Kansas City and MoDOT have accepted the traffic study, its conclusions and recommendations. There are no additional improvements recommended by Kansas City or MoDOT conveyed to the City for inclusion as conditions of approval consideration.

LIVABLE STREETS (Reso	lution 10-17)	CONFORMANT 🔀	EXCEPTIONS
Streets elem Master Plan ordinances a	nents identified in the and Bicycle Transpor and standards, includ	e City's adopted Compreh rtation Plan attachments, ing but not limited to side	ual development plan includes all Livable ensive Plan, associated Greenway and elements otherwise required by ewalk, trails and accessibility. No tion 10-17 have been proposed.
RECOMMENDATION:	Approval 🔀	DENIAL [	STIPULATIONS/CONDITIONS
Recommendations for of the development fro		nly to the transportation imp	pact and do not constitute an endorsement

Staff recommends approval of the proposed rezoning and preliminary development plan subject to the following conditions:

- 1. Re-stripe the existing two-way left-turn lane along Lee's Summit Road for a dedicated northbound left-turn lane with at least 200 feet of storage at the intersection of Drive 1.
- 2. Re-stripe the existing two-way left-turn lane along Lee's Summit Road for a dedicated northbound left-turn lane with at least 200 feet of storage at the intersection of Drive 2.
- 3. Construct curb and gutter along Lee's Summit Road from Colbern Road to the north city limits, both sides, in conformance with the Unimproved Road Policy.

With regards to the Conceptual Development Plan, the Traffic Impact Study shall be updated (or replaced), as necessary, at such time the Conceptual Development Plan is submitted for Preliminary Development Plan consideration. The recommendations in the traffic impact study related to the Conceptual Development Plan (a.k.a. Phase 2/Full Build), including the Colbern Road Improvements planned by the City prior to development of the Conceptual Development Plan area and various turn lanes and warranted traffic controls required by code or to provide adequate traffic operations and safety, will be reviewed at that time and similarly conditioned, as appropriate, upon any related Preliminary Development Plan application approved.

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# ARIA REZONING & PRELIMINARY DEVELOPMENT PLAN

LEE'S SUMMIT, MO

PROJECT CONTACTS

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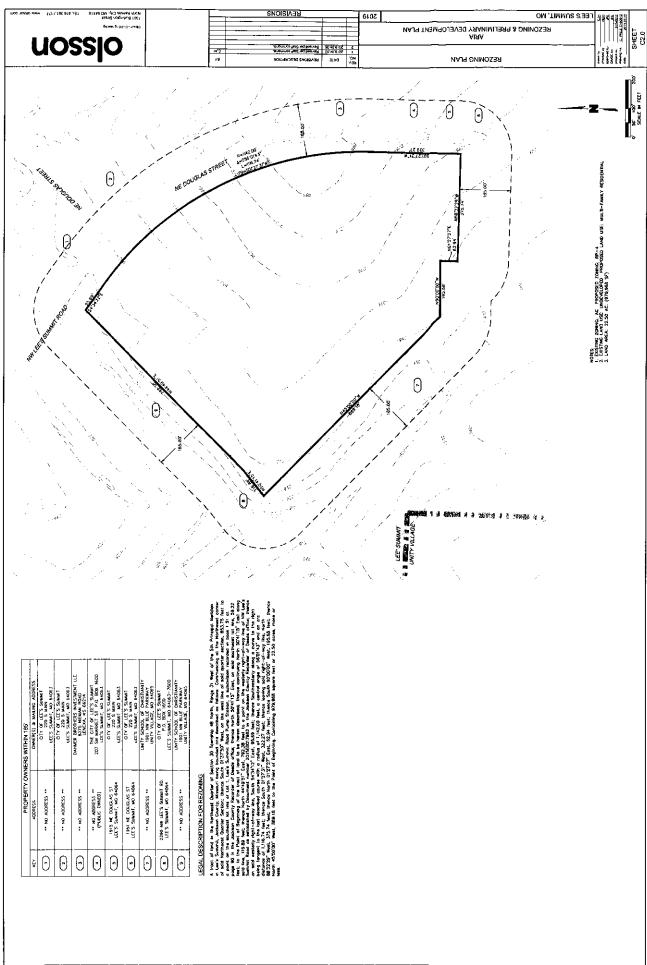
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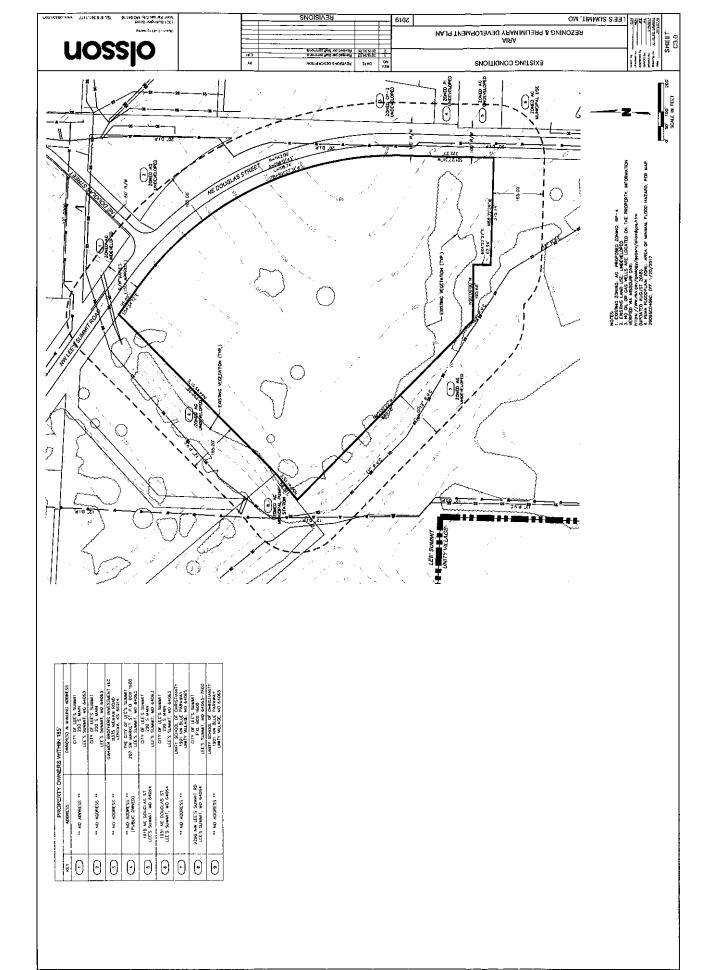
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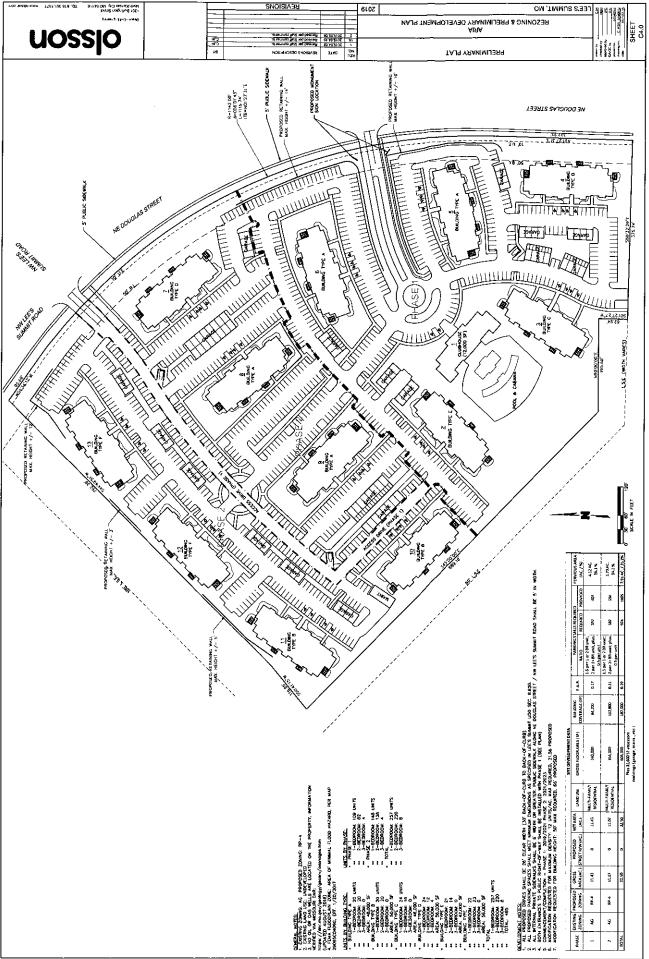
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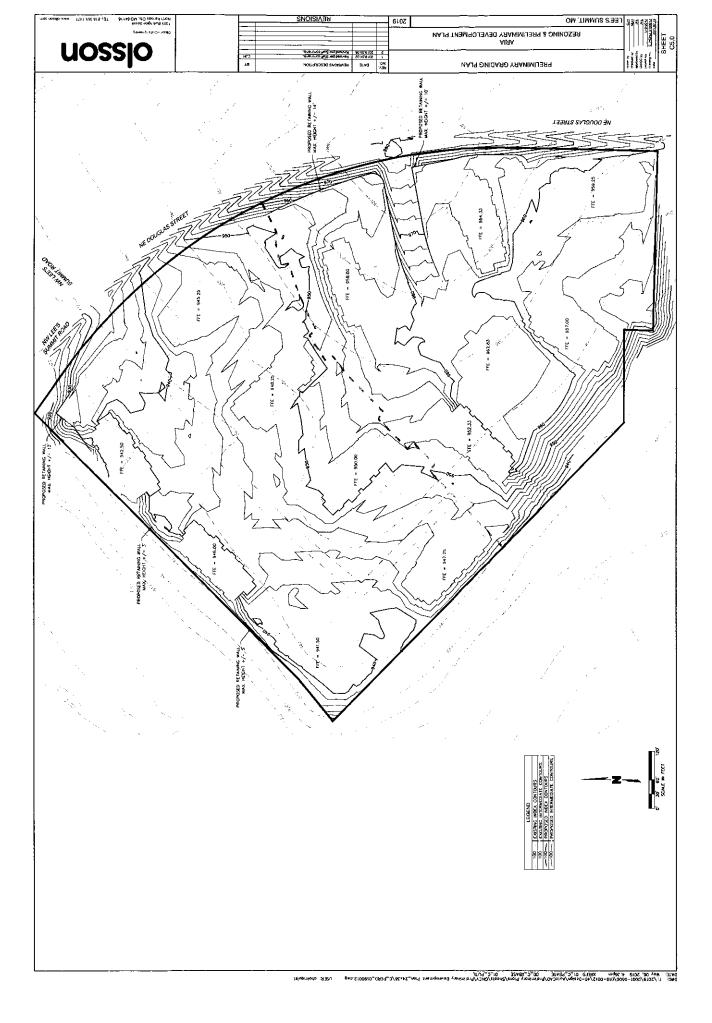
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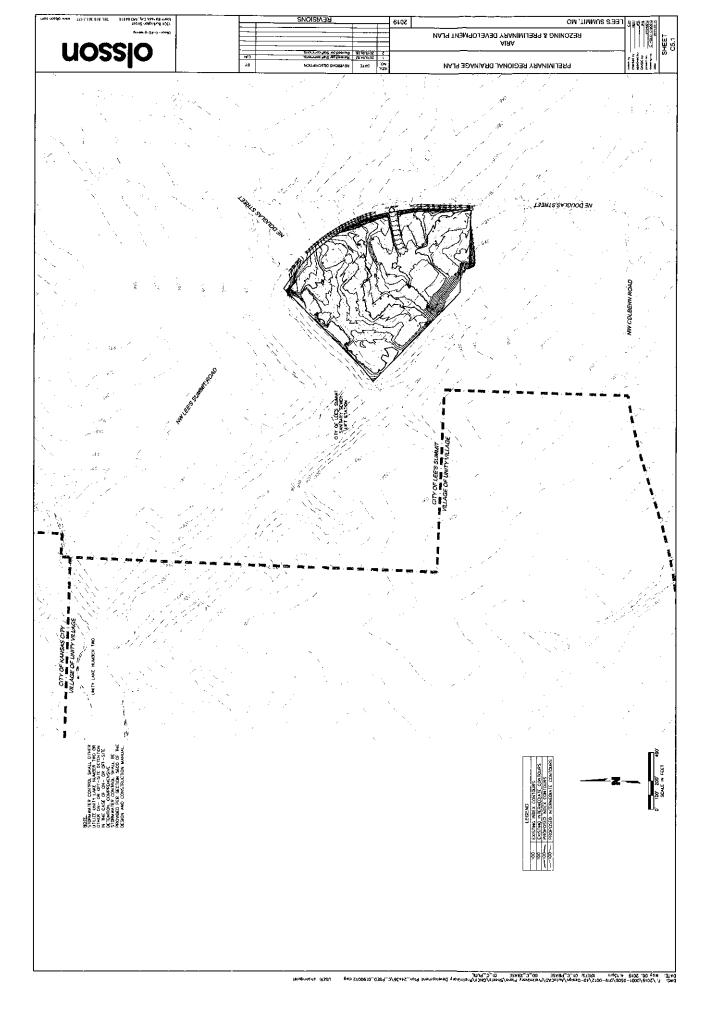


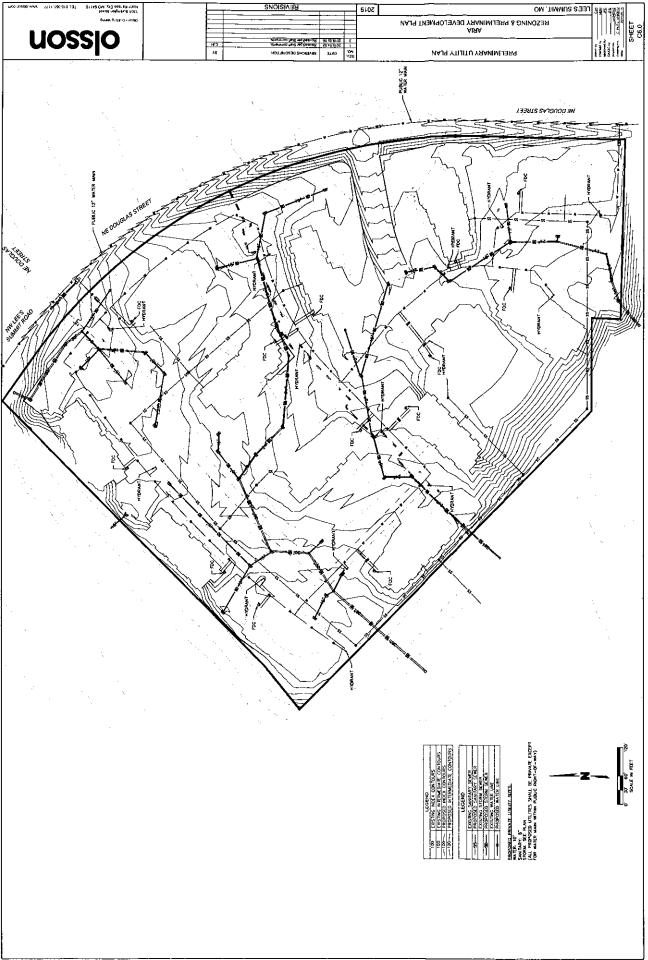


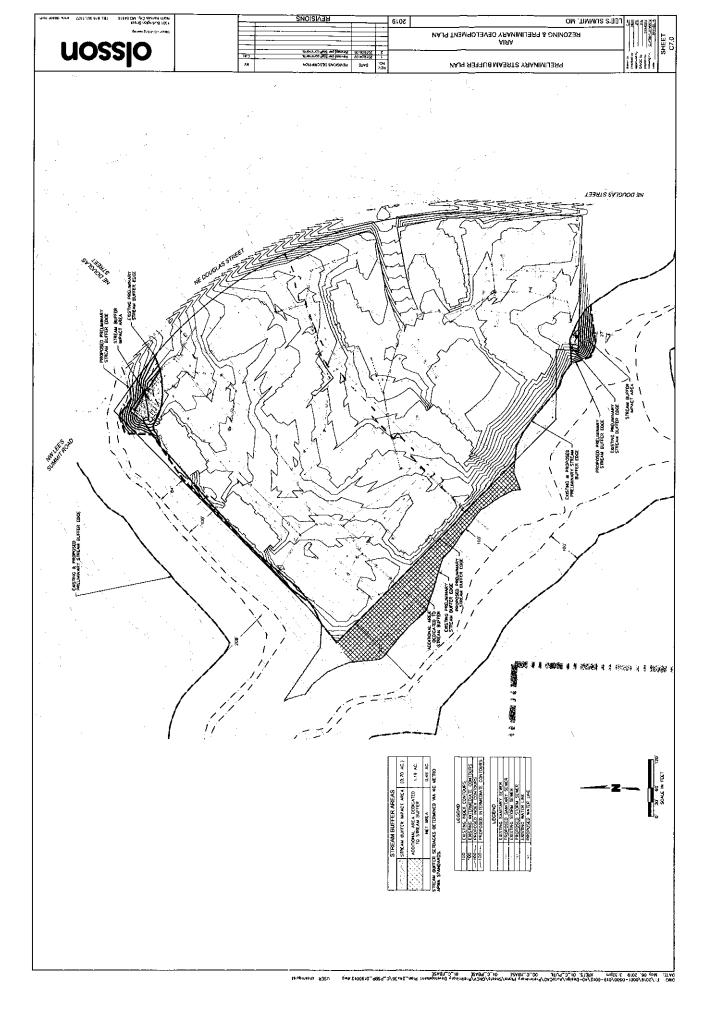


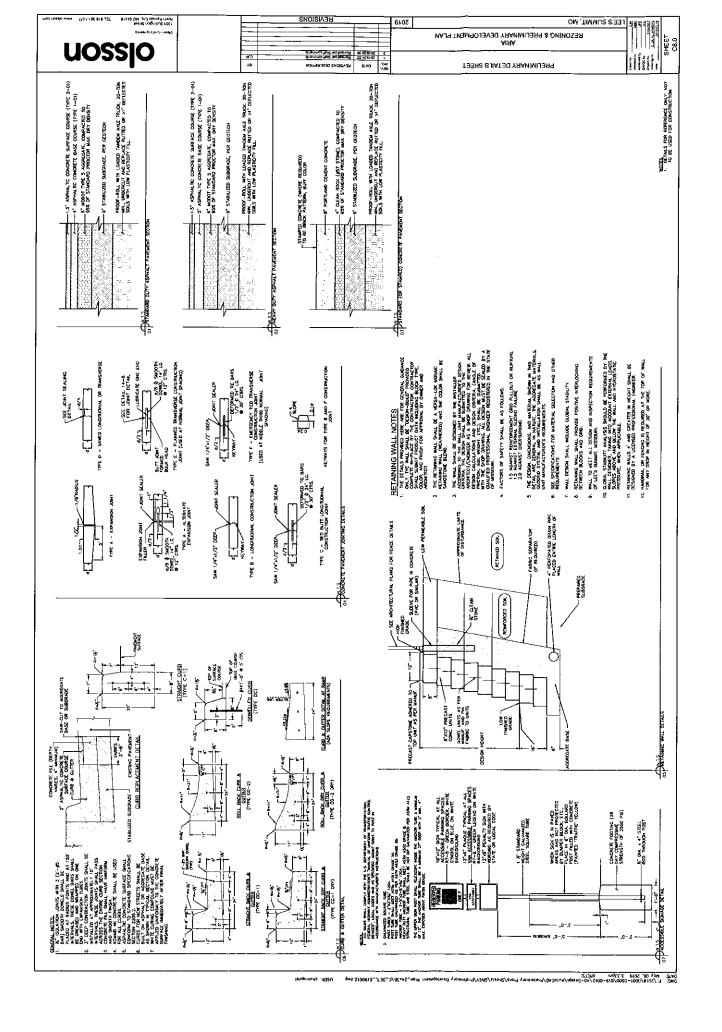


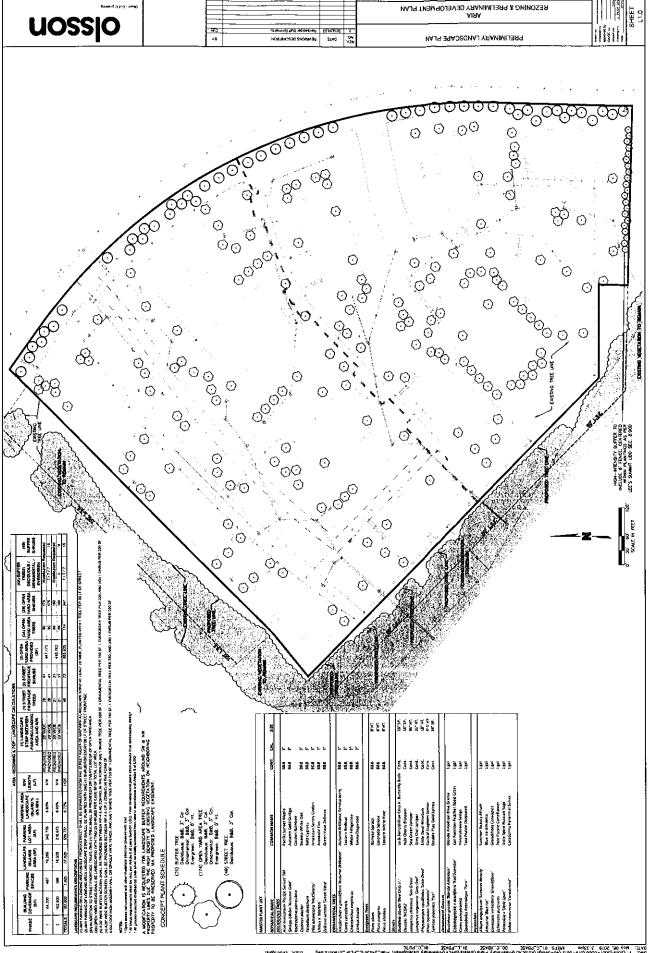










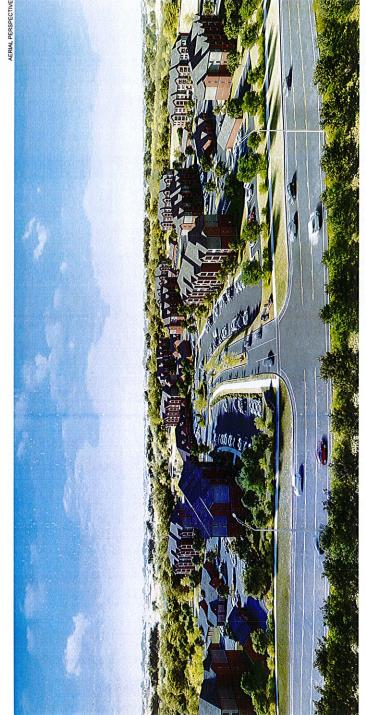


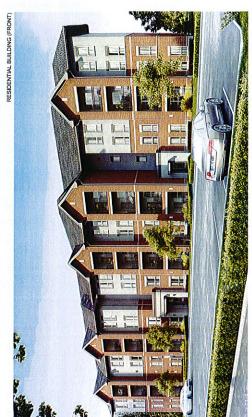
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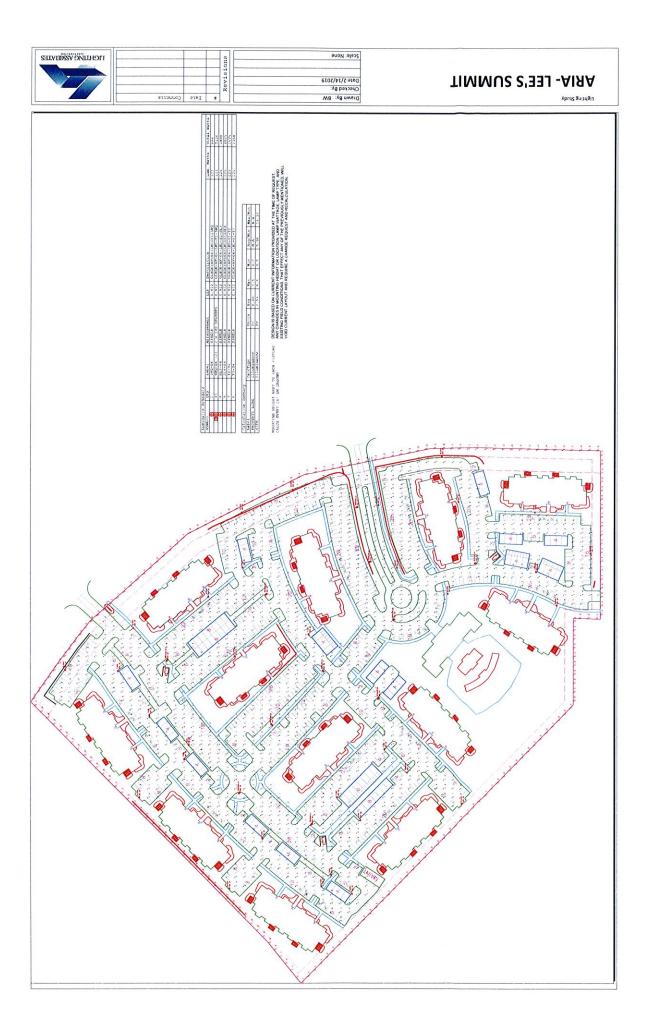












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SUMMIT VILLAGE NORTH REZONING WITH CONCEPTUAL PLAN LEE'S SUMMIT, MO

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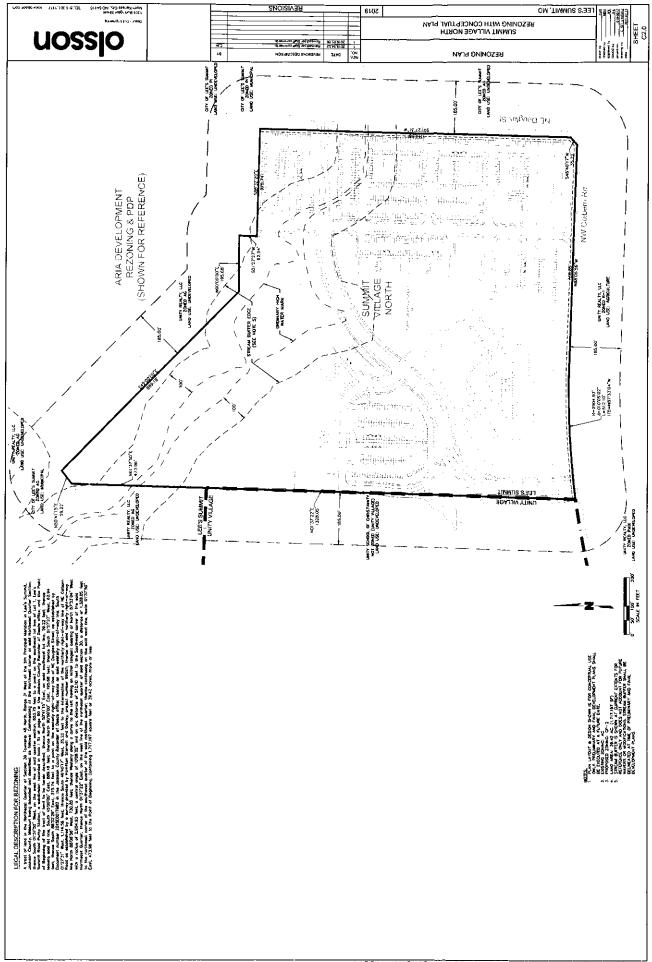
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NORTH KANASS, CITT, MD 64116
CONTACTE, JASON ROUDEBUSH
PHONE: 816, 826, 1177
EMAIL, JROUDEBUSHGOLSSON, COM

OWNIER/DEVELOPER: UNITY REALTY, LLC 1950 IN WILL PARKWAY UNITY MILLOGY SWANDS CONTACT OFF SWANDS EAML: SWANDSWGOWNTYDRIJNE.COM

PROJECT CONTACTS





### PL2019-075 PRELIM DEV PLAN & CONCEPTUAL PLAN ARIA & SUMMIT VILLAGE NORTH NW CORNER OF NE DOUGLAS ST AND NW COLBERN RD

