

AN ORDINANCE APPROVING A REZONING FROM AG (AGRICULTURAL) TO DISTRICT R-1 AND PRELIMINARY DEVELOPMENT PLAN APPROXIMATELY 19.02 ACRES TO BE REZONED AND 3.55 ACRES FOR THE RESIDENTIAL SITE, LOCATED AT 2550 SW 3rd ST, PROPOSED THE RIDGE AT WINTERSET SUMMIT (FORMERLY KNOWN AS WINTERSET CEDAR CREEK), LOTS 1-5 AND TRACT A, IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 33, THE UNIFIED DEVELOPMENT ORDINANCE OF LEE'S SUMMIT CODE OF ORDINANCES, FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2020-219 submitted by Engineering Solutions, LLC, requesting approval of a rezoning from AG (Agricultural) to R-1 (Single-Family Residential) and preliminary development plan on land located at 2550 SW 3rd St was referred to the Planning Commission to hold a public hearing; and,

WHEREAS, the Unified Development Ordinance provides for the approval of a rezoning and 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 public hearings for the consideration of the rezoning and preliminary development plan on October 22, 2020, and rendered a report to the City Council recommending that the rezoning and 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 November 17, 2020, 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 and preliminary development plan is hereby approved on the following described property:

Legal Description of Preliminary Development Plan

The Land is described as follows:

A tract of land being located in Section 2 and Section 3, Township 47 North, Range 32 West, in Jackson County, Missouri being more particularly described as follows

Tract B2, WINTERSET VALLEY 2ND PLAT, a subdivision as recorded in the Office of the Recorder, Jackson County, Missouri,

EXCEPT

A tract of land being part of Tract B2, WINTERSET VALLEY -2ND PLAT, a subdivision in Lee's Summit, Jackson County, Missouri, described as follows: Beginning at the Northeast corner of said Tract B2, said corner also being the Northwest corner of WINTERSET PARK, a subdivision in Lee's Summit, Jackson County, Missouri; thence South 02 degrees

51 minutes 13 seconds West along the West line of said subdivision 89.23 feet to the Northwest corner of Lot 16 of said WINTERSET PARK; thence North 64 degrees 29 minutes 06 seconds West 108.37 feet; thence North 02 degrees 51 minutes 13 seconds East 46.37 feet to a point on the North line of said Tract B2; thence South 87 degrees 46 minutes 53 seconds East along said North line 100.01 feet to the point of beginning.

Legal Description of Rezoning:

A tract of land being located in Section 2, Township 47 North, Range 32 West, in Jackson County, Missouri being more particularly described as follows:

Beginning at the Southeast corner of Lot 1A of CEDAR CREEK ELEMENTARY SCHOOL, a subdivision in Lee's Summit, Jackson County, Missouri, Document No.1998/0003954;thence North 87°46'56" West, a distance of 284.63 feet; thence South 86°32'19" West, a distance of 202.03 feet; thence North 87°46'52" West, a distance of 174.40 feet to a point on the West line of said Section 2; thence North 2°47'25" East along said West line, a distance of 1276.44 feet; thence South 87°42'23" East, a distance of 661.37 feet; thence South 2°51'13" West, a distance of 46.37 feet; thence South 64°29'06" East, a distance of 108.37 feet to the Northwest corner of Lot 16 of WINTERSET PARK, a subdivision in said Lee's Summit; thence South 2°51'27" West along the West line of said WINTERSET PARK, a distance of 1166.36 feet to the point of beginning.

SECTION 2. That the following conditions of approval apply:

1. A modification shall be granted to the 10% maximum allowance of cul-de-sac lots in a subdivision, to allow a combined 26% cul-de-sac lots between The Ridge at Winterset Summit and Winterset Park subdivisions.
2. A modification shall be granted to the minimum 30' front yard setback requirement, to allow the requested 25' for Lots 2 and 3, and 20' for Lot 4, for The Ridge at Winterset Summit subdivision.

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.

BILL NO. 20-206

ORDINANCE NO. 9013

PASSED by the City Council of the City of Lee's Summit, Missouri, this 1st day of December, 2020.



Mayor William A. Baird

ATTEST:

for Stacy Lombardo

City Clerk Trisha Fowler Arcuri

APPROVED by the Mayor of said city this 1st day of December, 2020.



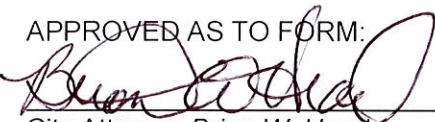
Mayor William A. Baird

ATTEST:

for Stacy Lombardo

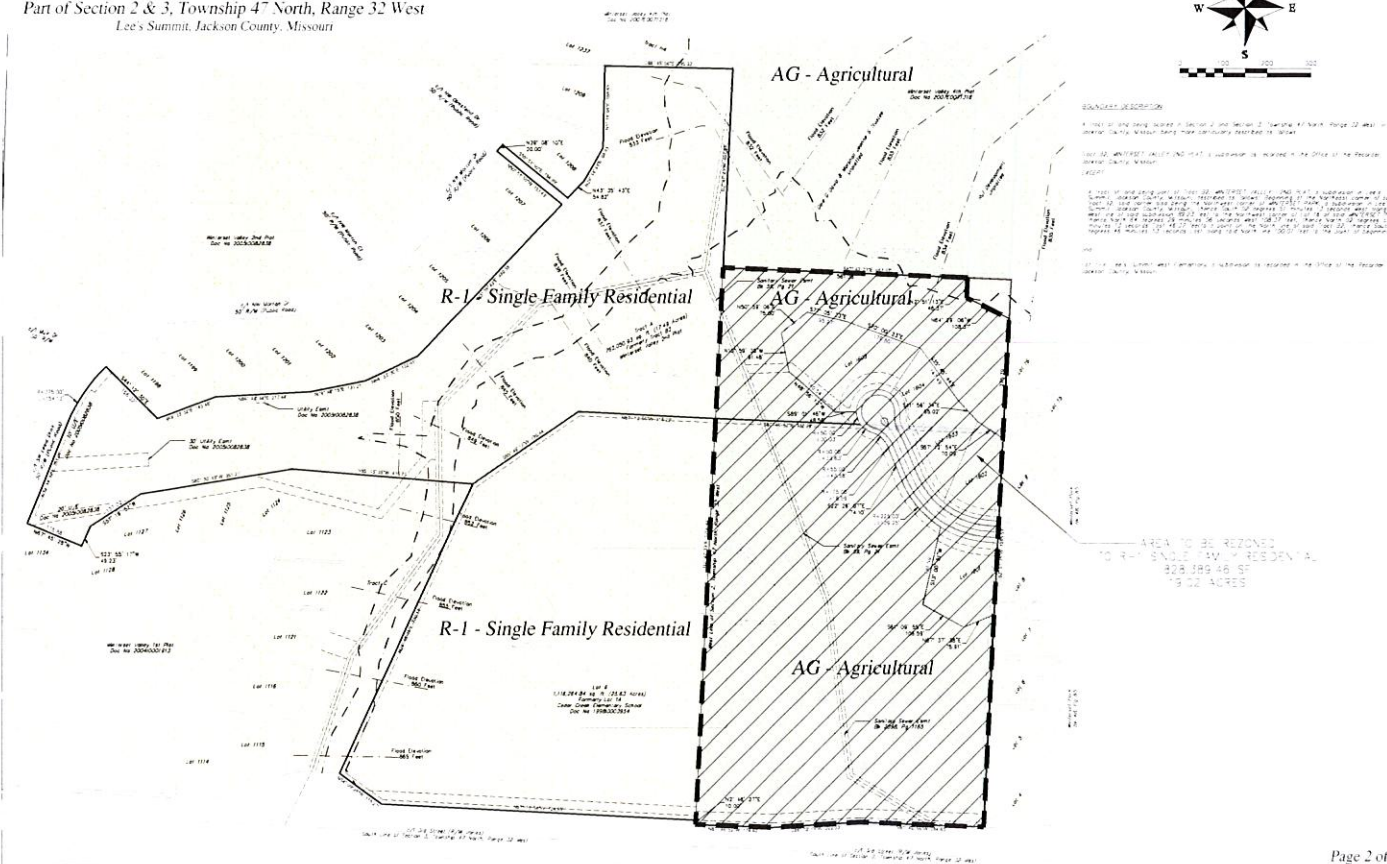
City Clerk Trisha Fowler Arcuri

APPROVED AS TO FORM:

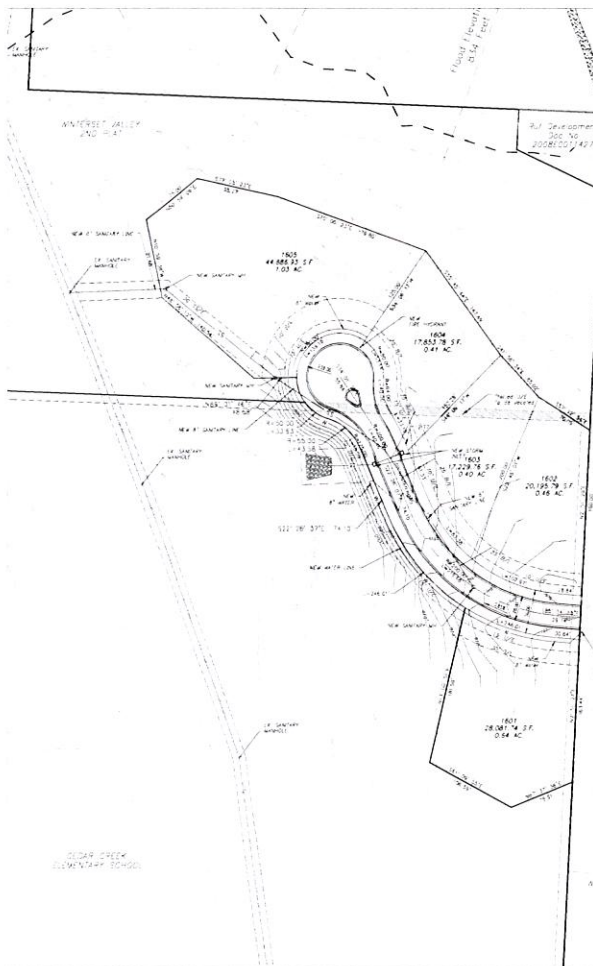


City Attorney Brian W. Head

REZONING EXHIBIT
THE RIDGE AT WINTERSET SUMMIT
A Replat of Tract B2, Winterset Valley - 2nd Plat
and Lot 1-A, Lee's Summit West Elementary
Part of Section 2 & 3, Township 47 North, Range 32 West
Lee's Summit, Jackson County, Missouri



Page 2 of 2



Preliminary Development Plan **THE RIDGE AT WINTERSET SUMMIT** A Replat of Tract B2, Winterset Valley - 2nd Plat and Lot 1-A, Lee's Summit West Elementary Part of Section 2 & 3, Township 47 North, Range 32 West Lee's Summit, Jackson County, Missouri



LOCATION MAP
SECTION 2 & 3 - T47N-R32W

BOUNDARY DESCRIPTION

A list of land being located in Section 2 and Section 3, Township 47 North, Range 32 West, Jackson County, Missouri, being more fully described as follows:

Tract B2, WINTERSET VALLEY AND LOT 1-A, Lee's Summit West Elementary, as located in the Office of the Recorder, Jackson County, Missouri.

A list of land being located in Tract B2, WINTERSET VALLEY AND LOT 1-A, Lee's Summit West Elementary, as located in the Office of the Recorder, Jackson County, Missouri.

Tract B2, WINTERSET VALLEY AND LOT 1-A, Lee's Summit West Elementary, as located in the Office of the Recorder, Jackson County, Missouri.

LEGEND

Three proposed systems are shown in the drawing:

- Set 1/2" = 1' Scale
- Set 1/4" = 1' Scale
- Set 1/8" = 1' Scale

Legend:

- Proposed 1/2" = 1' Scale
- Proposed 1/4" = 1' Scale
- Proposed 1/8" = 1' Scale

SURVEY AND PLAT NOTES

The following notes apply to the plat and are to be read in connection with the plat and the survey and plat notes.

1. The survey was made by the undersigned on the 1st day of January, 2008, and the plat was filed for record on the 1st day of January, 2008.

2. The survey was made by the undersigned on the 1st day of January, 2008, and the plat was filed for record on the 1st day of January, 2008.

3. The survey was made by the undersigned on the 1st day of January, 2008, and the plat was filed for record on the 1st day of January, 2008.

SURVEYOR'S GENERAL NOTES

1. The survey was made by the undersigned on the 1st day of January, 2008, and the plat was filed for record on the 1st day of January, 2008.

2. The survey was made by the undersigned on the 1st day of January, 2008, and the plat was filed for record on the 1st day of January, 2008.

3. The survey was made by the undersigned on the 1st day of January, 2008, and the plat was filed for record on the 1st day of January, 2008.

Part of Section 2 & 3,
Township 47 North, Range 32 West
Lee's Summit, Jackson County, Missouri

Preliminary Development Plan

ENGINEERING
SOLUTIONS

MACRO STORM WATER DRAINAGE STUDY

Winterset Cedar Creek

SITE ACREAGE: 3.69 ACRES

Lee's Summit, MO

PREPARED BY:



Revision

Date	Comment	By
9-8-20	Revised per City Comments Dated September 8, 2020	AEP
9-22-20	Revised per City Comments Dated September 15, 2020	AEP

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3.0 General Information

The proposed Winterset Cedar Creek single-family residential subdivision is to be located in the southwest quarter of the southwest quarter of Section 2, Township 47 North, Range 32 West, Lee's Summit, Jackson County, Missouri. The proposed development would be adjacent to Winterset Park and consist of an extension of SW Winter Road. The proposed development area is 3.69 acres. The proposed improvements would consist of five lots, a road extension with terminating cul-de-sac in addition to associated utility infrastructure. The property is currently wooded and does not contain any onsite detention systems, BMPs nor water bodies. Runoff from the north side of the property is tributary to Cedar Creek and runoff from the south side of the property is tributary to an unnamed branch of Cedar Creek. The confluence of Cedar Creek and Tributary C1 to Cedar Creek constitutes the Point of Interest (POI) for the subject project. The POI is adjacent to the property and represents the place where all contributing runoff from the project may be accounted. The POI is also the point at which the project sub-basins may be compared to the rest of the Cedar Creek Watershed. Exhibit A at the end of the report contains an aerial view of the existing project site. The proposed Site Plan may be found in Exhibit B. The overall Watershed Map for the proposed project may be found in Exhibit C.

3.1 Purpose

The purpose of the memorandum is to determine if any negative impacts due to storm water runoff from the proposed improvements are anticipated downstream due to the 2, 10, 100 and 1.37" water quality storm.

3.2 Scope

Determine Proximity of Property to Cedar Creek.

Determine Location of Property within the Overall Cedar Creek Watershed.

Determine the Pre versus Post Development Peak Flows for the 2, 10, 100 and Water Quality Storms at the POI.

4.0 Methodology

The memorandum conforms to KC Metro Area APWA Section 5600 requirements in addition to all other applicable codes and requirements of the City of Lee's Summit, Missouri.

5.0 FEMA Floodplain Determination

The property is located in an Area of Minimal Flood Hazard, Zone X, according to FEMA Firm Map Number 29095C0416G, effective January 20, 2017.

See Exhibit D for a FIRMette which includes the proposed project site. Note the large regulatory floodplain and floodway present on both Cedar Creek and Tributary C1 to Cedar Creek adjacent to the proposed project site.

6.0 NRCS Soil Classification

Soil classifications are published by the United States Department of Agriculture/National Resources Conservation Service (USDA/NRCS) and made available via their website. Data was taken from the web soil survey for Jackson County, Missouri, Version 22, May 29, 2020. The existing site contains one major soil type:

10082 Snead-Rock Outcrop Complex, 14 to 30 percent slopes
Hydrologic Soils Group (HSG): Type D

See Exhibit E for a detailed soils report of the proposed project site.

7.0 Sub-basin/Watershed Analysis

The overall watershed map for the project was developed to determine both the proximity of the project to the receiving stream and the location of the project in the overall watershed. See Exhibit C for a depiction of the Overall Watershed Map for the project. The overall watershed is approximately 6,290 +/- acres with the majority of the watershed being developed. The subject property encompasses 3.69 acres and accounts for approximately 0.06% of the overall watershed. The terrain consists of a Snead-Rock outcrop complex with steep slopes and high runoff rates per the NRCS soils report.

The proposed development is located adjacent to Cedar Creek on the north and an unnamed branch tributary to Tributary C1 to Cedar Creek on the south. The proposed development is located approximately 430' south of Cedar Creek. The south sub-basin of the project extends 6,000+ feet south from Cedar Creek and includes all lands contributing runoff to Tributary C1 to Cedar Creek. The development is located in the lower 1/10th of the sub-basin and is located adjacent to

Cedar Creek. The following table summarizes the results of the Existing Conditions Analysis for the proposed project sub-basin. The hydrologic data used in this analysis is in line with the FEMA Flood Insurance Study for the watershed, see Exhibit G for FIS reference data. The highlighted FIS data is approximately at the POI.

Table 1 - Existing Conditions Sub-basin & Hydrologic Data at the POI

Sub-basin	POI	Area (ac.)	CN	Tc (min.)	Q(1.37") (cfs)	Q2 (cfs)	Q10 (cfs)	Q100 (cfs)
Existing	Confluence	5042	85	242.0	319.42	1999.69	3560.08	5916.63

The following table summarizes the results of the Proposed Conditions Analysis. A complete Hydraflow Report may be found in Exhibit F which contains both Existing and Proposed Hydrologic Data.

Table 2 - Proposed Conditions Sub-basin & Hydrologic Data at the POI

Sub-basin	POI	Area (ac.)	CN	Tc (min.)	Q(1.37") (cfs)	Q2 (cfs)	Q10 (cfs)	Q100 (cfs)
Prop. Project	Confluence	3.69	82	16.94	1.031	7.97	14.50	24.35
Prop. Remainder	Confluence	5038.31	85	242.0	319.19	1998.23	3557.48	5912.31
Prop. Combined	Confluence	5042			319.27	1998.59	3558.09	5913.27

As discussed, the data shown in the above tables confirms that the development of the subject project due to its location in the watershed will reduce the overall peak flow rates at the POI for all regulatory storm events including the 1.37" water quality storm. The reduction in peak flow may be attributed to the time variance of contributing areas within the watershed.

Table 3 below provides a comparison of runoff data between Proposed and Existing Conditions for the Proposed Development.

Table 3 - Point of Interest Discharge Comparison

	Condition	Q1.37" (cfs)	Q2 (cfs)	Q10 (cfs)	Q100 (cfs)
POI Confluence	Proposed	319.27	1998.59	3558.09	5913.27
	Existing	319.42	1999.69	3560.08	5916.63
	Difference	-0.15	-1.10	-1.99	-3.36

As shown in the Table above all proposed peak flows will be attenuated below existing peak flows for all regulatory design storm events. Therefore the development and free release of runoff from this property will not create any negative downstream hydraulic impacts but will reduce the required carrying capacity of downstream elements providing increased freeboard. Due to the large size of the sub-basin and the minimal size of the proposed development the proposed peak flow generated during the water quality storm will not create deleterious conditions to downstream conveyance elements.

8.0 Conclusion

No further developments will be directly downstream and adjacent to Winterset Cedar Creek. Based on the size, geometry, soil characteristics and downstream position of the property in its sub-basin the free release of proposed peak flows will provide attenuation below existing conditions for all regulatory design storms including the 1.37" water quality storm. We recommend the free release of runoff from all storm water events. The study is in conformance with all applicable City of Lee's Summit standards and criteria.

Waiver Requests:

1) KCAPWA Section 5608 Stormwater Detention and Retention, 5608.4 Performance Criteria, C. Release Rates, 1. Comprehensive Control, a. Post-Development Peak Discharge Rates for the 50%, 10% and 1% Storms. We request this criterion be waived based on the peak discharge reduction outlined in the report.

2) KCAPWA Section 5608 Stormwater Detention and Retention, 5608.4 Performance Criteria, C. Release Rates, 1. Comprehensive Control, b. 40-hour Extended Detention. We request this criterion be waived based on the peak discharge reduction in addition to the minimal volume attributed from the subject property compared to the overall watershed.

Exhibit A
Project Aerial View

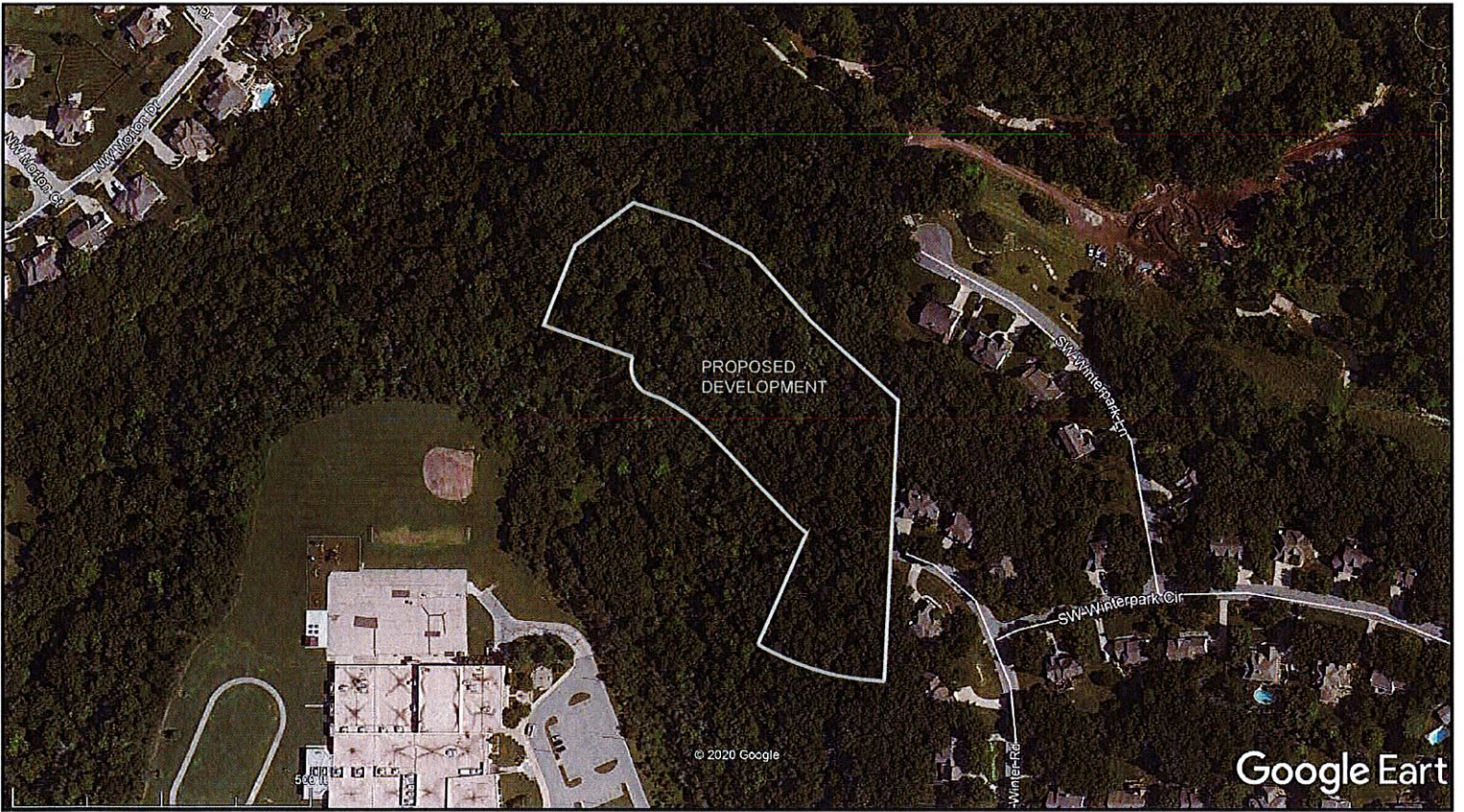


Exhibit B
Proposed Site Plan

A Replat of Tract B2, Winterset Valley - 2nd Plat
and Lot 1-A, Lee's Summit West Elementary
Part of Section 2 & 3, Township 47 North, Range 32 West
Lee's Summit, Jackson County, Missouri

Lee's Summit, Jackson County, Missouri



LOCATION MAP
SECTION 2 & 3 - 74TH-332W

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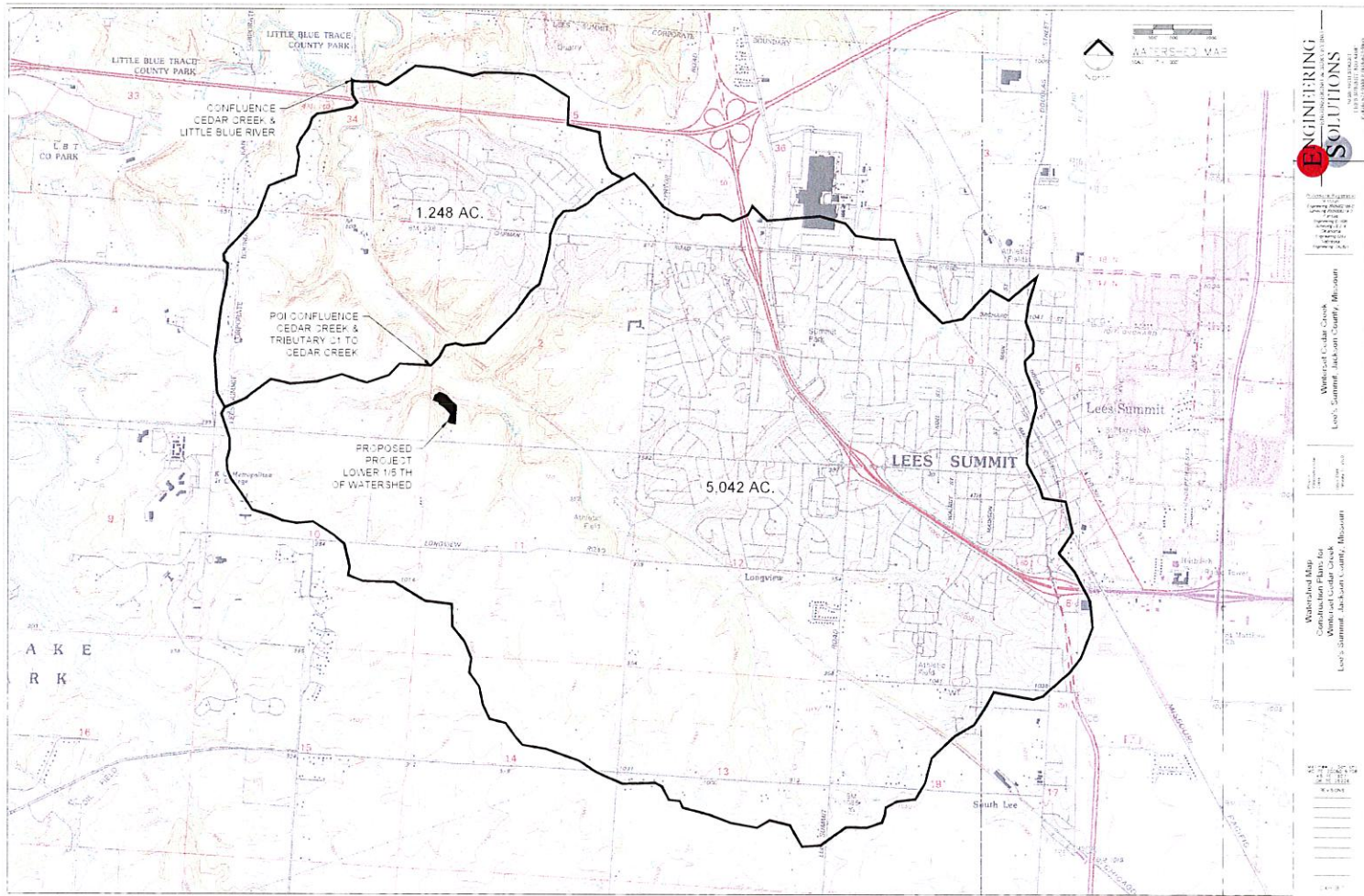
Township 4 / North, Range 32 West
Lee's Summit, Jackson County, Missouri

Preliminary Development Plan

ENGINEERING SOLUTIONS

Page 1 of 2

Exhibit C
Overall Watershed Map



ENGINEERING SOLUTIONS

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LEE'S SUMMIT MISSOURI

DEVELOPMENT REVIEW FORM TRANSPORTATION IMPACT

DATE: October 14, 2020
SUBMITTAL DATE: September 22, 2020
APPLICATION #: PL2020219
PROJECT NAME: RIDGE AT WINTERSET

CONDUCTED BY: Michael Park, City Traffic Engineer
PHONE: 816.969.1800
EMAIL: Michael.Park@cityofls.net
PROJECT TYPE: Prel Dev Plan (PDP)

SURROUNDING ENVIRONMENT (*Streets, Developments*)

The proposed development is located within the Winterset subdivision, north of 3rd Street between Wintervalley Drive and Winterpark Boulevard, adjacent to Cedar Creek Elementary.

ALLOWABLE ACCESS

The proposed development will be serviced from the extension of an existing local residential street (Winter Road) with individual residential lot access.

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

Winter Road is an existing two lane, 25 mph, local residential street. Sight distance is adequate.

ACCESS MANAGEMENT CODE COMPLIANCE? YES ☒ NO ☐

All criteria in the Access Management Code criteria have been met.

TRIP GENERATION

Time Period	Total	In	Out
Weekday	66	33	33
A.M. Peak Hour	13	3	10
P.M. Peak Hour	7	4	3

TRANSPORTATION IMPACT STUDY REQUIRED? YES ☐ NO ☒

The proposed development will not likely generate more than 100 vehicle trips to the surrounding street system during a peak hour; the minimum condition for traffic impact study requirements.

LIVABLE STREETS (*Resolution 10-17*) COMPLIANT ☒ EXCEPTIONS ☐

The proposed development plan includes all Livable Streets elements identified in the City's adopted Comprehensive Plan, associated Greenway Master Plan and Bicycle Transportation Plan attachments, and elements otherwise required by ordinances and standards, including but not limited to sidewalk, landscaping, parking, and accessibility. No exceptions to the Livable Streets Policy adopted by Resolution 10-17 have been proposed.

RECOMMENDATION: APPROVAL ☒ DENIAL ☐ N/A ☐ STIPULATIONS ☐

Recommendations for Approval refer only to the transportation impact and do not constitute an endorsement from City Staff.

Staff recommends approval of the proposed preliminary development plan.

September 7, 2020

To: Planning Commission – City of Lee's Summit, MO ✓
Lee's Summit R-7 School District

I am writing this letter on behalf of myself, my wife plus six other residents, all signatories below, with regard to the proposed development of roughly 2.5 acres of currently wooded land that lies at the end of the dead end spur of Winter Road in Phase One of the Winterset development on the north side of Third Street. The entrance to this phase is at Third Street and Winterpark Blvd. The developer of this property is David Gale of Gale Communities, Inc. I have had an excellent relationship with Mr. Gale since 1992 when we had our home built in Phase One.

I learned of the proposed development of this land on Sunday, August 30, 2020. This tract of land is a small part of a much larger tract of land that was gifted by Jack Bondon in the 1990's to the Lee's Summit R-7 School District for the purpose of building the current Cedar Creek Elementary School. I recall being told by someone (I can't recall who it was) that the gifting would essentially assure that the land in question here would most likely never be developed.

On Wednesday evening, September 2nd, David Gale had a meeting with residents of the five homes that will be most severely impacted during the development and building phases of this tract of land. Most of us expressed serious misgivings about the impact this development will have on us over the next two or three years, minimum, because ingress and egress for all of the construction equipment will be at the Winter Road spur where we reside.

Our primary concern is the mud, muck and debris that would be deposited on our spur as trucks depart the property. We are also concerned about the noise of these trucks (engine plus back-up beeper noise) as they enter and depart the property being developed. So we are asking (pleading, actually!) that the ingress/egress point for this development be off Third Street from a point west of the entrance to Phase One of Winterset (The Summit) and east of the entrance to Cedar Creek Elementary School. It is our understanding that this entry point land is owned and controlled by the Lee's Summit R-7 School District. I would like to also point out that six of the eight undersigned residents are fully retired, thus being subjected to the noise plus other disturbances associated with development and construction all the days long for what could be two to three plus years from start to finish of this development. Moving the ingress/egress point from our spur to the Third Street alternative would mitigate at least some, but not all, of the concerns we have with this project.

During the September 2nd meeting it was pointed out to the developer, Mr. Gale, that while this project represents a significant upside for the bottom line of his business, it also represents a significant two to three plus year downside for residents of the Third Street spur.

All we are asking for is a little compassion for the situation we face. There are option(s) available to mitigate the ingress/egress issues which would make this project somewhat more palatable. Mr. Gale said in a nice text to me the morning after the meeting that he would investigate the access issue - (presumably with the city as well as the school district).

We hope all concerned agencies will look favorably on and approve this request.

Thank you,

Jerry Ameling

Jerry Ameling

816-810-2411
(textable)

jsameling@gmail.com

Sallie Ameling

Sallie Ameling

Mike Wilson

Mike Wilson

Aguster Wilson

Aguster Wilson

George Schwagerman

George Schwagerman

Jeanie Schwagerman

Jeanie Schwagerman

Chet Whitford

Chet Whitford

Jackie Whitford

Jackie Whitford

PL2020-219 Rezoning and Preliminary Development Plan

2550 SW 3rd St

