

### **Board of Aldermen Request for Action**

#### **MEETING DATE:** 5/2/2023

**DEPARTMENT:** Development

**AGENDA ITEM:** Bill No. 2992-23, Fairview Crossing Conceptual Plan Amendment – 2nd reading by title only.

#### **REQUESTED BOARD ACTION:**

A motion to approve Bill No. 2992-23, for second reading by title only for Fairview Crossing Conceptual Plan Amendment.

#### SUMMARY:

Approving this ordinance would amend the existing Fairview Crossing overlay district at property located at the northeast corner of Highway 169 and 144<sup>th</sup> Street to address powerline easement encroachments and changes to the original plan.

#### **BACKGROUND:**

This project was originally approved by the Board of Aldermen on May 17, 2022, to create a mixed-use development called Fairview Crossing on the 53.92 acres at the northeast corner of 169 Highway and 144<sup>th</sup> Street. The applicant acquired the property after reviewing the Smithville Comprehensive Plan 2030, which identifies this area to be mixed use with a higher density of housing. Using the Comprehensive Plan as a guide, the applicant then submitted its original conceptual plan based upon the ALTA survey received during the closing on the property. After approval of the original rezoning and Conceptual Plan Overlay, the developer began the design and engineering portions of the process in order to submit its' Preliminary Plat. It was at this time that a conflict in the placement of the power lines and the powerline easement, which also impacted the West Interceptor Bypass easement across the property was discovered. During this work, the developer also acquired the land now known as Fairview Crossing North, which allowed a shared access point to be created instead of two separate access points.

After much work by the West Interceptor Bypass engineers and the developers engineers with the powerline easement's owner, the easement locations were reconfigured. In addition, the developer adjusted the access point to the north to improve traffic flow for both Fairview Crossing and Fairview Crossing North as well as with Central Bank. MODOT has reviewed the traffic impact reports on both subdivisions and agreed with the single access point, as well as other changes at the 144<sup>th</sup> Street intersection. With all of the changes required above, a new conceptual plan was needed. The developer was able to adjust some of the multifamily layout and is now able to create a total of 316 dwelling units on the 31.93 acres of residential properties (9.9 dwellings per acre). This density is less than half of the maximum allowed on this

site by the Comprehensive Plan, (Plan allows between 5-18 dwelling units per acre) and only slightly higher (8.8 v. 9.9) units per acre from the original plan. The commercial lots saw no significant changes.

The developer simultaneously submitted a Preliminary Plat for this subdivision with this amended plan, which includes a development agreement that addresses not only all of the significant 169 Highway improvements required by MODOT, but also the offsite sewer requirements and Parks dedications. The development agreement will be part of the Preliminary Plat approval, assuming that this amended conceptual plan is approved for both first and second readings. The Preliminary Plat will be submitted following second reading at the first meeting in May.

The Planning Commission recommended approval of the amended Plan following a public hearing and in accordance with 400.200 of the Code of Ordinances.

#### **PREVIOUS ACTION:**

Fairview Conceptual Plan Approval May 17, 2022, by Ord. 3139-22.

#### POLICY ISSUE:

Comprehensive Plan Development

#### FINANCIAL CONSIDERATIONS:

Will include potential Park fees in the amount of \$194,000 as Final Plats are approved.

#### **ATTACHMENTS**:

- $\boxtimes$  Ordinance
- $\Box$  Resolution
- ⊠ Staff Report
- □ Other:

- $\Box$  Contract  $\boxtimes$  Plans
- □ Minutes

BILL NO. 2992-23

#### AN ORDINANCE APPROVING AN AMENDMENT TO A CONCEPTUAL ZONING PLAN FOR FAIRVIEW CROSSING ON CERTAIN LANDS LOCATED IN THE CITY OF SMITHVILLE, MISSOURI, UNDER THE AUTHORITY GRANTED BY THE CODE OF ORDINANCES OF THE CITY OF SMITHVILLE, MISSOURI

**WHEREAS**, The City of Smithville approved a Conceptual Plan and rezoning on May 17, 2022 to create the Fairview Crossing subdivision at the northeast corner of 169 Highway and 144<sup>th</sup> Street; and

WHEREAS, public notice was properly advertised in the Courier Tribune; and

WHEREAS, adjoining property owners were properly notified by certified mail; and

**WHEREAS**, a public hearing was held before the Planning Commission on April 11, 2023;

**WHEREAS**, the Commission adopted the findings recommended in the Staff Report and recommended approval of the Amended Fairview Crossing Conceptual Plan.

## NOW THEREFORE BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF SMITHVILLE, MISSOURI, THAT;

Section 1. Having received a recommendation from the Planning Commission, and proper notice having been given and public hearing held as provided by law, and under the authority of and subject to the provisions of the zoning ordinances of the City of Smithville, Missouri, by a majority council vote, the zoning classification(s) or district(s) of the lands legally described hereby are changed as follows:

The property legally described as: See Attached Exhibits A-1 and A-2

is hereby designated B-3P and R-3P as contained in the Amended Fairview Crossing Conceptual Plan as approved by the Planning Commission on April 11, 2023 and shown on Exhibit A-2.

Section 2. Upon the taking effect of this ordinance, the above zoning changes shall be entered and shown upon the "Official Zoning Map" previously adopted and said Official Zoning Map is hereby reincorporated as a part of the zoning ordinance as amended.

Section 3. This ordinance shall take effect and be in full force from and after its passage according to law.

PASSED THIS 2<sup>nd</sup> DAY OF MAY, 2023

Damien Boley, Mayor

ATTEST:

Linda Drummond, City Clerk

1<sup>st</sup> reading 04/18/2023

2<sup>nd</sup> reading 05/02/2023



April 7, 2023 Conceptual Plan Approval of Clay County Parcel Id's # 05-917-00-07-005.00 & 05-917-00-07-006.00

Application for a Conceptual Plan Approval (Amendment) – Fairview Crossing

Code Sections: 400.200 et seg.

Planned Development Overlay District

Property Information:

Address: Owner: Current Zoning: NE corner of 144<sup>th</sup> St. and 169 Hwy Kansas City Properties & Investments B-3P and R-3P

Public Notice Dates:

1st Publication in Newspaper:	March 23, 2023
Letters to Property Owners w/in 185':	March 24, 2023

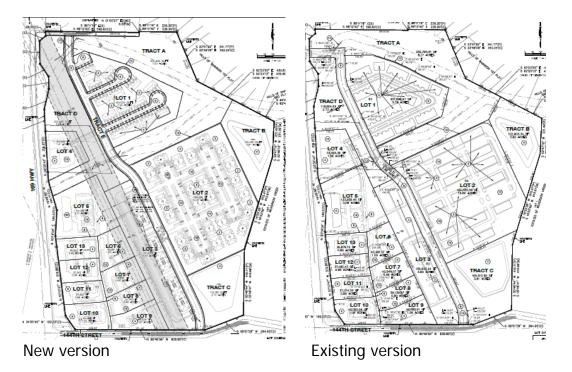
GENERAL DESCRIPTION:

The property is currently covered by the Fairview Crossing Conceptual Plan approved by the Commission and Board one year ago. While preparing various aspects of the preliminary plat and development agreement, as well as the layout of the new West Bypass force main project by the city, it was discovered that the easement for the power lines and the actual location of the powerlines had several conflicts. After several months of the city's engineers and the applicant's engineers working with the power company, they have reached a consensus of both the proper powerline easement location, as well as the future West Bypass force main location. Those changes impacted the design of the conceptual plan sufficiently to require revisiting the intended layout.

During this work, the developer acquired the property to the north, which is now the Fairview Crossing North subdivision, which will likely begin work later this spring or early summer. During this project development, MODOT was provided with that proposed plan, along with the potential changes to the Fairview Crossing plan, including the traffic flow changes. MODOT determined that the change from the original north entrance into the south development moving to the north and eliminating one entrance point and combining the entrance to the bank, and both the north and south subdivision would substantially improve the traffic flow for both developments. As a result, this project includes changing the access point to US 169 Highway into a combined city street (147<sup>th</sup> Street) for all properties to use.

In addition to the layout changes above, a long process with MODOT resulted in changes to the off-site access infrastructure changes to US 169 Highway. MODOT refused the traffic study recommendations of traffic lights at 144<sup>th</sup> and US 169 Highway in favor of J-turn intersections. For reference, the J-turns located just south of city limits at the META project in Kansas City are similar to the ones MODOT will require for this project.

The current Fairview Crossing Overlay District is approximately 53 acres and includes a large overhead power line easement that bisects the property. The proposed conceptual plan will still divide this 53+/- acre parcel into 3 multifamily and 10 commercial lots. As a result of the relocation of the power line and force main easements, the multifamily layout was slightly changed as well, allowing a more efficient layout to occur. The new proposal would include townhomes and apartments with a calculated total of 316 dwelling units upon completion of all buildings, along with 10 commercial lots. All the original reasons for the Conceptual plan exist, with just these changes.



The proposed new version would attach directly to the Fairview Crossing North Subdivison with a much improved layout for the traffic in the area. The following is a depiction of the two developments, and the new traffic requiements of MODOT. The only thing not shown is the south bound J-turn, which will be located approximately <sup>1</sup>/<sub>4</sub> mile south of the current 144<sup>th</sup> St. intersection.



400.200.B.3 Guidelines for review of a conceptual development plan for a Planned Development Overlay District, the Commission shall consider the requirements in the site plan review provisions in Section 400.390 through 400.440 when evaluating the following:

a. Topography; to ensure the site is suitable for development, and buildings are located and arranged in appropriate areas.

Development placement maintains the same general layout as the current version and specifically encapsulates the existing drainage areas into the proposed retention pond areas. The estimated layout specifically separates the residential and the commercial areas on either side of the power easement and leaves significant green space between this development and the adjacent single family.

b. Parking; to ensure the proposed development contains an adequate amount of parking and is located in an appropriate area or adequately screened. Generally, the parking should conform to the required number of spaces appropriate to the development type as contained in Section 400.470. The Commission may allow a deviation from these parking requirements should the applicant show an adequate amount of parking exists. Development is laid out in a fashion to meet the site plan requirements and includes sufficient parking as shown on Page 1 of the submittal. Any minor variations to building size could impact the required parking, but in no event will a tenant be able to increase a building footprint size or change a use without adjusting parking to meet these requirements.

c. Setbacks; to ensure buildings provide adequate light, air, and privacy protection by providing appropriate proportion between buildings, and adequate separation between buildings and adjoining properties.

Development leaves ample space between the proposed buildings, as well as the existing facilities, and leaves ample buffer from the singlefamily properties to the east.

d. Architecture: to ensure the architectural theme is compatible and consistent throughout the project and is reasonably compatible with surrounding developments.

The Development is without tenants and seeks to create the overall look of the development without limiting potential tenants. Therefore, this Conceptual plan will require independent site plan reviews of each proposed building or lot, and must meet the site plan requirements in existence at the time of construction, in particular only to the buildings. All other elements are identified and required as show herein.

e. Site plan; to ensure the location and arrangement of buildings, signs and other structures are appropriate for the site, existing and proposed streets, drives and public ways are arranged appropriately and to ensure site drainage has been adequately addressed.

# Development prepared and submitted a Stormwater Study and has agreed to construct the required detention structures when the project begins.

f. Landscaping; to ensure the development provides adequate landscaping to provide a pleasant environment, to enhance the building's appearance, to ensure existing significant trees are adequately protected.

The Development has a large abundance of existing vegetation in the east and north, but much of it is of limited quality. Many of the buffer areas from the single-family properties to the east will remain intact or converted into detention areas for stormwater protection. As stated, each separate building will be required to complete the site plan review process, and the landscaping and all other review matters will be addressed at that time.

g. Any other feature or issue associated with the State zoning and planning enabling legislation or the Comprehensive Plan for the City of Smithville for which the Commission feels is appropriate and relevant to the development of the site. **Development will include significant off-site traffic improvements that have been required by MODOT. The MODOT requirements include two**  J-turn intersections for north and south traffic, along with removal of the 144<sup>th</sup> Street crossover. Northbound traffic from the west on 144<sup>th</sup> (as well as southbound from the east) will need to turn right and access the J-turn to change directions. In addition, the Comprehensive Plan 2030 identifies this area as mixed-use with moderate density multifamily housing. Moderate density is defined as between 5 and 18 units per acres, and the proposal is for under 10 units per acre. The proposed plan specifically addresses multiple Action Steps in the Comprehensive plan as follows:

HN 1.1 Support providing additional housing stock throughout the city of Smithville to meet current and future residents' needs by encouraging new residential development in areas identified in the Future Land Use Map.

HN 3.1 Encourage additional residential units near existing residential uses to strengthen the neighborhoods of Smithville.

HN 3.2 Encourage clustered residential development patterns with connected active and passive open space and neighborhood and community amenities.

HN 3.4 Encourage mixed-use developments in Smithville's Downtown and the area between Downtown and the city's southern municipal boundary as a mechanism to create vibrant neighborhoods.

HN 4.1 Encourage additional residential units near existing residential uses to strengthen the neighborhoods of Smithville.

HN.4.2 Mandate pedestrian connections in new residential developments to adjacent existing or prospective neighborhoods to further strengthen Smithville's pedestrian network.

ST.2.1 Encourage a high-quality, mixed-use corridor experience along Hwy 169 between the southern municipality boundary and Route 92.

RC.2.1 Encourage development, mainly residential development, near existing and proposed trail networks.

**RC.2.2 Encourage new developments to provide access and pathways to existing and proposed trail networks.** 

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the proposed Conceptual plan based upon adherence to the conditions contained in this report, and specifically includes the following recommended findings as contained in 400.200.B.4:

 That the Commission has reviewed the conceptual development plan with consideration of the issues contained in Subsection (B)(3) above; and
That the conceptual development plan is in conformance with the

comprehensive land use plan and other appropriate Sections of the Code of Ordinances; and

3. That the conceptual development plan provides for an organized and unified system of land use intensities which are compatible with the surrounding areas; and

4. That the proposed development adequately protects the health, safety and general welfare of future and existing residents and property owners in and around the development.

Respectfully Submitted,

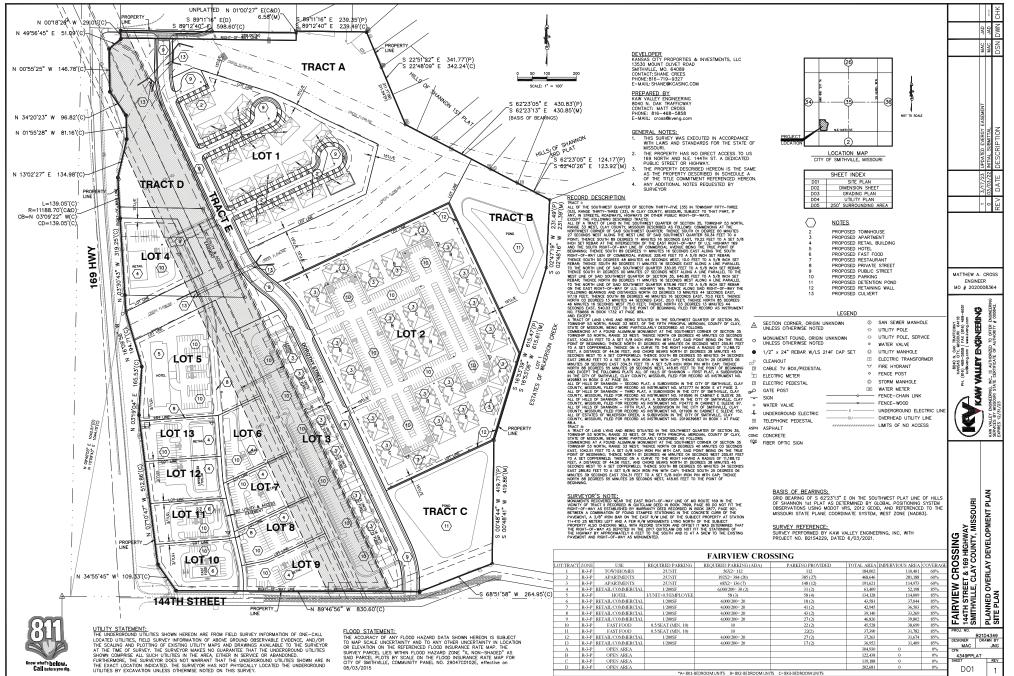
\_\_\_\_/s/ Jack Hendrix /s/\_\_\_\_\_ Director of Development

#### RECORD DESCRIPTION

TRACT I:

BEGINNING.

ALL OF THE SOUTHWEST QUARTER OF SECTION THIRTY-FIVE (35) IN TOWNSHIP FIFTY-THREE (53), RANGE THIRTY-THREE (33), IN CLAY COUNTY, MISSOURI, SUBJECT TO THAT PART, IF ANY, IN STREETS, ROADWAYS, HIGHWAYS OR OTHER PUBLIC RIGHT-OF-WAYS. EXCEPT THE FOLLOWING DESCRIBED TRACTS: ALL OF A TRACT OF LAND IN THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 53 NORTH, RANGE 33 WEST, CLAY COUNTY, MISSOURI DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER; THENCE SOUTH 01 DEGREE 00 MINUTES 27 SECONDS WEST ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER 50.34 FEET TO A POINT; THENCE SOUTH 89 DEGREES 11 MINUTES 16 SECONDS EAST, 79.22 FEET TO A SET 5/8 INCH SET REBAR AT THE INTERSECTION OF THE EAST RIGHT-OF-WAY OF U.S. HIGHWAY 169 AND THE SOUTH RIGHT-OF-WAY LINE OF COMMERCIAL AVENUE BEING THE TRUE POINT OF BEGINNING; THENCE SOUTH 89 DEGREES 11 MINUTES 16 SECONDS EAST ALONG THE SOUTH RIGHT-OF-WAY LIEN OF COMMERCIAL AVENUE 328.40 FEET TO A 5/8 INCH SET REBAR; THENCE SOUTH 00 DEGREES 48 MINUTES 44 SECONDS WEST, 10.0 FEET TO A 5/8 INCH SET REBAR; THENCE SOUTH 89 DEGREES 11 MINUTES 16 SECONDS EAST ALONG A LINE PARALLEL TO THE NORTH LINE OF SAID SOUTHWEST QUARTER 330.05 FEET TO A 5/8 INCH SET REBAR; THENCE SOUTH 01 DEGREES 00 MINUTES 27 SECONDS WEST ALONG A LINE PARALLEL TO THE WEST LINE OF SAID SOUTHWEST QUARTER OF SECTION 35, 646.85 FEET TO A 5/8 INCH SET REBAR; THENCE NORTH 89 DEGREES 11 MINUTES 16 SECONDS WEST ALONG A LINE PARALLEL TO THE NORTH LINE OF SAID SOUTHWEST QUARTER 678.96 FEET TO A 5/8 INCH SET REBAR ON THE EAST RIGHT-OF-WAY OF U.S. HIGHWAY 169; THENCE ALONG SAID RIGHT-OF-WAY THE FOLLOWING BEARINGS AND DISTANCES NORTH 03 DEGREES 13 MINUTES 44 SECONDS EAST, 97.19 FEET; THENCE SOUTH 86 DEGREES 46 MINUTES 16 SECONDS EAST, 70.0 FEET; THENCE NORTH 03 DEGREES 13 MINUTES 44 SECONDS EAST, 20.0 FEET; THENCE NORTH 85 DEGREES 46 MINUTES 16 SECONDS WEST 75.0 FEET; THENCE NORTH 03 DEGREES 13 MINUTES 44 SECONDS EAST, 540.03 FEET TO THE POINT OF BEGINNING, FILED FOR RECORD AS INSTRUMENT NO. F59666 IN BOOK 1732 AT PAGE 984. AND EXCEPT: A TRACT OF LAND LYING AND BEING SITUATED IN THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 53 NORTH, RANGE 33 WEST, OF THE FIFTH PRINCIPAL MERIDIAN, COUNTY OF CLAY, STATE OF MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A FOUND ALUMINUM MONUMENT AT THE SOUTHWEST CORNER OF SECTION 35 TOWNSHIP 53 NORTH, RANGE 33 WEST; THENCE NORTH 09 DEGREES 40 MINUTES 03 SECONDS EAST, 1042.51 FEET TO A SET 5/8 INCH IRON PIN WITH CAP, SAID POINT BEING ON THE TRUE POINT OF BEGINNING; THENCE NORTH 01 DEGREES 46 MINUTES 04 SECONDS WEST 255.81 FEET TO A SET COPPERWELD; THENCE ON A CURVE TO THE RIGHT HAVING A RADIUS OF 11,188.72 FEET, A DISTANCE OF 44.56 FEET, AND CHORD BEARS NORTH 01 DEGREES 38 MINUTES 45 SECONDS WEST TO A SET COPPERWELD; THENCE SOUTH 88 DEGREES 55 MINUTES 34 SECONDS EAST 285.82 FEET TO A SET 5/8 INCH IRON PIN WITH CAP; THENCE SOUTH 25 DEGREES 06 MINUTES 39 SECONDS EAST 334.31 FEET TO A SET 5/8 INCH IRON PIN WITH CAP; THENCE NORTH 88 DEGREES 55 MINUTES 28 SECONDS WEST, 418.65 FEET TO THE POINT OF BEGINNING AND EXCEPT THE FOLLOWING PLATS ALL OF HILLS OF SHANNON - FIRST PLAT, A SUBDIVISION IN THE CITY OF SMITHVILLE, CLAY COUNTY, MISSOURI, FILED FOR RECORD AS INSTRUMENT NO. M29883 IN BOOK D AT PAGE 55. ALL OF HILLS OF SHANNON - SECOND PLAT, A SUBDIVISION IN THE CITY OF SMITHVILLE, CLAY COUNTY, MISSOURI, FILED FOR RECORD AS INSTRUMENT NO. M72777 IN BOOK E AT PAGE 3. ALL OF HILLS OF SHANNON - THIRD PLAT, A SUBDIVISION IN THE CITY OF SMITHVILLE, CLAY COUNTY, MISSOURI, FILED FOR RECORD AS INSTRUMENT NO. N19596 IN CABINET E SLEEVE 28. ALL OF HILLS OF SHANNON – FOURTH PLAT, A SUBDIVISION IN THE CITY OF SMITHVILLE, CLAY COUNTY, MISSOURI, FILED FOR RECORD AS INSTRUMENT NO. P24772 IN CABINET E SLEEVE 97. ALL OF HILLS OF SHANNON - FIFTH PLAT, A SUBDIVISION IN THE CITY OF SMITHVILLE, CLAY COUNTY, MISSOURI, FILED FOR RECORD AS INSTRUMENT NO. 011906 IN CABINET E SLEEVE 152. ALL OF ESTATES OF WILKERSON CREEK, A SUBDIVISION IN THE CITY OF SMITHVILLE, CLAY COUNTY, MISSOURI, FILED FOR RECORD AS INSTRUMENT NO. 2019039687 IN BOOK I AT PAGE 88.4. TRACT II: A TRACT OF LAND LYING AND BEING SITUATED IN THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 53 NORTH, RANGE 33 WEST, OF THE FIFTH PRINCIPAL MERIDIAN, COUNTY OF CLAY, STATE OF MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A FOUND ALUMINUM MONUMENT AT THE SOUTHWEST CORNER OF SECTION 35 TOWNSHIP 53 NORTH, RANGE 33 WEST; THENCE NORTH 09 DEGREES 40 MINUTES 03 SECONDS EAST, 1042.51 FEET TO A SET 5/8 INCH IRON PIN WITH CAP, SAID POINT BEING ON THE TRUE POINT OF BEGINNING; THENCE NORTH 01 DEGREES 46 MINUTES 04 SECONDS WEST 255.81 FEET TO A SET COPPERWELD; THENCE ON A CURVE TO THE RIGHT HAVING A RADIUS OF 11,188.72 FEET, A DISTANCE OF 44.56 FEET, AND CHORD BEARS NORTH 01 DEGREES 38 MINUTES 45 SECONDS WEST TO A SET COPPERWELD; THENCE SOUTH 88 DEGREES 55 MINUTES 34 SECONDS EAST 285.82 FEET TO A SET 5/8 INCH IRON PIN WITH CAP; THENCE SOUTH 25 DEGREES 06 MINUTES 39 SECONDS EAST 334.31 FEET TO A SET 5/8 INCH IRON PIN WITH CAP; THENCE NORTH 88 DEGREES 55 MINUTES 28 SECONDS WEST, 418.65 FEET TO THE POINT OF



FURTHERRORE. THE SURVEYOR DOES NOT WARRANT THAT THE UNDERGROUND UTLITES SHOWN ARE IN THE EXACT LOCATION INDICATED. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTLITES SY EXCAVATION UNLESS OTHERMISE ONEED ON THIS SURVEY.