



CITY OF MARYVILLE, MISSOURI COUNCIL ACTION REPORT

Title: Ordinances Regarding the Vintage Estates of Maryville

Agenda Date: November 9, 2020

Presented by: Ryan Heiland, Assistant City Manager
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BACKGROUND

Over the past year, staff has been working with Harvest Investments, LLC to allow for the proper development of a patio home cooperative community as well as two (2) commercial lots. The proposed development will require, implementation of a Planned Unit Development (PUD) subdivision, rezoning of property, and approval of a Development Agreement.

PLANNED UNIT DEVELOPMENT

Chapter 410 of the Maryville City Code establishes the subdivision regulations for property located within the City of Maryville. Per Section 410.050 a Planned Unit Development (PUD) is a development project that is comprehensively planned as an entity, via a unitary site plan, which permits flexibility in building sites, mixtures of housing types and land use, and useable open spaces. In addition, the PUD is the mechanism by which the property will be subdivided.

While the rezoning portion of this item will establish the base zoning and the permitted uses, the PUD is recommended to design the site in a comprehensive manner, from land use to utilities. During review of the proposed development, staff recommended to the developers that a PUD would likely allow for design of the project in a comprehensive manner with some flexibilities to standard code requirements, such as setbacks.

As part of the PUD, the applicant is requesting zero lot lines for the twenty-four (24) patio homes. This type of lot line is typically associated with condominiums but also typical of patio home style developments with a Home Owners Association (HOA) or Cooperative who maintains the balance of the overall property. Along Icon Road, the applicant is also proposing two (2) landscape berms to buffer the residential development. All utilities and infrastructure located on the property are private (street, water, storm sewer, and a portion of sanitary sewer).

The proposed development also includes several amenities for benefit of the patio home owners and their guests. Amenities include custom designed homes, community club house, outdoor pool, fitness center, pickle ball court, “While Your Away” service, and a pet friendly environment. The project is adjacent to park amenities at Donaldson Westside Park and the applicant will also build a sidewalk along the frontage of the property to provide better access to the trail network on campus and throughout the community.

Following approval of the PUD Master Plan, the zoning designation for the property would be recorded as RP-4, CP-1, AGP in order to designate it as a Planned Unit Development.

REZONING

The overall subject site is approximately 44.45-acres and was voluntarily annexed into the City of Maryville at the July 8, 2019 City Council meeting. Following annexation, the property was zoned AG, Agriculture which is the comparable City zoning given the current land uses. The proposed rezoning is requested to allow for the development of residential and commercial land uses on the vacant property. The residential component is called the “Estates of Maryville”, a Vintage cooperative patio home community. As proposed, the Vintage Estates residential development would be approximately 8.24 acres and include twenty-four (24) patio home units. The development is proposed as a senior living gated community that includes custom designed homes, community club house, outdoor pool, fitness center, pickle ball court, “While Your Away” service, and is designed as pet friendly. The subject site is currently zoned AG, Agriculture and is being requested for rezoning to R-4, Multi-Family Residence. The patio home units are proposed as individually owned with zero lot lines. The remaining balance of the property and open space would be owned and maintained by the cooperative. The R-4 zoning district is appropriate for the proposed residential development given the density of the project and cooperative ownership.

In addition to the residential component, the applicant is proposing to develop two (2) commercial pads. Commercial Lot 1 is proposed at 2.13-acres and Commercial Lot 2 is proposed at 2.12-acres. The subject site is currently zoned AG, Agriculture and is being requested for rezoning to C-1, Restricted Business District. The C-1 district allows for general retail and office use, but does not allow higher intensity commercial uses such as drive-thru restaurants or gas stations. At this time, there are no proposed users for the commercial pads.

The balance of the property is proposed to remain AG, Agriculture Zone and is reflected as Outlot “Y” (29.05-acres) & Outlot “X” (1.12-acres). Outlot X will serve as the shared detention basin for the proposed development as well as the property to the south of the subject site. Outlot Y will remain vacant until future development plans are presented and will likely develop as single-family residential.

Over the past year, staff has worked with attorneys at Rouse Frets White Goss Gentile Rhodes, P.C. on zoning for this project. For zoning, universities are unique in that they are not a factor in determining adjacent zoning decision. Therefore, any zoning adjacent to the university, can be used as comparable zoning density for the subject rezoning. The university is bounded by the following zones: AG, Agricultural Zone, R-1, Single Family Residence Zone, R-2, Single Family and Modified Residence Zone, R-4, Multi-Family Residence Zone, and M-1, Light Industrial District. As such, the proposed land use classifications are similar to adjacent property uses and not considered spot zoning.

DEVELOPMENT AGREEMENT

The proposed development is intended to provide additional housing supply and foster further economic activity within the community. In addition to the Estates of Maryville, two (2) commercial lots and the remaining twenty-nine (29) acres of undeveloped property will provide future opportunities for growth. Most public infrastructure is accessible to the site; however, the lack of sanitary sewer presents a challenge for development of this property and much of the surrounding properties. Over the past few months, staff has worked with the developer to conceptualize a public sanitary sewer extension along the west side of Icon Road from the north. The proposed project includes approximately 1,790 linear feet of 8” sanitary sewer gravity main, approximately 625 linear feet of 4” sanitary sewer force main, four (4) manholes, and seed/hydromulch restoration of impacted areas. The proposed public main will tie into a private manhole and sanitary line recently installed by Northwest Missouri State University along the west side of Icon Road south of 250th Street. Once complete, the university has agreed to transfer ownership of this line segment and manhole to the City for maintenance as a part of the public sanitary sewer system.

The City of Maryville is proposing a Development Agreement with Harvest Investments, LLC to provide up to \$200,000 from the Water Sewer Fund to the developer for design and installation of the public sanitary sewer as proposed. Each year, the City of Maryville includes funding in the budget for opportunities to extend public infrastructure to foster economic development. Upon completion of improvements, the sanitary sewer line will be transferred to the City for maintenance as a part of the public sanitary sewer system. The Development Agreement will also require the developer to construct the project, without delay, in accordance with the approved Planned Unit Development as well as any additional assurances determined by the Planning and Zoning Commission or City Council.

FINANCIAL CONSIDERATIONS:

The Estates of Maryville total project cost is estimated at \$12 million. Based on early projections, the project is anticipated to generate an additional \$115,000 in property taxes for all taxing entities. The City of Maryville portion of the increased annual property tax is estimated at \$14,000.

The FY'21 Budget includes \$400,000 in the Water/Sewer Fund for public infrastructure related to economic development projects. A total of \$200,000 is proposed for use through the Development Agreement to extend the public sanitary sewer system.

LEGAL CONSIDERATIONS:

The ordinance and Development Agreement has been reviewed and approved by the City Attorney. Certain aspects of rezoning and planned unit development were confirmed with outside counsel at Rouse Frets White Goss Gentile Rhodes, P.C.

COMPRESHENSIVE PLAN:

The subject site is designated as Urban Reserve (UR) within the Maryville Comprehensive Plan. Urban Reserve uses are characterized as “generally in agriculture or open space use”. As noted in the Comprehensive Plan, “Urban Reserve areas can eventually be served with municipal water and sewer and may be in the path of future urban development” and “Development will likely occur after the planning horizon contained in this plan”.

In addition, the following policies in the Maryville Comprehensive Plan are applicable to the project:

- Community Plan (Chapter 5: pg. 50)
 - Mixed Land Uses
 - “Mixing compatible, yet different uses in a modern setting creates more interesting and efficient places. Different uses with similar impact, developed in ways that are compatible, make it possible for people to walk home from shopping...”
 - “Provide mixed residential styles and densities to accommodate a range of housing preferences and needs”.
- Development Framework (Chapter 5: pg. 51)
 - Balanced & Cohesive Residential Neighborhoods
 - Residential development should be focused in growth centers that are contiguous to and connected with the established city and a feasibly served by urban infrastructure.
 - Infrastructure for Growth (Chapter 5: pg. 51)
 - Water, sanitary sewer, and stormwater management systems must grow to support future population and efficient expansion of the city.

- Commercial & Industrial Growth (Chapter 5, pg. 54)
 - Land Use & Development Policies
 - “Mixed uses along significant community corridors and within planned projects to create more efficient and diverse urban settings, and to integrate residential areas with local commercial and office services”

RECOMMENDED ACTION:

Approve the proposed ordinances to approve the Planned Unit Development, rezoning, and development agreement for the Vintage Estates of Maryville. Located immediately south of Donaldson Westside Park and west of Northwest Missouri State University, the location is desirable for both residential and certain commercial uses. The proposed development takes advantage of the location and is presented as a mixed-use development with an additional twenty-nine (29) acres for future development. Staff notes the proposed project is in substantial conformance with the *Maryville Comprehensive Plan*, is compatible with adjacent land uses, and recommends approval as presented.

The Planning & Zoning Commission met on October 14, 2020 and unanimously recommends City Council approval as presented.