

# City of Lee's Summit

## Development Services Department

June 23, 2017

TO: Planning Commission  
FROM: Robert G. McKay, AICP, Director  
RE: **PUBLIC HEARING – Appl. #PL2017-102 – SPECIAL USE PERMIT for swimming pool lights – 4140 NE Dick Howser Dr; Lakewood Property Owners Association, applicant**

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### Commentary

The applicant requests a special use permit for outdoor swimming pool lighting located at 4140 NE Dick Howser Dr. The property is the location of the Lakewood Property Owners Association's East Lake community pool. The applicants have filed a final development plan (#PL2017-101) for the demolition of the current pool facility and construction of a new pool and bath house. The new pool will include a larger deck area and have a "zero entry" pool design.

To provide night time security lighting across the width and length of the deck, the applicant is requesting an SUP for 20' tall light poles. The poles will use the same LED lamps and be the same height as the poles currently used in the existing parking lot. The proposed lighting levels will be near zero at the property line.

The applicant requests the special use permit be granted for an indefinite time period. Staff recommends 10 years as it is consistent with the time period typically granted to other special use permits for the lighting of outdoor recreational facilities.

### Recommendation

Staff recommends **APPROVAL** of the special use permit, subject to the following:

1. The special use permit shall be granted for a period of 10 years.

### Project Information

**Proposed Use:** outdoor swimming pool lighting

**Zoning:** R-1 (Single-Family Residential)

**Land Area:** 296,605.38 square feet (6.81 acres)

**Location:** 4140 NE Dick Howser Dr

**Surrounding zoning and use:**

**North (across NW Dick Howser Dr/NE Channel Dr):** R-1 (Single-Family Residential) – single family residences

**South:** R-1 (Single-Family Residential) & RP-1 (Planned Single-Family Residential District) – single family residences

**East (across NW Dick Howser Dr):** R-1 (Single-Family Residential) – single family residences

**West (across NE Channel Dr):** RP-4 (Planned Apartment Residential District) – 4 unit townhomes

## Background

- June 17, 1986 – The City Council approved a rezoning (Appl. #1986-020) from R-3A to R-1 on the 42.38 acre property to the east of Channel Dr. at Bayview Dr., for East Lake Village, Ord. #2813.
- July 19, 1986 – The Planning Commission recommend approval of the Preliminary Plat (Appl. #1986-144) for East Lake Village 2<sup>nd</sup> Plat, Lot 75-147.
- August 5, 1986 – The City Council accepted the Final Plat (Appl. #1986-145) for East Lake Village 2<sup>nd</sup> Plat, Lot 75-147 by Ord. #2840.

## Analysis of the Special Use Permit

**Ordinance Requirement.** Under the Unified Development Ordinance (UDO), a special use permit is required for outdoor recreational facility lighting. Section 10.520 of the UDO lists the following conditions:

1. **Setbacks from residentially zoned or used property boundaries**
  - a. **Courts and fields for one- or two-person teams (e.g., tennis courts) shall be set back at least fifty (50) feet. Courts and fields for three-or-more person teams shall be setback at least one hundred (100) feet. All lighted courts and fields shall be setback one hundred (100) feet.** This condition is not applicable to this application due to the pool not being considered a sport court or field. However, the pool deck and pool lighting are located 100' and 110', respectively, from the nearest residential property.
  - b. **Spectator seating areas shall be setback from such boundaries at least one hundred (100) feet and shall be located and oriented to minimize noise at such boundaries.** This condition is not applicable to this application as there is no spectator seating areas.
  - c. **A fence more than six (6) feet in height shall be setback from such boundaries a distance equal to the height of the fence.** This condition is not applicable to this application due the fence securing the pool area being 4' 2" in height.
2. **Sound and Light**
  - a. **A sound amplification system or any other noise caused by the operation shall not exceed those established by Lee's Summit's Noise Ordinance as measured at such boundary.** The applicant is aware.
  - b. **Outdoor lighting shall be so designed that light sources are not visible from such boundaries and reflectors and baffles at the light sources direct light away from such boundaries.** The lights are oriented in such a way that the lighting is directed down at the pool. The proposed lighting levels will be near zero at the property line.
3. **Access to the property shall be directly from arterial or collector streets, and traffic generation and other effects will be handled so as not to adversely affect adjoining property.** The property is accessed via 4140 NE Dick Howser Dr, which is a collector street.
4. **Landscaping, berming, or fencing shall be provided as required to minimize adverse effects.** No additional landscaping, berming, or fencing to that which currently exists is required for this project.

**Ordinance Criteria.** The criteria enumerated in Section 10.050 as well as the regulations in Section 10.520, addressed above, were considered in the analysis of this request.

- The property currently consists of an existing outdoor pool facility, tennis court, a playground and a basketball court.
- The proposed use is not expected to negatively impact traffic and/or parking in the area.

In considering all the criteria and regulations, staff finds the use to be appropriate and recommends approval of the special use permit.

**Time Period.** The applicant has requested a special use permit be granted for an indefinite time period. Staff recommends the special use permit be granted for a time period of 10 years, which is consistent with the time period granted to other outdoor recreational facility special use permits.

**Recommendation.** The proposed use of 20' light poles is consistent with the current use of 20' light poles in the existing parking lot. The proposed lighting levels are near zero at the property lines and are not expected to negatively impact the surrounding residential properties. Staff recommends approval of the special use permit for a time period of 10 years.

RGM/sm

Attachments:

1. Site Lighting Plan, date stamped June 13, 2017—1 page
2. Special Use Permit criteria addressed by the applicant, date stamped May 23, 2017— 1 page
3. Photos of subject property and surrounding property, date stamped May 23, 2017— 7 pages
4. Location Map