

The City Council of the City of Lee's Summit  
City Hall  
220 SE Green  
Lee's Summit, MO 64063

**RE: PL2017-234 Zoning Change from AG to RLL**

Dear Councilperson,

I am opposed to the proposed zoning change from Agricultural district to Residential Large Lot (RLL) for 5261 NE Maybrook Road. I am one of the adjacent property owners, and I am concerned with how this will affect our valley and its inhabitants' way of life. I strongly urge the city council members to reject the rezoning application.

We are zoned Agricultural and our usage has always been agricultural--with the exception of a 3.82 acre property with a baseball complex that is only permissible because of a special use permit granted to allow the use of the field solely for backyard play for family and friends. However, one only needs to see the complex once to know that its usage was not intended just for friends and family and instead was specifically designed for team games and for rental by the public for other teams to play—a permanent backstop (>\$3000), two professional foul poles (>\$3000), a permanent outfield grand slam fence (>\$2500), a small wood-framed field equipment and maintenance storage shed (>\$1000), a covered dugout (>\$500), and a ~80' x 35' metal pole building (>\$50,000 excluding the cost of any training/conditioning equipment that may be inside the facility). To obtain a building permit for the metal pole building city officials were told that the building would be for tractor and equipment storage (Horn Baseball, LLC never owned a tractor!), but instead it was used as an indoor training facility. All of this raises a question: When the previous owners sold this property was it sold solely as 3.82 agricultural acres with the possibility of some occasional backyard baseball play with an adjacent metal pole building, or was it sold as a baseball complex for team play and practice with an indoor training facility?

That question needs to be asked of and answered honestly by the new owners (not the builder or real estate agent) for the following reason: If the rezoning is approved, the new owners would be permitted to build a house on the same lot as the field and would no longer require a special use permit because the field would be a permitted accessory use to the residence (as is allowed in a RLL District, but not an Agricultural District). Since the special use permit was granted in 2009, the baseball field has consistently been used in violation of and beyond the scope allowed by the permit. Though the permit expressly requires that the field only be used as a practice field for friends and family and forbids baseball games or leagues, the field has been used for games and leagues countless times. The general public has been allowed access to the field since the special use permit was granted, which generates excessive noise and traffic in the neighborhood. The resulting heavy traffic is not supported by rural, one-lane Maybrook Road, which provides the only access to the field—nor is there sufficient parking. This is especially troubling because if the rezoning is approved and the field becomes an accessory use with no special use permit required, there will be no recourse for the neighboring property owners to contest the use of the

baseball field or to ensure that the field is not used inappropriately or beyond the scope permitted by the Unified Development Ordinance.

We need answers to this question before a zoning change takes place and a permanent residence is placed on the land, as we neighbors are well aware that once a house is on the property we will, for the rest of our lives on the adjacent properties, be affected negatively. As we have already experienced the rampant misuse of the field for years—even with a special use permit—we are extremely concerned. We were misled once before and experienced the negative effects firsthand. We neighbors should not be required or expected to suffer the consequences of this ongoing violation of the special use permit (or if the rezoning is allowed--accessory use) and the problems that it has presented in our valley any longer. Fool me once, shame on you; fool me twice, shame on me.

I would like the city council members to consider the following questions and provide us neighbors with answers during the April 5, 2018 city council meeting so that we can be well-prepared should the decision be made to rezone this agricultural property to a property that will be used, if history is our guide, as a baseball complex for team play and practice through spring, summer, and fall (indoor training facility in winter), and not for occasional backyard baseball for family and a few friends:

- Will it be our--the neighbors'--job to police the use of the baseball complex for the remainder of our years in our valley?
- How many complaints must we file with the city before the city eliminates the problem?
- What type of evidence—videos, photos, written records--do we need to gather and to whom do we send electronic files?
- How will you end the misuse? A warning? A fine? What?
- What if the misuse continues? How will you permanently end the misuse, or will this be a forever problem?
- Being that there is a lack-of-practice-and-play baseball facilities in Lee's Summit, what is to prevent others from buying in the area and building baseball complexes and indoor training facilities, that is, if you allow this one, how do you prevent more of them and more misuse?

It is vital that we adjacent property owners get answers to these questions now so that we can make preparations now.

The proposed rezoning is not only troubling because of the issues with the baseball complex. It is also problematic because of the new owner's proposed addition of a \$1.2 million house that will have a family of five living in it but will be served by a septic system. The land cannot be connected to public utilities such as sewer without crossing my property and is, therefore, inappropriate for residential use. I am sorry if the previous owner misled this family when the property was sold, but I made it known to the current owner's real estate agent in early May of 2017 (before they bought the property) that I would not allow easements on my property for

water or sewer hookup. My position on this has not changed, and I will not be granting any easements over my property for this purpose.

Relatedly, we would like answers to the following questions prior to any Council decision to approve the rezoning: Should the septic system fail—and as pointed out by the City Planning Commission, 30-50% of septic systems fail—and the ground water be contaminated, who is responsible for remediating it? If the septic system causes a bad odor in the area, how will that be remedied? We already have a water runoff and stagnant pool of water problem in the area. Currently the baseball complex with its indoor training facility creates a perfect breeding ground for mosquitoes--a stagnant pool of water that often times covers one half of Maybrook Road at the southwest corner of the baseball complex. Whatever algorithms were used to determine water runoff solutions, the fixes have failed. The problem is worse and with the addition of a \$1.2 million house, a driveway and a parking lot on the land, the breeding ground will grow bigger. How will the city eliminate this ever-growing mosquito breeding ground--a public health problem--from our area? (Keep in mind that there is no human vaccine for West Nile virus. It is estimated that 1 in 150 people infected with the West Nile virus will develop a more severe form of the disease, and the disease can be deadly to horses. An ounce of prevention is worth a pound of cure. It's not just a stagnant pool of water; it's a public health problem, and in this case it was man made, and it was preventable.)

A rezoning of this Agricultural district to RLL is **not** compatible with the character of our area and will be detrimental to most, if not all, who live in and who regularly drive, walk, or bike through this agricultural valley. By making a right hand turn from Saint Andrews Circle to Maybrook Road one enters an agricultural valley and sees a cattle ranch, a wooded area with horse trails, a horse stable, hay fields, 5+ acre homesteads with ponds, gardens, and quaint homes, and 3.82 acres previously a moisture-absorbing lespedeza hay field but now a baseball complex with an indoor training facility along with a proposed \$1.2 million house. Which one of these doesn't belong in a valley zoned Agricultural?

I know that you all have a very difficult job, and I appreciate all that you do. If, however, the decision is made to grant this rezoning request, I do very much want answers to my questions and concerns so that I can immediately inform my neighbors of what our responsibilities will be.

Sincerely,

Teresa Vollenweider