

City of Lee's Summit

Development Services Department

May 4, 2018

TO: Planning Commission
PREPARED BY: Josh Johnson, AICP, Asst. Director of Plan Services
RE: **Remanded PUBLIC HEARING – Appl. #PL2017-234 – REZONING from AG to RLL – 5261 NE Maybrook Rd.; Derek D. Collins, applicant**

Background and History

The Commission last saw this application on March 13, 2018 and recommended denial to the City Council. Then, at their April 5, 2018 meeting, the Council's motion to advance an ordinance approving the rezoning to a second reading failed by a vote of 3 "ayes" and 4 "nays", thereby denying the request. The applicants sent an email to the Council requesting reconsideration of the rezone. The Council, on April 12, 2018, granted reconsideration by a vote of 6 "ayes" and 0 "nays" and recommended the project go back to the Commission.

Since the last action by Council, staff has learned that the property transferred ownership in 2014. The special use permit ordinance requires that an owner notify the City within 72 hours of the property changing ownership (Section 10.060-A). The ballfield will become an accessory use if the RLL zoning is granted and a home is constructed. Therefore, the rezoning is a remedy to keep the ballfield on the property. If the zoning is ultimately denied, staff will start the process of having the ballfield removed.

Commentary

This application is to request approval for rezoning of approximately 3.85 acres from AG (Agricultural) to RLL (Residential Large Lot) for the purposes of bringing the property into compliance with the zoning ordinance and for the construction of a single-family residence on the property. Under the Unified Development Ordinance (UDO), the minimum lot size for property zoned AG is 10 acres. Since the property is 3.85 acres, the applicant was advised to rezone to either RDR (Rural Density Residential) or RLL (Residential Large Lot), which have minimum lot sizes of 1 acre and 0.5 acres, respectively.

The former property owner obtained a special use permit in 2009, for the primary use of the property as a private baseball field for his family. A special use permit is not required for the continued use of the field by the current property owner once a house is constructed on the premises because the house would then become the primary use and the ballfield would serve as an accessory use per Section 8.050.O of the UDO (Recreational facility, non-commercial (outdoor), Residential Districts—Permitted accessory uses and structures). The use requirements for the baseball field as an accessory use are the same as those required under the existing special use permit.

Recommendation

Staff recommends APPROVAL of the rezoning from AG to RLL.
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Zoning and Land Use Information

Location: 5261 NE Maybrook Rd.
Current Zoning: AG (Agricultural)
Proposed Zoning: RLL (Residential Large Lot)

Surrounding zoning and use:

North: AG – Agricultural

South (across NE Maybrook Rd.): AG – Large Lot Single-Family Residential

East: AG – Large Lot Single-Family Residential

West (across NE Maybrook Rd.): AG – Agricultural

Site Characteristics. The subject property is the site of an existing private baseball field which was approved as a special use in 2009 for the previous owner.

Description and Character of Surrounding Area. The surrounding area is comprised of large tracts of land that are used for either agricultural or residential purposes. NE Maybrook Road is a narrow street and is signed for “No Parking”.

Project Information

Current Zoning: AG

Proposed Zoning: RLL

Land Area: 167,706 sq. ft.; 3.85 acres

Public Notification

Neighborhood meeting conducted: n/a

Newspaper notification published: April 21, 2018

Radius notices mailed to properties within 185 feet: April 14, 2018

Process

Procedure: The Planning Commission makes a recommendation to the City Council on the proposed rezoning application. The City Council takes final action on the rezoning application.

Unified Development Ordinance

Applicable Section(s)	Description
4.240, 4.250, 4.260	Rezoning
8.050.O	Accessory Uses and Structures. Recreational facility, non-commercial (outdoor).

Background

- May 19, 2009 – A neighborhood services complaint (#NS20090652) was logged with the Codes Administration Department (now Development Services) regarding the construction of a baseball field on agricultural property. The property owner at the time (Mr. Horn) was subsequently notified of the UDO requirement for a Special Use Permit in order to keep the ball field in place.
- December 17, 2009 – The City Council approved a special use permit (Appl. #2009-067) for outdoor recreation (Horn Baseball Field) for a period of 10 years, expiring December 17, 2019.

- January 23, 2012- A Public Works service request was received (95848) regarding the moving of large amounts of dirt. The land owner obtained a land disturbance permit (PRPWLD20120160) to clear some land beyond the outfield.
- April 30, 2013- A Public Works service request was received (10178) regarding standing water at the 90 degree bend of Maybrook Road, the southwest corner of the subject property. A application for a detention basin on the ballfield was filed (PRPWFR2014-2703) to help with drainage. Final acceptance of the work was issued on November 6, 2014.
- March 24, 2014- A neighborhood services complaint (CEOT2014-0248) was received with concerns about a trench being dug for wiring conduit to serve ballfield lighting. The wiring was for the pole barn to be constructed in November of 2014.
- May 28, 2014- A Public Works service request (106694) was filed to get no parking signs installed along Maybrook, south of Anderson. The Traffic department installed no parking signs in July of 2014.
- September 11, 2014 – Deed transfer occurs between Horn Properties, LLC and Horn Baseball, LLC
- November 12, 2014 – A building permit (#PRRES2014-3176) was issued for a 40' x 80' pole barn.
- February 23, 2015- A neighborhood services complaint (CEZO2015-0129) stating the pole barn was being used for indoor recreation. After three inspections from staff observing no sports activity at the pole barn, the case was closed.
- July 21, 2017 – The warranty deed transferring the property from Mr. Horn to Mr. Collins was recorded with Jackson County.

Analysis of Rezoning

Comprehensive Plan. The 2005 Lee's Summit Comprehensive Plan shows the area as low-density residential.

Surrounding Uses. The surrounding properties to the north, east, west and south are presently zoned AG (Agricultural). However, the uses of the property are a mix of agricultural and large-lot single-family residential.

Engineering – Stormwater. During the construction of the existing barn in 2014, it was identified that, due to the relative elevation of the groundwater table, the construction of the barn allowed an avenue for groundwater to be released overland creating a negative impact to the City's existing public road (NE Maybrook Rd) at the southwest corner of the property. Therefore, prior to completion of the barn, the applicant was required to design and construct a detention area to capture and recirculate the groundwater to the adjacent baseball field. In reference to the proposed application, City staff is uncertain of the potential impact of an additional structure, on the existing detention / recirculation system. The applicant's design engineer has submitted a preliminary design for a stormwater retention system. Additional information will be required to determine the adequacy of the proposed storm drainage system prior to issuance of any building permit.

Engineering – Sanitary Sewer. The property of the proposed residence is within 150 ft of an existing public sanitary sewer, therefore they would be required to connect to the public sanitary sewer system unless extenuating circumstances exist. The applicant has indicated that they currently are unable to obtain the necessary easements to gain access to the public sanitary sewer system, therefore the City's Water Utilities Department concurs that connection to the public system is not feasible and won't be required provided that the applicant is able to get

approval from Jackson County for an onsite septic system. A copy of this approval will be required to be submitted to the City prior to the issuance of a building permit.

Code and Ordinance Requirements

The items in the box below are specific to this development and must be satisfactorily addressed in order to bring the plan into compliance with the Codes and Ordinances of the City.

Engineering

1. Prior to issuance of a building permit, approval of the storm drainage study shall be required. To complete the review, the following storm drainage information is required in addition to the storm drainage study and site plan submitted with this rezoning: (A) drainage map; (B) drainage calculations for both existing and proposed conditions; (C) cross-sectional view of the retention pond; (D) rip-rap size; and (E) calculations showing the rip-rap is adequately designed for the expected flow.
2. All required engineering plans and studies, including water lines, sanitary sewers, storm drainage, streets and erosion and sediment control shall be submitted along with the final development plan. All public infrastructure must be substantially complete, prior to the issuance of any certificates of occupancy.
3. The private water service line shall connect to an existing 6-inch fire line located on the south side of NE Maybrook Road.

Planning

4. A minor or final plat shall be approved and recorded prior to the issuance of any building permits.

Attachments:

1. Site Plan, date stamped January 23, 2018 – 1 page
2. Certificate of Survey, date stamped November 1, 2017 – 1 page
3. Protest to Rezoning from Teresa Vollenweider, date stamped May 3, 2018 – 4 pages
4. Location Map
5. Written public comment from the April 5th Council meeting
6. Applicant's letter to Jackson County Public Works
7. Jackson County's response on septic failure rates