

# City of Lee's Summit

## Development Services Department

March 9, 2018

TO: Planning Commission  
PREPARED BY: Christina Stanton, AICP, Senior Planner  
CHECKED BY: Hector Soto, AICP, Current Planning Manager  
RE: **Continued PUBLIC HEARING – Appl. #PL2017-234 – REZONING from AG to RLL – 5261 NE Maybrook Rd.; Derek D. Collins, applicant**

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### 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.

### 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:** February 3, 2018

**Radius notices mailed to properties within 185 feet:** February 22, 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 compliant (#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.
- November 12, 2014 – A building permit (#PRRES2014-3176) was issued for a 40' x 80' pole barn.
- 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 March 9, 2018 – 4 pages
4. Location Map