

# City of Lee's Summit

## Development Services Department

December 8, 2017

TO: Planning Commission  
PREPARED BY: Hector Soto, Jr., Current Planning Manager  
CHECKED BY: Josh Johnson, AICP, Assistant Director of Plan Services  
RE: **Continued PUBLIC HEARING – Application #PL2017-203 – REZONING from AG to CP-2 and PRELIMINARY DEVELOPMENT PLAN – approximately 4.3 acres abutting the property at 1850 NE US 40 Hwy; IAC Life, applicant**

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*This item was initially heard at the November 14, 2017, Planning Commission meeting. Following the presentation and discussion, the Planning Commission continued the public hearing with the direction that the applicant prepare and present a concept plan depicting the potential development of the subject property to support the requested rezoning. The applicant has provided a concept plan depicting a single 5,600 sq. ft. office/retail building with parking lot. While the office/retail use is consistent with both the abutting parcel to the east and the Comprehensive Plan from a general standpoint, the plan does not provide a level of detail sufficient for staff to evaluate the feasibility of said plan. Even at a conceptual development plan level, the UDO requires that certain information be provided to reasonably demonstrate that existing or future site conditions can support proposed development. Based on the information provided at this time, staff cannot support the requested rezoning.*

### Commentary

The applicant requests to rezone approximately 4.3 acres from AG (Agricultural) to CP-2 (Planned Community Commercial) with no plans at this time to develop the subject property. According to the applicant, consideration will be given to place the property into a conservation area should the applicant choose not to pursue the future development of the property. The applicant owns the abutting 14.5-acre site at 1850 NE US 40 Hwy that is zoned CP-2 and is developed with a two-story office building.

A preliminary development plan application accompanies the rezoning application in accordance with the requirements of the UDO. However, the site plan simply reflects the current undeveloped state of the subject 4.3-acre AG-zoned property and the existing office development on the abutting 14.5-acre parcel; the plan does not include any concept for the future development of any of the property.

It is not the City's practice to rezone property for a commercial purpose without an associated plan for the actual development of said property. Staff does not support the requested rezoning.

### Recommendation

Staff recommends **DENIAL** of the rezoning and preliminary development plan.

### Zoning and Land Use Information

**Location:** approximately 4.3 acres abutting the property at 1850 NE US 40 Hwy to the west and south

**Current Zoning:** AG

**Proposed Zoning:** CP-2

**Surrounding Zoning and Use:**

**North:** CP-2 (Planned Community Commercial) – office

**South (across US 40 Hwy):** PI – golf driving range

**East:** CP-2 – office

**West (located in Independence, MO):** R-6 (Single Family Residential) – single-family residential

**Site Characteristics.** The subject 4.3 acres is an undeveloped heavily wooded parcel with significant slopes throughout the property.

**Description and Character of Surrounding Area.** The subject property is located along the northernmost limits of the city on the north side of the US 40 Hwy corridor. The property is bounded on the west by single-family residential development located within the Independence city limits; a 14.5-acre office building site on the north and east; and US 40 Hwy on the south.

**Project Information**

**Current Use:** undeveloped property

**Proposed Use:** no proposed use

**Land area:** 188,415 sq. ft. parcel (4.3 acres)

**Public Notification**

**Neighborhood meeting conducted:** n/a

**Newspaper notification published:** October 27, 2017

**Radius notices mailed to properties within 185 feet:** October 23, 2017

**Process**

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

**Duration of Validity:** Rezoning of a property goes into effect upon City Council final action and does not expire.

Preliminary development plan approval by the City Council shall not be valid for a period longer than twenty-four (24) months from the date of such approval, unless within such period a final development plan application is submitted. The City Council may grant one extension not exceeding twelve (12) months upon written request. In this case, there is no proposed development plan, but rather a plan that reflects the property’s existing undeveloped condition.

**Unified Development Ordinance**

Applicable Section(s)	Description
4.240, 4.250	Rezoning
4.300, 4.310, 4.320	Preliminary Development Plan
5.010	Zoning Districts

**Comprehensive Plan**

Focus Areas	Goals, Objectives and Policies
n/a (due to no development plan for the subject property)	n/a

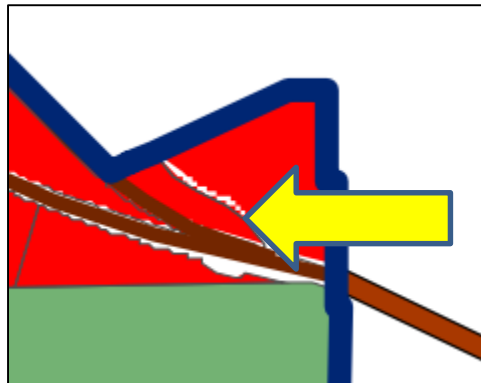
## Background

- August 4, 1992 – The City Council approved the rezoning from AG to CP-2 and preliminary site plan (Appl. #1992-070) for the abutting 14.5-acre property addressed 1850 NE US 40 Hwy by Ordinance No. 3691. The subject property was not included in the rezoning as the two properties were separated by NE Joe Thomas Rd, which was since vacated in 2006.
- July 23, 1993 – City staff approved the minor plat (Appl. #1993-208) for Tarmac Place. The minor plat was recorded with the Jackson County Recorder of Deeds on August 13, 1993, by Instrument #1993-I-1207619.
- May 18, 2006 – The City Council approved the vacation of right-of-way (Appl. #2006-019) for NE Joe Thomas Rd by Ordinance No. 6191.

## Analysis of Rezoning

**Request.** The applicant proposes to rezone an undeveloped 4.3-acre parcel from AG to CP-2 with no plans at this time to develop the subject property.

**Comprehensive Plan.** The Amended 2005 Lee’s Summit Comprehensive Plan shows the subject property and adjacent area within the city limits as retail (see image below).



**Surrounding Land Uses.** The property to the west is located outside the city limits in Independence and is developed as a single-family residential subdivision. The abutting 14.5-acre parcel to the north and east is developed with a single two-story office building. To the south are undeveloped parcels and a golf driving range.

**Recommendation.** Staff recommends denial of the proposed rezoning and preliminary development plan. The applicant has no plans at this time to develop the subject property. While the proposed rezoning to CP-2 would match the existing CP-2 zoning of the abutting 14.5-acre site under the same ownership, it is not the City’s practice to approve zoning on a speculative basis with no associated plan for the actual development of said property. Speculative rezoning of the property with no plan confers no benefit to the City and does not further the goals and objectives of good land use planning. Staff recommends that the property retain its existing AG zoning until such time as a plan for the development of the property is presented in conjunction with a rezoning application for proper evaluation.

**Ordinance Criteria.** The criteria enumerated in Article 5 were considered in analyzing this request.

- The proposed CP-2 zoning is consistent with existing zoning on adjacent property and the recommended land use in the Comprehensive Plan.
- The proposed rezoning is not accompanied by a plan for the development of the property and therefore neither fulfills a need in the community nor does it provide any economic impact to the community.
- Rezoning the property does not further the provision of public infrastructure to the area. The City of Lee's Summit does not provide water or sanitary sewer service to the subject property; water and sewer service is provided by the City of Independence. Road access is provided via US 40 Hwy, which is under MoDOT jurisdiction. The only public services provided to the property by the City of Lee's Summit are police and fire protection.

JJ/hsj

Attachments:

1. Rezoning Exhibit and Legal Description, date stamped October 23, 2017
2. Copy of Site Plan showing Existing Conditions, dated April 28, 1993
3. Rezoning Request Narrative from Applicant, date stamped September 21, 2017
4. Rezoning and Preliminary Development Plan Criteria
5. Location Map