

# City of Lee's Summit

## Development Services Department

May 4, 2018

TO: Planning Commission  
PREPARED BY: Jennifer Thompson, Planner  
CHECKED BY: Hector Soto, AICP, Current Planning Manager  
RE: **PUBLIC HEARING – Appl. #PL2018-042 – REZONING from R-1 to AG – 3530 SW Pryor Rd.; Paula Diehl, applicant**

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### Commentary

This application is to request approval for the rezoning of approximately 3.64 acres from R-1 (Single-Family Residential) to AG (Agricultural) for the purposes of bringing the property into compliance with the zoning ordinance. The rezoning will also allow the subject property to be combined into one lot with the adjoining 11 acre, Agricultural zoned parcel, located to the north and northeast. Both properties are under the same ownership and are functioning as a residential and agricultural lot with an existing residence, horse barn, storage shed and an additional proposed storage shed.

The subject property is currently in violation of the zoning ordinance for having an existing accessory structure and a partially built accessory structure on an R-1 zoned lot without a principle structure. In addition, the existing and proposed structure(s) exceeds the minimum size allowed and quantity for a storage shed in the R-1 zoning district. If the rezoning is approved, the subject property and the adjoining 11 acre parcel would be required to be platted into one lot to meet the 10 acre minimum for the AG zoning district.

### Recommendation

Staff recommends **APPROVAL** of the rezoning, subject to the following:

1. The rezoning will not take effect until the subject property (3530 SW Pryor Rd) and the abutting 11-acre parcel (3420 SW Pryor Rd) are platted into one lot.

### Zoning and Land Use Information

**Location:** 3530 SW Pryor Rd.

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

**Proposed Zoning:** AG (Agricultural)

**Surrounding zoning and use:**

**North:** AG (Agricultural) –single family residence

**South:** R-1 (Single-Family Residential) – single family residence

**East (across SW Pryor Rd):** PMIX (Planned Mixed Use) – future Arborwalk development and AG (Agricultural) – single family-residential uses

**West:** AG – (Agricultural) – large lot residential

**Site Characteristics.** The subject property is a platted lot with an existing metal storage building and a partially built 3-sided storage shed. The subject property and the adjoining property to the north and northwest are both under the same ownership and functions as one property. The adjoining property has an existing home and horse barn.

**Description and Character of Surrounding Area.** The surrounding area to the north, south and west are comprised of large tracts of land that are used for either agricultural or residential purposes. To the east is the Arborwalk mixed-use development.

### Project Information

<b>Current Zoning:</b> R-1
<b>Proposed Zoning:</b> AG
<b>Land Area:</b> 158,712 sq. ft.; 3.64 acres

### Public Notification

<b>Neighborhood meeting conducted:</b> n/a
<b>Newspaper notification published:</b> April 20, 2018
<b>Radius notices mailed to properties within 185 feet:</b> April 16, 2018

### Process

<b>Procedure:</b> 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.
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### Unified Development Ordinance

Applicable Section(s)	Description
4.240, 4.250, 4.260	Rezoning
8.050.E	Accessory Uses and Structures.

### Background

- October 10, 1978 – A minor plat (Appl. #1978-112) for *Drake Downs, Lots 1-3* was recorded with the Jackson County Recorder of Deeds, by Document #1352990.
- 1998-2001 – An approximately 1,500 sq. foot storage building was built at 3530 SW Pryor Rd. The City has no record of a building permit being issued for this building.
- Late 2017 – City staff became aware that a second storage building was under construction at 3530 SW Pryor Rd. without a building permit. A building permit was unable to be processed due to zoning ordinance requirements.

### 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 and west are presently zoned AG (Agricultural) and comprised of large lot residential uses. The property to the south is zoned R-1 (Single-Family Residential) and is also utilized as single-family residential. The properties to the east are zoned AG and PMIX, comprised of single-family residential and future mixed-use, respectively.

**Existing Conditions.** The subject property is a platted lot, zoned R-1 (Single-Family Residential), with no principle structure located on the lot. The property houses an existing storage building and a new partially completed storage building. Accessory structures (storage

sheds) are not allowed on any lot, except in the AG (Agricultural) district, unless it is accessory to an existing principal structure on the lot on which it is to be located.

The square footages of the existing and proposed storage shed exceed the maximum square footage allowed for the R-1 zoning district, which is 250 sq. ft.

The two storage buildings also exceed the number of storage buildings allowed in the R-1 zoning district, which is limited to 1 storage building per lot.

**Recommendation. The rezoning of the subject property allows the property to be platted with the parcel to the north to create an approximately 14-acre Agricultural zoned lot for the purpose of remedying non-compliant conditions on the property. The combined lot will have a principal structure, although not required for the AG zoning district, for which the storage buildings would be accessory to. In addition, the AG zoning district does not restrict the number or size of storage buildings on a lot or parcel. The rezoning and lot combination would bring this property into current zoning ordinance compliance. Staff supports the rezoning request and recommends approval.**

### **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.*

#### **Planning**

1. No building permit shall be issued for the partially completed shed/storage building until such time as the subject property and abutting 11-acre parcel are platted and the necessary copies of the recorded plat are returned to the City.

#### Attachments:

1. Site Plan, date stamped March 13, 2018 – 1 page
2. Copy of Plat – 1 page
3. Location Map