

AN ORDINANCE APPROVING A REZONING FROM DISTRICT AG TO DISTRICT RLL FOR APPROXIMATELY 10 ACRES LOCATED AT 1050 NE TODD GEORGE RD, PROPOSED PINE TREE FARM ESTATES IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 33, THE UNIFIED DEVELOPMENT ORDINANCE OF LEE'S SUMMIT CODE OF ORDINANCES, FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2020-240 submitted by Keith Foster, requesting approval of a rezoning from District AG (Agricultural) to RLL (Residential Large Lot) on land located at 1050 NE Todd George Rd, was referred to the Planning Commission to hold a public hearing; and,

WHEREAS, the Unified Development Ordinance provides for the approval of a rezoning by the City following public hearings by the Planning Commission and City Council, and,

WHEREAS, after due public notice in the manner prescribed by law, the Planning Commission held public hearings for the consideration of the rezoning on October 22, 2020 and December 10, 2020, and rendered a report to the City Council recommending that the rezoning be denied based upon the lack of building elevations for the future homes; and,

WHEREAS, after due public notice in the manner prescribed by law, the City Council held a public hearing on January 5, 2021, and after the public hearing held the first reading of this ordinance and provided directions to City staff to prepare revisions to this ordinance that would approve the requested rezoning with additional use restrictions that were read into the record by the applicant during the public hearing; and,

WHEREAS, the applicant subsequently consented in writing to include in this ordinance the additional restrictions that were presented by the applicant during the public hearing.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LEE'S SUMMIT, MISSOURI, as follows:

SECTION 1. That a rezoning to the RLL (Residential Large Lot) is hereby approved on the following described property (the "Property"):

THE NORTH 330.00 FEET OF THE EAST HALF (E 1/2) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION THIRTY-THREE (33), TOWNSHIP FORTY-EIGHT (48), RANGE THIRTY-ONE (31), IN JACKSON COUNTY, MISSOURI, CONTAINING 10.062 ACRES, MORE OR LESS, SUBJECT TO THE RIGHT-OF-WAY OF TODD GEORGE ROAD, AND SUBJECT TO AN EASEMENT TO THE CITY OF LEE'S SUMMIT OVER A 15.00 FOOT STRIP AS PREVIOUSLY CONVEYED.

SECTION 2. Conditions of approval. The following additional restrictions shall apply to use of the Property, which were provided by the applicant during the public hearing before the City Council and subsequently consented to in writing by the applicant:

A. Minimum square footage requirements, all homes shall comply with the following minimum structure sizes:

Single Story	1,600 Square Feet
One- and One-Half Story	2,100 Square Feet
Two Story	2,000 Square Feet.

B. Minimum residence front yard setback shall be 40 feet.

C. Parking of Motor Vehicles, Boats and Trailers. No truck, commercial vehicle, trailer, commercial trailer house, recreational vehicle, all-terrain vehicle, camper, motorcycle, automobile, mobile home, boat or boat trailer shall be brought upon, stored or habitually parked on any Lot in the front setback. This shall not be construed to prohibit the temporary (a maximum of twenty-four (24) hours) (a) standing or parking of a trailer, boat, trailer house, recreation vehicle, or mobile home for short periods preparatory to take same to some other location for use; or (b) the temporary standing or parking of a truck or commercial vehicle for loading, or unloading, or (c) the parking of any operational automobile on any driveway on any Lot.

D. Accessory uses and structures. All accessory uses and structures to be in strict accordance as allowed under the Unified Development Ordinance.

E. Adjacency compatibility. All single-family detached structures constructed on any lot within the Property shall be substantially similar to single-family detached structures of adjoining neighborhoods or existing single family homes on large lots in the immediate surrounding area (within 0.25 miles of the Property). This condition shall include substantially similar architectural styles and character of structures, exterior materials and roof pitch.

SECTION 3. Nonseverability. All provisions of this ordinance are so essentially and inseparably connected with, and so dependent upon, each other that no such provision would be enacted without all others. If a court of competent jurisdiction enters a final judgment on the merits that is not subject to appeal and that declares any provision or part of this ordinance void, unconstitutional, or unenforceable, then this ordinance, in its collective entirety, is invalid and shall have no legal effect as of the date of such judgment.

SECTION 4. That failure to comply with all of the provisions contained in this ordinance shall constitute violations of both this ordinance and Chapter 33, the City's Unified Development Ordinance, of the Code of Ordinances for the City of Lee's Summit.

SECTION 5. That this ordinance shall be in full force and effect from and after the date of its passage and adoption, and approval by the Mayor.

PASSED by the City Council of the City of Lee's Summit, Missouri, this 19th day of January, 2021.



Mayor William A. Baird

ATTEST:



City Clerk Trisha Fowler Arcuri



APPROVED by the Mayor of said city this 22nd day of January, 2021.



Mayor William A. Baird

ATTEST:

for Stacy Lombardo
City Clerk Trisha Fowler Arcuri

APPROVED AS TO FORM:

Brian W. Head
City Attorney Brian W. Head



attachments, and elements otherwise required by ordinances and standards, including but not limited to sidewalk, landscaping, parking, and accessibility. No exceptions to the Livable Streets Policy adopted by Resolution 10-17 have been proposed.

RECOMMENDATION: **APPROVAL** **DENIAL** **N/A** **STIPULATIONS**

Recommendations for Approval refer only to the transportation impact and do not constitute an endorsement from City Staff.

Staff recommends approval of the proposed rezoning.

PINE TREE FARM ESTATES



**LEE'S SUMMIT
MISSOURI**

SINGLE FAMILY RESIDENTIAL COMPATIBILITY

All single-family detached developments shall include a statement of compatibility of the proposed development with adjacent, proposed or existing, developments based on the following considerations.

	Name of Plat Pine Tree Farm Estates	Adjacent Plat # 1 North Park Village	Adjacent Plat # 2 Foxwood East 5th Plat	Adjacent Plat # 3 Unplatted Agricultural
Street Separation between the proposed development and the adjacent development	n/a	n/a South	n/a West	East Todd George Road North Scruggs Road
Lots/Acreage	$\frac{6}{8.35}$ Lots on acres	93 Lots & 5 Tracts	17 Lots 1 Tract	5 +/- East 10 +/- North
Density	$\frac{.72}{}$ Units per acre	3.18 units/acre	Unknown	n/a
Restrictions on types of fencing, parking of specific vehicles, dog runs and outbuildings	Per UDO	Yes	Yes	
Similarity of architectural style and character of structures, including front elevations, exterior materials and roof pitch	Per UDO	Yes	Yes	



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SINGLE FAMILY RESIDENTIAL COMPATIBILITY

	Name of Plat	Adjacent Plat # 1	Adjacent Plat # 2	Adjacent Plat # 3
Classification and mixture of building types, including ranch, raised-ranch, split-level, multi-level, earth contact and two-story structures	Per UDO	Yes	Yes	n/a
Green space or common area, including areas, structures and amenities for the exclusive use and maintenance of homeowners of a subdivision.	n/a	Yes		n/a
Streetscape, include distinctive and aesthetic features of special street signage, street lighting fixtures, street trees, and other landscaping.	n/a	Yes	Yes	n/a
Lot Width	Range: <u>100</u> to <u>615</u> feet; Average: <u>215</u> ft.	70 x 120		



LEE'S SUMMIT MISSOURI

SINGLE FAMILY RESIDENTIAL COMPATIBILITY

	Name of Plat	Adjacent Plat # 1	Adjacent Plat # 2	Adjacent Plat # 3
Lot Area	Range: <u>24,419</u> to <u>178,587</u> square feet; Average: <u>60,508</u> sq. ft.	8,400	Unknown	
Lot Depth	Range: <u>245</u> to <u>295</u> feet; Average: <u>270</u> ft.	120	Unknown	
Lots Coverage/Yards/ Setbacks	Setbacks: <u>30</u> front, <u>30</u> rear, <u>10</u> sides	30 front 7.5 sides 30 rear	30 front 7.5 sides 30 rear	
Square footage of homes in Transition Areas measured by total finished floor area	n/a	n/a	Unknown	n/a
Minimum Floor Area Allowed; Actual Floor Area As Constructed		Unknown	Unknown	
Entrance Monumentation	n/a	Yes		
Overall Street and Lot Layout				

Architectural Style – Pine Tree Farm Estates

The lots in Pine Tree Farm Estates will not be built on by the developer/applicant. The lots will be sold to buyers who want to build a custom home on a lot or to builders who want to build a home “on spec.” Therefore, the developer/applicant is not proposing a specific architectural style so that the buyers can choose to design their houses to their own preferences.

The lots are very large “estate” lots in a desirable part of Lee’s Summit. The price point of these lots will be such that a buyer is not likely to buy the lot unless they intend to build a substantial house on the lot. The developer/applicant therefore anticipates that the homes built on these lots will be at least of a size and quality comparable to surrounding homes and probably of a larger size and higher quality. Moreover, because of the size of the lots, the distance between homes will prevent the clash of specific design features. Examples of this can be seen on large lots to the east of Pine Tree Farm Estates on Scruggs Road from Todd George Road to Legacy Park.

The houses to be built on the lots will be required to conform to the building codes of the City of Lee’s Summit which will prohibit a buyer from building a sub-standard home on one of the lots.

The developer’s family has developed property in Lee’s Summit, and built homes on such property, for decades. The developer’s own home is located in the vicinity of this development. Consequently, the developer has a strong incentive to protect the value of the area and has a history of producing high-quality developments. Photographs of these houses can be made available if requested.

Pine Tree Farm Estates Rezoning

Application #PL2020-240

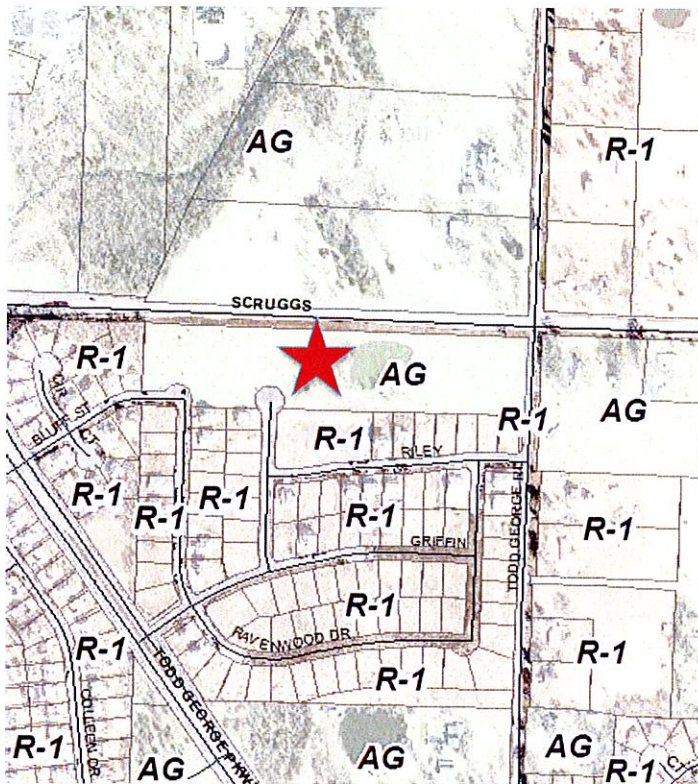
January 5, 2021

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Yours Truly



North (across NE Scruggs Rd): AG – large acreage tracts

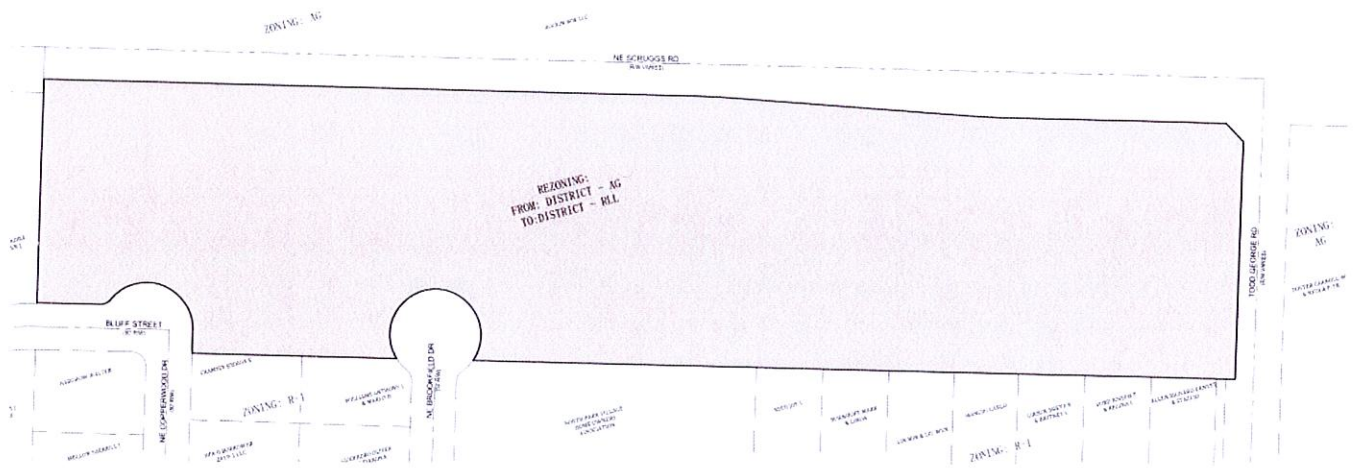
South: R-1 – single-family residential

East (across NE Todd George Rd): AG – large acreage tracts

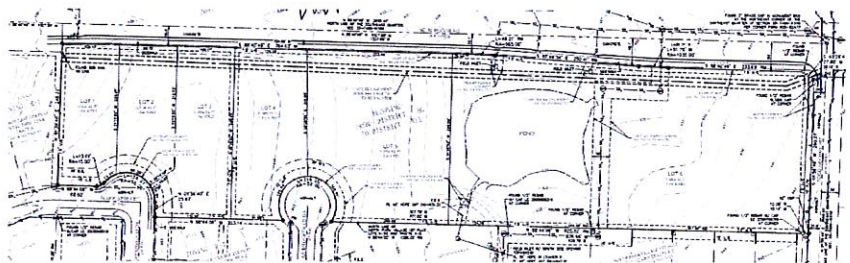
West: R-1 – single-family residential

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Aerial and Zoning Map



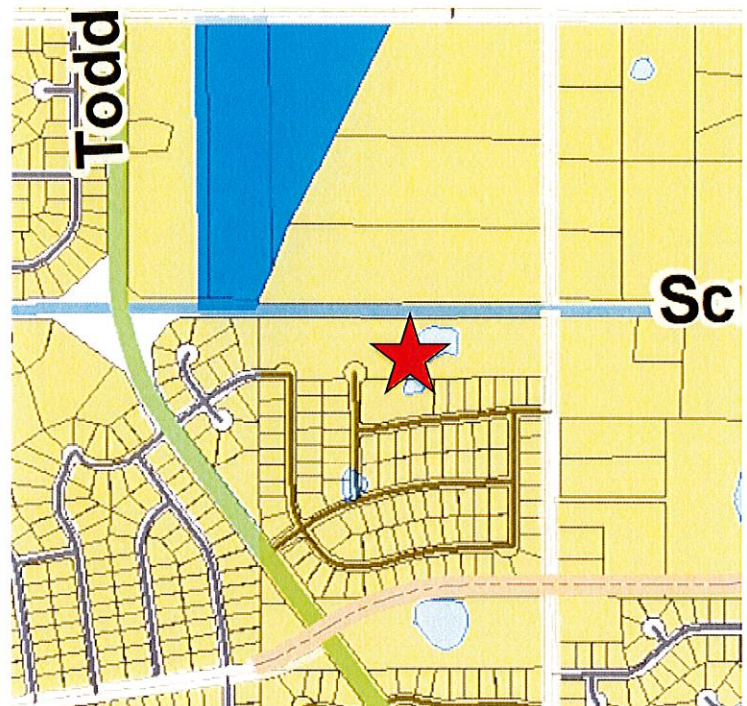
- 7.8 acre site
- Undeveloped parcel
- Current zoning: AG
- Proposed zoning: RLL
- Intent: develop a 6-lot single-family residential subdivision



LS Zoning Exhibit and Site Information

Comprehensive Plan

- Low-density residential
- Meets objectives of the Comp Plan
- Compatible with Comp Plan and existing surrounding uses



- Low-density Residential
- Public/Semi-public

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Staff Analysis

The following concerns have been raised:

- The applicant has submitted a rezoning application from AG to RLL with no accompanying preliminary development plan (PDP) application.
 - PDPs are **not** required for a rezoning to the AG, RDR, RLL or R-1 districts, unless a modification to the UDO is requested. No modification to the UDO is requested for the proposed Pine Tree Farm Estates subdivision, thus no PDP is required.
 - A preliminary plat (PP) is required for the subdivision of property into 4 or more lots, but is only required to be considered concurrently with a rezoning to the R-1 district. Concurrent consideration of a PP is not required for a rezoning to the AG, RDR or subject RLL district. However, the PP for Pine Tree Farm Estates is now on the same agenda as the rezoning for Planning Commission consideration. The Planning Commission takes final action on a PP, and thus does not accompany the associated rezoning application for City Council consideration.
- The rezoning application submittal requirements for the RLL district differ (i.e. are lesser) than that of the R-1 district.
 - The rezoning application submittal requirements for the RLL and R-1 zoning districts are identical. From a platting standpoint, the only difference is that a preliminary plat is required to be considered concurrently with R-1 zoning. AG, RDR and RLL zoning does not require concurrent consideration of a preliminary plat. Preliminary plat requirements for the AG, RDR, RLL and R-1 districts are identical.

- Control over architecture and size of homes.
 - The UDO has no prescriptive architectural style requirements or exterior material requirements for any residential development.
 - The AG, RDR, RLL and R-1 “base” zoning districts do not require submittal of architectural building elevations and material palette for review and approval as part of a rezoning or plat application.
 - The UDO requires single-family homes to be a minimum 720 sq. ft. in size. Compliance with minimum house size is reviewed at the time of building permit submittal.
 - Architectural style and material requirements on AG, RDR, RLL and R-1 subdivisions in the city (e.g. North Park Village, Winterset Valley, Woodland Shores, etc.) are self-imposed private covenants over which the City has no enforcement authority. Further, as private design covenants, they can be changed without City input or undergoing any City process.
 - Applicant has provided a narrative regarding the custom-build nature of the proposed development.
 - No accessory structure (e.g. shed, barn, garage, etc.) can be constructed on any of the proposed lots without a residence also being constructed on the same lot.

- Stormwater.
 - A stormwater study and any necessary associated engineering plans shall be required to be submitted at the time of final plat application.



Public Comments

Standard Conditions of Approval

1. A plat shall be approved and recorded prior to the issuance of a building permit.
2. Upon approval of the proposed rezoning from AG to RLL, the applicant shall become responsible to provide the appropriate level of right-of-way maintenance (mowing) during each growing season with the defined area abutting their property as defined and outlined in the City's Mowing Policy, approved by City Council on November 3, 2005.

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Conditions of Approval

Appl. #PL2020-240 REZ from AG to RLL Pine Tree Farm Estates

