

# City of Lee's Summit

## Development Services Department

April 7, 2017

TO: Planning Commission

FROM: Robert G. McKay, AICP, Director of Planning and Special Projects *My For R&M*

RE: **PUBLIC HEARING – Appl. #PL2017-033 – REZONING from CP-2 to R-1 and PRELIMINARY DEVELOPMENT PLAN** – approximately 9 acres located on the east side of SW Raintree Pkwy approximately 1/3 mile south of SW Raintree Dr.; Chad & Joann Potter, applicant

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### Commentary

The applicant proposes to rezone approximately 9 acres located at the east side of SW Raintree Pkwy approximately 1/3 mile south of SW Raintree Dr. from CP-2 (Planned Community Commercial District) to R-1 (Single Family Residential). One single family home will be built on the proposed residential lot. The subject application also includes a preliminary development plan. Preliminary development plans typically do not accompany rezoning applications for R-1 zoning. However, the applicant requests a modification to the minimum required street frontage. The applicant proposes to gain access to this property from SW Raintree Pkwy by securing a 50' ingress/egress easement from the adjacent property owner, Raintree Lake Property Owners Association, Inc. (RLPOA). Modifications to the UDO can only be granted as part of a preliminary development plan application. Staff supports the requested modification.

### Recommendation

Staff recommends **APPROVAL** of the rezoning and preliminary development plan, subject to the following:

1. A modification shall be granted to the minimum 50' street frontage requirement, to allow the subject property to have no street frontage onto SW Raintree Pkwy. The subject property shall gain access to and from SW Raintree Pkwy via a permanent 50' ingress/egress easement obtained from the RLPOA. A copy of the recorded easement shall be provided to the City's Development Services Department

### Project Information

**Proposed Use:** Single-family residential

**Current Zoning:** CP-2 (Planned Community Commercial District)

**Proposed Zoning:** R-1 (Single-Family Residential District)

**Land Area:** 8.71 acres

**Number of Lots:** 1

**Location:** East side of SW Raintree Pkwy approximately 1/3 mile south of SW Raintree Dr.

**Surrounding zoning and use:**

**North:** CP-2 (Planned Community Commercial District)—undeveloped ground

**South:** CP-2 (Planned Community Commercial District)—undeveloped ground

**East:** M-291 Highway

**West (across SW Raintree Pkwy):** R-1 (Single-Family Residential),—vacant ground, proposed Raintree Pointe subdivision and Raintree Lake

## Background

- April 6, 1976 – The subject property was annexed into the city. The property was zoned C-2 in Cass County prior to annexation, which became C-1 (General Business District) upon annexation.
- November 1, 2001 – The property’s zoning was reclassified from C-1 to its current CP-2 zoning upon the Unified Development Ordinance (UDO) going into effect.

## Analysis of Rezoning

**Comprehensive Plan.** The subject area is identified as low-density residential in the 2005 Lee’s Summit Comprehensive Plan. The areas to the north, south, and west are shown as low-density residential. The area to the east is outside the city limits.

**Surrounding Uses.** The areas to the north and south are vacant, undeveloped properties zoned CP-2. The undeveloped area to the west is zoned R-1 and is the site of the proposed Raintree Pointe subdivision. The area to the east is M-291 Highway and Lake Winnebago.

**Recommendation.** Staff recommends approval of the rezoning from CP-2 to R-1. The rezoning is consistent with existing development in the area as well as the recommended land use for the area as shown in the 2005 Lee’s Summit Comprehensive Plan.

## Analysis of Preliminary Development Plan

**Minimum street frontage.** Modification requested. **Staff supports requested modification.**

- Proposed – The applicant proposes to gain access from SW Raintree Pkwy by securing a 50’ ingress/egress easement from the adjacent property owner, Raintree Lake Property Owners Association, Inc.
- Required – Each lot shall have a minimum of 50’ of frontage on a public or private street.
- Recommended – Staff supports the requested modification to the minimum street frontage requirement. The subject property is separated from SW Raintree Pkwy by property owned by the RLPOA, and so has no access to that street. A 50’ ingress/egress easement securing permanent access to SW Raintree Pkwy through the RLPOA property meets the intent of the UDO requirement.

## Code and Ordinance Requirements to be met Following Approval

*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. A minor plat shall be approved and recorded prior to any building permits being issued. All subdivision-related public improvements must be complete prior to approval of the minor plat unless security is provided in the manner set forth the UDO.

2. An electronic copy of the legal description shall be submitted. Microsoft Word document or selectable text PDF are the preferred file formats. The legal description can be emailed to the planner's email address.

**Engineering**

3. A private easement must be obtained for domestic water service along the access road. The location of the water meter should be shown within the right of way, and the private easement should be shown along the driveway.
4. The new sanitary sewer line to be installed along with the Raintree Pointe subdivision to the west of this development must be installed and a Certificate of Substantial Completion issued prior to platting.
5. A Land Disturbance Permit shall be obtained from the Development Services Department if ground-breaking will take place prior to issuance of a building permit.

RGM/csm

Attachments:

1. Rezoning Exhibit date stamped March 21, 2017—2 page
2. Single-Family Residential Compatibility Form, date stamped March 21, 2017—3 pages
3. Ingress/Egress Easement date stamped February 17, 2017 – 5 pages
4. Location Map