



LEE'S SUMMIT
MISSOURI
Development Services Department

Development Services Staff Report

File Number	PL2021-346
File Name	REZONING from AG to RLL
Applicant	Nicholas P. and Carla E. Sallas
Property Address	2013 SW Sampson Rd
Planning Commission Date	November 4, 2021
Heard by	Planning Commission and City Council
Analyst	Hector Soto, Jr., AICP, Planning Manager
Checked By	Kent Monter, PE, Development Engineering Manager

Public Notification

Pre-application held: July 13, 2021
Neighborhood meeting conducted: October 21, 2021
Newspaper notification published on: October 16, 2021
Radius notices mailed to properties within 300 feet on: October 14, 2021
Site posted notice on: October 15, 2021

Table of Contents

1. Project Data and Facts	2
2. Land Use	2
3. Project Proposal	3
4. Unified Development Ordinance (UDO)	3
5. Comprehensive Plan	3
6. Analysis	3
7. Recommended Conditions of Approval	6

Attachments

Rezoning Exhibit and Legal Description, dated August 24, 2021
Neighborhood Meeting Notes, dated October 22, 2021
Location Map

1. Project Data and Facts

Project Data	
Applicant/Status	Nicholas P. and Carla E. Sallas/Property Owners
Applicant's Representative	Nicholas P. Sallas
Location of Property	2013 SW Sampson Rd
Size of Property	±4.93 Acres
Number of Lots	1
Density (or FAR)	0.2 dwelling units/acre
Zoning (Existing)	AG (Agricultural)
Zoning (Proposed)	RLL (Residential Large Lot)
Comprehensive Plan Designation	Residential 1
Procedure	<p>The Planning Commission makes a recommendation to the City Council on the proposed rezoning. The City Council takes final action on the rezoning in the form of an ordinance.</p> <p>Duration of Validity: Rezoning approval by the City Council shall be valid upon approval and has no expiration. Neither a preliminary plat nor a preliminary development plan is required when rezoning to the RLL zoning district.</p>

Current Land Use
The subject property is undeveloped acreage that has historically been used for agricultural purposes.

Description of Applicant's Request
The applicants propose to rezone the subject property from AG to RLL for the purpose of constructing a single-family residence.

2. Land Use

Description and Character of Surrounding Area
The subject property is located on SW Sampson Rd approximately 0.4 miles south of SW Scherer Rd. The surrounding area is characterized by rural development. The US Army Corps of Engineers owns a significant amount of property on the west side of SW Sampson Rd. The east side of SW Sampson Rd is mostly comprised of single-family residences on large acreage tracts.

Adjacent Land Uses and Zoning

North:	Large acreage single-family residential / AG
South:	Large acreage single-family residential / AG
East:	Undeveloped large acreage / AG
West (across SW Sampson Rd):	Undeveloped large acreage / AG

Site Characteristics

The site generally slopes from east to west. The site is bisected by a natural drainageway that leads to a pond on the abutting parcel to the south.

Special Considerations

N/A

3. Project Proposal**Setbacks (Perimeter)**

Yard	Existing AG zoning	Proposed RLL zoning
Front (SW Sampson Rd)	100' (Building) or as established by existing homes on same side of street	30' (Building)
Side (north and south)	50' (Building)	10' (Building)
Rear (east)	50' (Building)	30' (Building)

4. Unified Development Ordinance (UDO)

Section	Description
2.240,2.250,2.260	Rezoning
4.080	Zoning District (RLL)

5. Comprehensive Plan

Focus Areas	Goals, Objectives & Policies
Strong Neighborhoods and Housing Choice	Goal 3.2.A

6. Analysis**Background and History**

The applicants approached the City seeking to construct a residence on the subject property. The existing AG zoning classification allows for a single-family residential use of the property. However, the setback requirements of the AG zoning district are significantly greater than that of the UDO's various residential zoning districts. Of particular concern to the property owners is the AG district's minimum 50' side yard setback and how it impacts their preferred homesite on the property. With a parcel width of 165', a 50' setback from each side property line yields a 65'-wide buildable area in the middle of the property. In contrast, the requested RLL zoning district's 10' side yard setback yields a 145'-wide buildable area that allows the property owners greater flexibility in siting their future home.

Compatibility

The west side of SW Sampson Rd in the vicinity of the subject property is composed of undeveloped US Army Corps of Engineers property. The east side of SW Sampson Rd between SW Scherer Rd and SW Hook Rd is primarily developed as single-family residences on large acreage.

With a few exceptions, the large-acreage properties along SW Sampson Rd between SW Scherer Rd and SW Hook Rd are zoned AG. Three parcels ranging from 1.5 acres to 5 acres in size are zoned RDR (Rural Density Residential). There is also an undeveloped 38-acre PMIX-zoned parcel at the southwest corner of SW Sampson Rd and SW Scherer Rd. While the requested RLL zoning district allows lots as small as 0.5 acres in size, the applicants intend to maintain the existing 5-acre lot size. Jackson County requirements for septic systems require a minimum lot size of 3 acres, which will ensure the property maintains its rural character as a large-acreage lot for the foreseeable future.

The proposed rezoning to construct a single-family home will not negatively impact the aesthetics of the surrounding properties which are similarly developed.

Adverse Impacts

The proposed rezoning is not expected to injure or detrimentally affect the neighboring properties. The applicants propose to develop the property with a single-family residence on large acreage similar to the character of existing area properties along SW Sampson Rd between SW Scherer Rd and SW Hook Rd.

The proposed development will not create storm water runoff in excess of what is expected of a single-family home. Given the fact that the subject property is 5 acres in size, there is sufficient green space to allow for natural on-site absorption of storm water.

Public Services

A 12" public water line exists along the west side of SW Sampson Rd to which the subject property will connect. The water line is part of a looped system that connects to SW Scherer Rd on the north end, runs south along SW Sampson Rd to SW Hook Rd, runs east along SW Hook Rd and completes the loop with a connection to SW Pryor Rd.

Public sanitary sewer is not available to the site. The nearest public main is over 2,200' to the north at the intersection of SW Sampson Rd / SW Scherer Rd. The property will be served by a septic system, which is administered through Jackson County.

No improvements to SW Sampson Rd are required to construct a single-family home on the subject property. Adequate capacity exists on SW Sampson Rd to accommodate the increased traffic generated by a single home on the property.

Area properties along SW Sampson Rd are similarly developed as single-family homes on large acreage. Development of the subject property with a single-family residence will not impede the normal and orderly development and improvement of the surrounding property. The Ignite Comprehensive Plan shows a future arterial street between the subject property and the abutting 400 acres to the east currently owned by Property Reserve, Inc. Developing the subject property with a residence does not negatively impact the location of the future arterial street or its ability to serve future area development.

Unified Development Ordinance

The applicants' goal is to construct a single-family residence on the subject property. The UDO has various zoning district options to accommodate a single-family residence. However, not all options are appropriate for the subject property given site specifics and the applicants' goals. Following discussion between staff and the applicants, the RLL zoning district was determined to be the most appropriate zoning district for the applicants to pursue. The table below provides a comparison of the various zoning districts considered for the property.

	AG (existing zoning)	RDR	RLL (proposed zoning)	R-1
Minimum Lot Size	10 acres	1 acre	0.5 acre	8,400 sq. ft.
Setbacks	100' (front) ¹ ; 50' (side); 50' (rear)	100' (front) ¹ ; 50' (side); 50' (rear)	30' (front); 10' (side); 30' (rear)	30' (front); 7.5' (side); 30' (rear)
Single-family Residence Allowed?	Yes	Yes	Yes	Yes
Septic System Allowed?	Yes ²	Yes ²	Yes ²	No

¹ – or as established by existing homes on the same side of the street

² – minimum 3 acres required. Requires Jackson County approval.

The AG and RDR zoning districts have the most restrictive setback requirements (50' from each side property line), which limit the potential location for a home on the property given the relative narrowness of the lot compared to other large acreage parcels in the area.

The R-1 zoning district has the least restrictive setbacks requirements (7.5' from each side property line), but requires the property to connect to the public sanitary sewer system that sits over 2,200' away to the north at SW Scherer Rd.

The RLL zoning district has less restrictive setback requirements than the existing AG and RDR zoning districts found in the area, which offers the applicants greater flexibility in their ability to site a home on the property. The RLL zoning district also allows the applicants to overcome the lack of public sewer in the area by allowing septic sewer systems, subject to Jackson County approval.

Comprehensive Plan

The proposed RLL zoning is consistent with the Residential 1 land use category identified for the area under the Ignite Comprehensive Plan. The Residential 1 category is primarily for single-family residential development that ranges from very low-density rural residential with limited farming activities to medium and large lot single-family subdivisions.

Recommendation

With the conditions of approval below, the application meets the requirements of the UDO and DCM (Design and Construction Manual).

7. Recommended Conditions of Approval

Standard Conditions of Approval

1. Upon approval of the proposed rezoning from AG to RLL, by City Council, the applicant will 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 Council on November 3, 2005.
2. A minor plat shall be approved and recorded prior to any building permits being issued.