Ordinance 250300

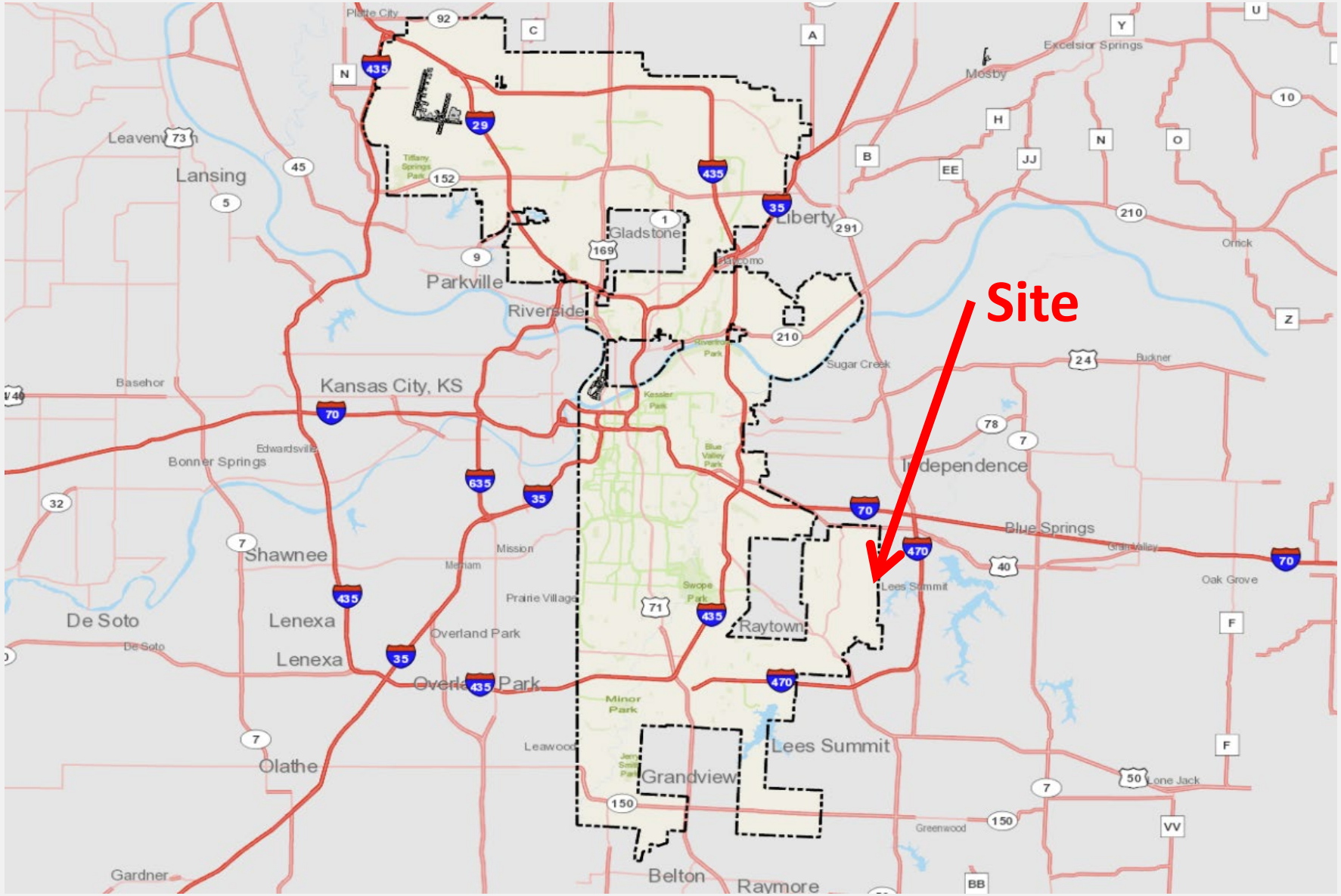
Rezoning: Ess Rd & Lee's Summit Road

CD-CPC-2025-00010

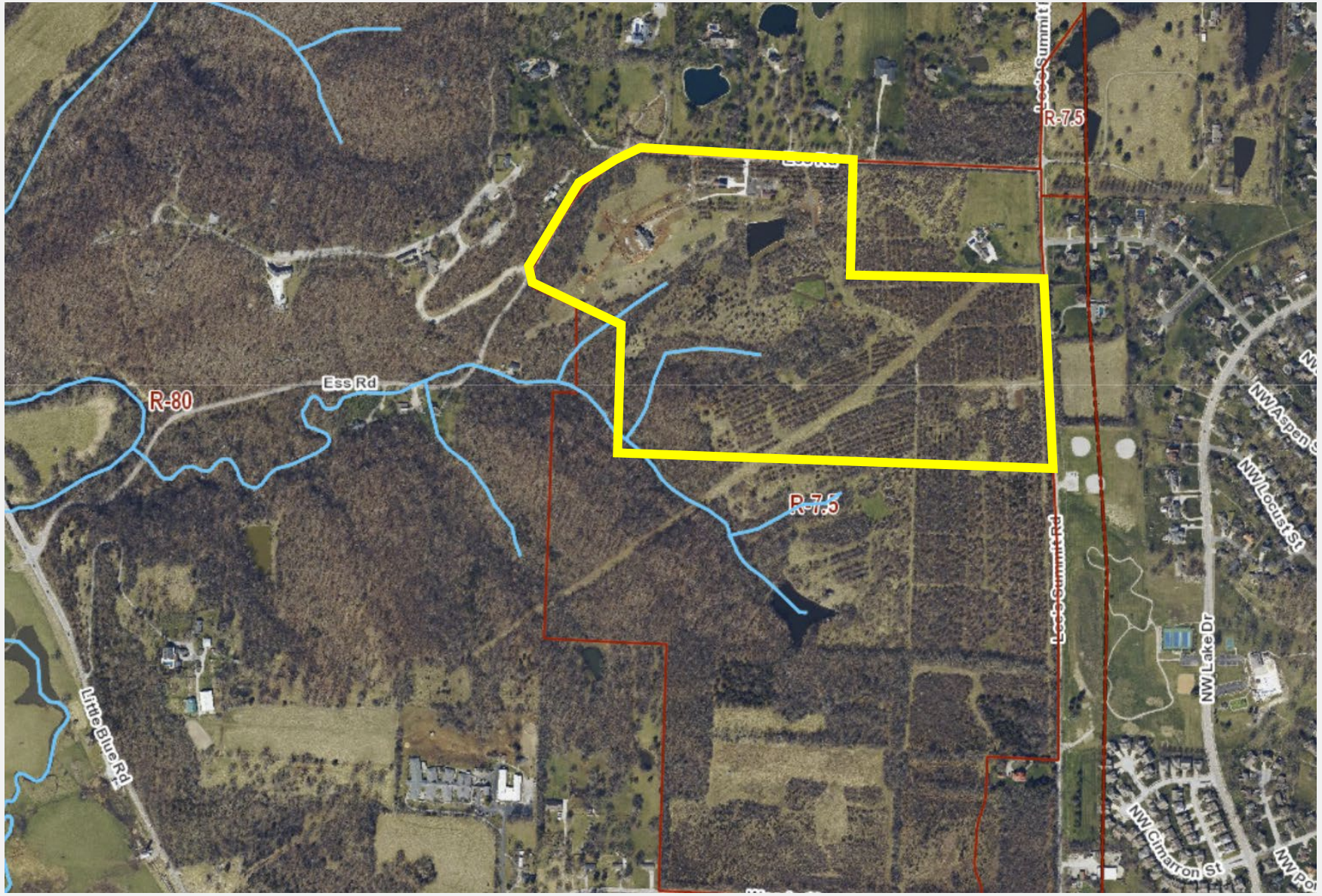
May 20, 2025

Neighborhood Planning and Development Committee

Location


Site
Kansas City, KS
Parkville
Riverside
Gladstone
Liberty
Independence
Blue Springs
Lees Summit
Raytown
Grandview
Belton
Raymore
Lenexa
Overland Park
Olathe
Shawnee
De Soto
Lansing
Leavenworth
Bonner Springs
Edwardsville
Basehor
Mission
Prairie Village
Leawood
Gardner
Greenwood
Lone Jack
Oak Grove
Sugar Creek
Excelsior Springs
Mosby
Orrick
Buckner

Location


R-7.5
Ess Rd
R-80
R-7.5
Little Blue Rd
NW Lake Dr
NW Locust St
NW Cimarron St

Rezoning

- Applicant is proposing a rezoning from R-7.5 to **R-80**
- Little Blue Valley Area Plan corresponding Land Use is Residential Low Density.
- Proposed Zoning District is in line with the Area Plan.

Property History

Case No. 13127-P-4- Ordinance 071089, approved by City Council on October 18, 2007, **rezoned an area of approximately 210.9 acres** generally located on the west side of Lee's Summit Road between Ess Road and Woods Chapel Road from **District RA to District R-1a.**

R-1a was converted to R-7.5 with the updated Zoning and Development Code in 2011

Case No. 13127-P-4- Ordinance 071101, approved by City Council on October 18, 2007, approved a preliminary community unit project plan in District R-1a on a 210.9-acre tract of land generally located on the west side of Lee's Summit Road between Ess Road and Woods Chapel Road to permit **454 single unit homes**.

This plan was never vested and has expired

Case No. CLDMS-2023-00026 – On August 25, 2023, staff approved a Minor Subdivision which created 4 residential lots.

Property History (cont.)

Case No. CD-BZA-2024-00129 – On October 9, 2024, the **Board of Zoning Adjustment approved** the below variances to the height and square footage of accessory buildings on the subject site, plus any additional variances on about 52.948 acres generally located at 16201 Ess Rd.

- A **complete deviation to the location of an accessory structure** to permit the **barn and pavilion** being **located closer to the street than the principle building** on the subject site.
- A **variance of 1,400 sq ft to the footprint area** of an accessory structure (**barn**) to permit a 1,600 sq ft accessory structure on the subject site.
- A **variance of 1,844 sq ft to the footprint area** of an accessory structure (**pavilion**) to permit a 2,044 sq ft accessory structure on the subject site.
- A **variance of 8' 2" to the height of** an accessory structure (**barn**) to permit a 18' 2" accessory structure on the subject site.
- A **variance of 1.5 ft to the height** of an accessory structure (**pavilion**) to permit a 11.5 ft accessory structure on the subject site.

Property History (cont.)

- On January 3rd an application for a variance was submitted with the following request:
  - Variance to allowed square foot maximum of a Horse Structure/Storage Shed
  - Variance to allowed square foot maximum for a Carport Next To Large Barn.
  - Variance to Permit Gravel on a Driveway.

- This application was not pursued and has not passed the Quality Control Review.

- Rezoning to R-80 would alleviate the need to the requested variances.
  - Accessory structures within the R-80 District can be up to 35 feet in height and up to 8,000 SF
  - Properties zoned AG-R, R-80, R-10 with an area of at least 3 acres may have a gravel driveway and residential parking spaces if the following are met:
    - Any driveway and/or parking space must be paved for the first 25 feet from the right-of-way.
    - The surface of the driveway and residential parking space must meet the requirements of 88-420-15-M.

Adjacent Neighbor Opposition

Preserving Long-Standing Residential Character:
The neighborhood has maintained large-acre homes with residential covenants for over 35 years, aligned with the existing R-7.5 zoning.

R-80 Allows Incompatible Uses:
Rezoning to R-80 would permit disruptive uses (event venues, kennels, RV parks) that conflict with the area's established residential character.

Traffic and Safety Issues:
Ess Road's narrow design cannot safely support the higher traffic that R-80 uses would generate.

History of Noncompliance:
The applicant has built unpermitted structures, raising concerns that R-80 would weaken oversight and allow further incompatible development.

Unified Neighborhood Opposition:
Residents formally protested the rezoning at a public meeting on February 18, 2025, and plan to submit a Formal Protest Petition prior to the City Council hearing.

New Uses Permitted in R-80

Allowed by Right

Daycare Group, Daycare Center, Animal Shelter or Boarding, Animal Stable, Veterinary Office, Crop Agriculture, Community Supported Agriculture (CSA), and Wireless Communication Facilities.

Allowed with Special Use Permit

Detention and Correctional Facilities, Halfway House, Library/Museum/Cultural Exhibit, Communications Service Establishments, Entertainment Venues and Spectator Sports, Bed and breakfast, Recreational vehicle park, Sports and Recreation, Participant, Mining and Quarrying, Composting facility, and Demolition debris landfill.

New Uses Permitted in R-80 with SUP

Detention and Correctional Facilities- Use standards prohibit this use within 1000 feet of a residential building.

Halfway House- Use Standards limited to a two-year period but may be renewed by the board of zoning adjustment after public hearing; provided, however, that at the time of renewal the applicant shall demonstrate that the facility has not had a negative impact on properties within 500 feet and that the facility

Entertainment Venues and Spectator Sports- No use standards for this use.

Bed and breakfast- Use Standards require host to live on site. No more than 8 guests at a time.

Recreational vehicle park- No use standards for this use.

Sports and Recreation, Participant- No use standards for this use.

Mining and Quarrying- No use standards for this use.

Composting facility- Use standards require at lest 500 feet of separation from any residential dwelling unit.

Demolition debris landfill- 600 feet of separation from any residential district.

Restrictive Covenant Filed by Applicant

After the City Plan Commission hearing, by the request of the CPC, the **applicant recorded a restrictive covenant** with the County. It had the following restrictions:

- **Prohibits Veterinary Office, RV Park, Horse Breeding Facility, Halfway House, Detention or Correctional Facility, Entertainment Venue or Spectator Sports, Bed and Breakfast Facility, Mining or Quarrying, Compost Facility, and Freestanding Antenna or Communication Facility.**
- **Single Family Residences only**
- No residence shall be erected or maintained nearer than **100 feet from the right of way**.
- **Construction** of any residences must be completed within **18 months**
- In the event of fire, windstorm, or any other damage, **no building shall be permitted to remain in damaged condition** longer than is necessary to repair or demolish
- **No Mobile Homes or Trailers**
- No residence erected under **2,500 SF**

City Plan Commission Recommendation Ordinance 250300

Rezoning

Case No. CD-CPC-2025-00010 **Approval**

Ess Road and Lee’s Summit Road Rezoning