



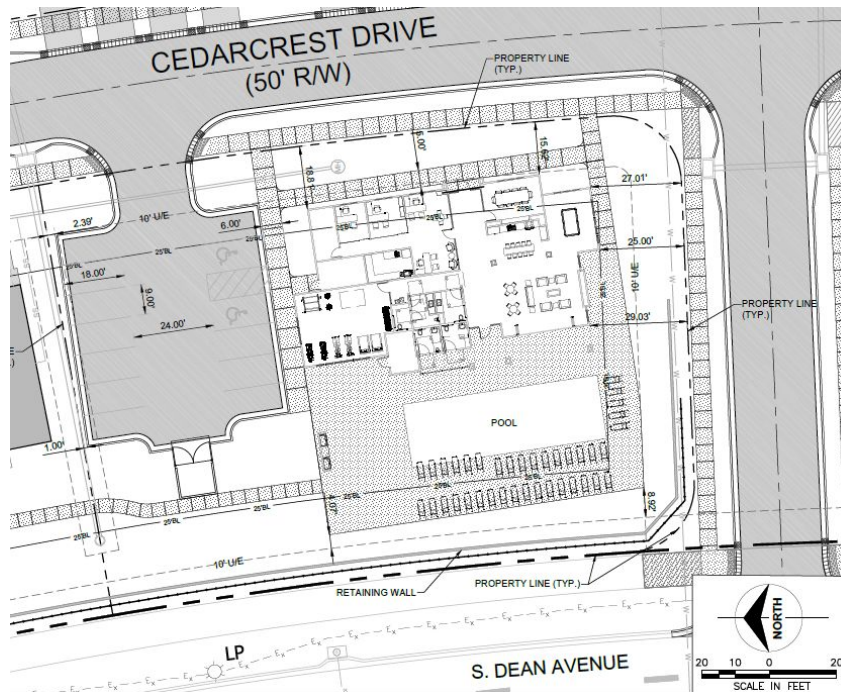
To: Board of Adjustment
From: Katie Jardieu, City Planner
Date: December 1, 2020
Re: **Case #20026 - Venue of the Good Ranch Clubhouse Setback Variance**

GENERAL INFORMATION

**Applicant/
Property Owner:** Griffin Riley Property Group
% Jake Loveless
21 SE 29th Terrace
Lee's Summit, MO 64082

Requested Action: Granting of a variance to allow the subdivision amenity to encroach into the front yard building setback along the west and south property lines and to allow the clubhouse building to encroach into the front yard setback along the west property line.

Property Location: Venue of the Good Ranch Clubhouse, northeast corner of Dean Avenue and Venue Drive



2020 Aerial Photograph:



Existing Zoning: PUD - Planned Unit Development District

Existing Surrounding Uses:

North:	Residential
South:	Undeveloped
East:	Residential
West:	Undeveloped

Total Tract Size: .54 acres

Growth Management Plan: The Future Land Use Plan Map contained within the 2013 Growth Management Plan designates this property as appropriate for low-density residential development.

Major Street Plan: The Major Thoroughfare Plan has S. Dean Avenue as a minor arterial. Cedarcrest Drive and Venue Drive are classified as local streets.

Advertisement: November 12, 2020 Journal Newspaper

Public Hearing: December 1, 2020 Board of Adjustment

Items of Record: **Exhibit 1. Mailed Notices to Adjoining Property Owners**
Exhibit 2. Notice of Publication
Exhibit 3. Unified Development Code
Exhibit 4. Application
Exhibit 5. Growth Management Plan
Exhibit 6. Staff Report
Exhibit 7. Applicant's Personal Statement

PROPOSAL

The applicant is seeking a variance to UDC 420.050C3 which requires private recreation facilities (swimming pool area) to be at least 30 feet from any street right-of-way and a variance to the PUD front yard setback requirement of 25 feet for the clubhouse. The proposed clubhouse will encroach into the setback area by 10 feet, and the pool and patio area will encroach into the setback area by 17 feet along the south property line and west property lines.

VARIANCE REQUIREMENTS

City Ordinance Requirements: In order for the applicant to accomplish the aforementioned action, they must first meet the provisions of the Unified Development Code. Chapter 470 of the Unified Development Code outlines the requirements and actions that need to be taken in order to be granted a variance, specifically Section 470.060.

PREVIOUS ACTIONS ON OR NEAR THE PROPERTY

1. On September 9, 2019 the Venue of the Good Ranch property was rezoned from "A" Agricultural District to "PUD" Planned Unit Development District. The Preliminary Plan for the development was approved as part of the rezoning. The clubhouse and pool were proposed as part of the preliminary plan.
2. The Master Development Agreement for The Good Ranch development was approved by the City Council in October of 2014. One of the purposes of the agreement was to address impacts of stormwater runoff from the site. The proposed development is in compliance with the agreement.

STAFF COMMENTS

1. The zoning regulations for the Venue of the Good Ranch were established as part of the rezoning and preliminary plan approval. The minimum regulations for Tract B and all of the lots are as follows:
 - a. Lot Area Minimum: 1 acre
 - b. Lot Width Minimum: 90 ft
 - c. Lot Depth Minimum: 100 ft
 - d. Front Setback Minimum: 25 ft
 - e. Rear Setback Minimum: 25 ft

2. Section 420.050C applies to private recreation facilities, including the proposed subdivision pool area. Subsection C reads as follows:

“private recreation facilities must not be located within 30 feet of any street right-of-way or within 10 feet of any abutting property line.”

The proposed pool and associated patio area must be located at least 30 feet from the street right-of-way line for Venue Drive and South Dean Avenue. The clubhouse building must be located at least twenty-five feet from the property line of Cedarcrest Drive.

3. The proposed clubhouse design has been modified to allow for a larger fitness room as well as a game room and great room and conference room. The Clubhouse also allows for individual managers' offices and a leasing office.
4. The east setback of this lot is determined by the right of way from Cedarcrest Drive. The south setback is determined by Venue Drive (not constructed). The west setback is determined by S. Dean Avenue. Due to its location, the lot has three sides that have front-yard setbacks from the right-of-way. This creates a smaller than typical lot for a development of this size.
5. The encroachment of the clubhouse building into the front setback area is only along Cedarcrest Drive and not towards Dean Avenue. Only the pool patio encroaches into the front setback area along Venue Drive and S. Dean Avenue. The area at the intersection of Venue Drive and S. Dean Avenue will remain open to allow for visibility of any vehicles traveling on Venue Drive.
6. A concurring vote of four (4) members of the Board shall be necessary to decide in favor of the applicant.

STAFF PROPOSED FINDINGS OF FACT

Section 470.060 of the Unified Development Code directs the Board of Adjustment concerning their actions in dealing with a variance request. Specifically, Section 470.060(E) directs the Board of Adjustment to make determinations on eight specific conditions and the findings entered into the public record. The eight conditions and Staff's recommendation concerning each condition are as follows:

- 1. The variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner and applicant or their agent, employee or contractor.**

The need for the variance arises as a result of the three street frontages of the lot, which is unique to the property. The applicant has moved the clubhouse to the east as much as possible. Only the east side of the clubhouse and some of the pool patio do not fit within the building envelope.

- 2. The strict application of the provisions of the Unified Development Code of which the variance is requested will constitute an unnecessary hardship or practical difficulty upon the property owner represented in the application and that such unnecessary hardships or practical difficulties are not generally applicable to other property in the same district.**

An unnecessary hardship arises when the physical characteristics of a property, coupled with imposed governmental regulations, preclude a property owner from any reasonable use of their land.

The applicant is limited in the practical use of his property under the zoning regulations. Due to the three frontages of the lot, the applicant is unable to fit a clubhouse and pool patio area of adequate size for the development, given the multiple existing setbacks.

- 3. The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.**

The granting of the variance will not adversely affect the rights of adjacent property owners. The clubhouse will be at an entrance to the development. The applicant owns all of the property immediately adjacent to the swimming pool area. Rotating the plan 180 degrees would make the parking lot for the amenity at the entrance which is typically not the desired layout.

- 4. The granting of the variance will not result in advantages or special privileges to the applicant or property owner that this code denies to other land, structures or uses in the same district.**

The granting of the variance will not result in advantages over other property owners. This is a townhouse development within a PUD zoning district that does not allow for individual pools elsewhere in the development.

5. Whether the requested variance is the minimum variance necessary to provide relief.

The requested variance would allow the applicant to construct a clubhouse that meets the characteristics and size of the proposed development. The clubhouse has also been moved as far east as possible so that only one side of the physical clubhouse encroaches into the setback as opposed to the decking and patio on the other two sides.

6. The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.

Setback requirements are in place to provide adequate separation between buildings and streets for the purposes of health and safety. The variance allows the applicant to move closer to the right-of-way and street on three sides. It does not allow the amenity to move any closer to other buildings or townhomes.

7. The granting of the variance desired will not be opposed to the relevant purposes and intents of this Unified Development Code.

Relevant purposes and intents of the UDC include the promotion of health, safety, and general welfare and the protection of property values through the regulation of density and mass of structures.

The construction of the clubhouse will not adversely affect the character of the neighborhood or the adjacent properties. The granting of the requested variance will not be opposed to said purposes and intents of the UDC.

8. The variance will result in substantial justice being done, considering both the public benefits intended to be secured by this code and the individual hardships or practical difficulties that will be suffered if the variance request is denied.

As stated above, the requested variance is not contradictory to the purpose and intent of the Code, and will not adversely affect the public health, safety or welfare. Thus, granting the variance would be a just application of the Code.

Staff finds that the existing setback requirements create an undue hardship to the applicant. Granting the variance is necessary to relieve the applicant of substantial hardship or difficulty.

STAFF RECOMMENDATION

City staff supports the applicant's request for a variance to a thirty foot (30') right-of-way setback from the swimming pool amenity on two sides of the property as well as an encroachment of the clubhouse building into the twenty-five foot building line along Cedarcrest Drive. The property in question has three street setbacks which creates a smaller than typical building envelope,

Staff recommends the Board of Adjustment accept the staff proposed findings of fact and approve case #20026 as requested.