



# CITY PLAN COMMISSION STAFF REPORT

City of Kansas City, Missouri  
City Planning & Development Department  
[www.kcmo.gov/cpc](http://www.kcmo.gov/cpc)

March 5, 2025

**Project Name**  
Ess Rd & Lees Summit Rd Rezoning

**Docket #1**

**Request**  
CD-CPC-2025-00010  
Rezoning

**Applicant/Owner**  
Phil LeVota

**Location** 15903 Ess Rd  
**Area** About 75 acres  
**Zoning** R-7.5  
**Council District** 5  
**County** Jackson  
**School District** Lee's Summit

## Surrounding Land Uses

**North:** Residential, Zoned R-80  
**South:** Residential, Zoned R-7.5  
**East:** Residential, Zoned R-80  
**West:** Residential, Zoned R-80

**KC Spirit Playbook Alignment**  
No Alignment Provided.

## Land Use Plan

The Little Blue Valley Area Plan recommends Residential Low Density, Residential Very Low Density, and Conservation uses for this location. The proposed plan aligns with this designation.

## Major Street Plan

Lee's Summit Road is identified on the City's Major Street Plan and recommends a Local Link with two lanes at this location.

## APPROVAL PROCESS



## SUMMARY OF REQUEST + KEY POINTS

The applicant is seeking approval of a Rezoning from District R-7.5 to District R-80 on about 75 acres generally located at the southwest corner of Ess Road and Lees Summit Road.

## PROJECT TIMELINE

The application for the subject request was filed on January 17, 2025. No scheduling deviations from 2025 Cycle 3.1 have occurred.

## NEIGHBORHOOD AND CIVIC ORGANIZATIONS NOTIFIED

The Little Blue Valley Homes Association is tied to the subject site.

## REQUIRED PUBLIC ENGAGEMENT

Public engagement as required by 88-505-12 applies to this request. The applicant hosted a meeting on February 18, 2025. A summary of the meeting is attached to the staff report, see Attachment #3.

## EXISTING CONDITIONS

The subject site was previously known as Stephenson Apple Orchard. The applicant has a house and several structures on site. There is no associated regulated stream with the subject site.

## CONTROLLING CASE

There is no controlling case for this site.

## PROFESSIONAL STAFF RECOMMENDATION

Docket #1 Recommendation: **Approval**

**RELEVANT CASES**

**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.

**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.

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

**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.

**Case No. CD-CPC-2024-00163** - On February 12, 2025, the City Plan Commission recommended approval of a Preliminary Plat in District R-7.5 on about 41 acres generally located at 16001 Ess Road for the creation of 4 lots.

**This application has not yet been heard by City Council for review and approval.**

**VICINITY MAP**

**REZONING REVIEW**

The applicant is requesting to rezone 75 acres from District R-7.5 to District R-80. The future land use of the property is consistent with the R-80 zoning district, which is also the zoning of adjacent properties to the north, east, and west. The proposed rezoning does not require an accompanying plan.

The R-80 zoning district has different standards on lot and building standards than the R-7.5 Zoning District, including for accessory structures. Accessory structures in R-80 can be up to 8,000 square feet and up to 35 feet tall. The R-7.5 limits these to 800 square feet or one square foot of building footprint area for each 10 square feet of lot area, whichever is greater; and only allows up to 16 feet in height.

More uses are permitted in the R-80 than in the R-7.5 zoning district. In the R-80 district, a Special Use Permit is required to 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. A Special Use Permit requires public hearings and engagement in compliance with the Zoning and Development Code.

Uses permitted in the R-80 district that are not permitted in the R-7.5 district are Daycare Group, Daycare Center, Animal Shelter or Boarding, Animal Stable, Veterinary Office, Crop Agriculture, Community Supported Agriculture (CSA), and Wireless Communication Facilities.

**SPECIFIC REVIEW CRITERIA****Zoning and Development Code Map Amendments, REZONINGS (88-515-08)**

In reviewing and making decisions on proposed zoning map amendments, the City Planning and Development Director, City Plan Commission, and City Council must consider at least the following factors:

**A. Conformance with adopted plans and planning policies;**

The Little Blue Valley Area Plan recommends Residential Low Density, Residential Very Low Density, and Conservations land use for this location. This proposal is consistent with the future land use plan. No Area Plan Amendment is required.

**B. Zoning and use of nearby property;**

Properties to the north, east, and west are zoned R-80 and properties to the south are zoned R-7.5. This request is consistent with adjacent zoning districts.

**C. Physical character of the area in which the subject property is located;**

Adjacent properties consist mainly of single unit homes on large estate lots. The proposed rezoning is not expected to change the physical character of the area.

**D. Whether public facilities (infrastructure) and services will be adequate to serve development allowed by the requested zoning map amendment;**

There is existing public infrastructure serving the site. No development is proposed with this rezoning.

**E. Suitability of the subject property for the use to which it has been restricted under the existing zoning regulations;**

The current zoning designation is R-7.5, which was approved in 2007 to permit 454 single unit homes. Since the previous plan lapsed, no additional plans for redevelopment under the R-7.5 designation have been proposed. The proposed rezoning will change the zoning to R-80, which is primarily found in less dense areas of the City, primarily near the city boundary.

**F. Length of time the subject property has remained vacant as zoned;**

The subject site was previously an apple orchard which has closed. A redevelopment proposal rezoned the property to R-7.5 to add density to this area but was never built and the plan has lapsed. The applicant has constructed a home and several accessory structures on the site. A preliminary plat which has been reviewed by the City Plan Commission proposes to further subdivide the property into 6 total parcels within the rezoning area which would allow for low density residential to be developed.

**G. The extent to which approving the rezoning will detrimentally affect nearby properties; and**

The rezoning is not expected to detrimentally affect nearby properties as adjacent properties are zoned R-80.

**H. The gain, if any, to the public health, safety, and welfare due to denial of the application, as compared to the hardship imposed upon the landowner, if any, as a result of denial of the application.**

A denial of the application will not provide any gain to the public health, safety, and welfare.

**ATTACHMENTS**

1. Applicants Submittal
2. Public Engagement Materials
3. Adjacent Neighbor Letters of Opposition

**PROFESSIONAL STAFF RECOMMENDATION**

City staff recommends **Approval**.

Respectfully Submitted,



Matthew Barnes, AICP  
Lead Planner

I am requesting a change in zoning from R-7.5 to R 80 for two parcels as after several discussions with city staff, the land use is more appropriately used as falling under R80 uses and codes etc.

First Parcel: Legal Description:

SEC-12 TWP- 48 SEC 32---PT OF NE  $\frac{1}{4}$  SE  $\frac{1}{4}$  DAF: BEG S  $\frac{1}{4}$  COR SD SEC TH S 01 DEG 57 MIN 34 SEC W 298.17' TH S 87 DEG 15 MIN 01 SEC W 359.50' TO TRU POB TH NE 01 DEG 49 MIN 04 SEC E 684.11' TH N 65 DEG 16; MIN 41 SEC W 538.14' TH N 24 DEG 43 MIN 19 SEC E 66.32' TH NLY ALG CURV TO RI RAD 480' ARC DIST 41.43' TH N 29 DEG 40 MIN 02 SEC E 286.30' TH NLY ALG CURV RI RAD 730' ARC DIST 123.30' TH N 39 DEG 20; MIN 41 SEC E 63.57' TH NLY ALG CURV RI RAD 480' ARC DIST 144.44' TH N 56 DEG 35 MIN 08 SEC E 122.49' TH NLY ALG CURV RI RAD 155' ARC DIST 97.46' TH S 87 DEG 23 MIN 13 SEC E 1140' TH S 02 DEG 36 MIN 47; SEC W 692.55' TH S 64 DEG 03 MIN 29 SEC W 1144.21' TH S 01 DEG 49 MIN 04 SEC W 360' TH N 87 DEG 15 MIN 01 SEC W 200' TO TRU POB (KNOWN AS LOT 1 ON CERT SURV T-56 PG-43).

Second parcel: Legal Description:

SEC-12 TWP- 48 SEC 32---PT OF NE  $\frac{1}{4}$  SE  $\frac{1}{4}$  AND PT SW  $\frac{1}{4}$  SEC-07 TWP- 48 RNG-31 DAF: BEG S  $\frac{1}{4}$  COR SD SEC TH S 01 DEG 57 MIN 34 SEC W 298.17' TH S 87 DEG 15 MIN 01 SEC W 559.50' TO TRU POB TH N 01 DEG 49 MIN 04; SEC E 360' TH N 64 DEG 03 MIN 29 SEC E 1144.21' TH N 02 DEG 36 MIN 47 SEC E 150' TH S 87 DEG 14 MIN 21 SEC E 1021.64' TH 02 DEG 55 MIN 42 SEC E 1065.88' TH N 87 DEG 15 MIN 01 SEC W 2124.61' TO TRU POB; (KNOWN AS LOT 4 ON CERT SURV T-56 PG-43)



CASE NUMBER

CPC-2025-00010

ADDRESS OR LOCATION

16001 ESS Road & 7100 Lees Summit Road

**AFFIDAVIT OF SIGN POSTING**

STATE OF Missouri

COUNTY OF Jackson

I, Phil LeVota

and legal age state:

being duly sworn upon my oath and being of sound mind

That I am the owner (agent, owner, attorney) of the lot, tract or parcel of land for which the application was filed and did not later than fifteen (15) days prior to the date of first hearing scheduled for the above-referenced case at the above-referenced location, place a sign upon said lot, tract or parcel of land in compliance with the applicable Notice of Hearing procedures in the Zoning and Development Code.

Phil LeVota

(Print Name)

[Signature]

(Signature)

Subscribed and sworn to before me this 28 day of January, 2025.

[Signature]

Notary Public

**ERIC MUECKE**

Notary Public - Notary Seal  
State of Missouri

Commissioned for Platte County

My Commission Expires: Aug. 2, 2026

18001599

My Commission Expires 8/2/2026

Said sign shall be furnished by the City to the applicant and the applicant shall firmly affix and attach the sign to a wood or metal backing or frame. The sign shall be posted in a fashion visible from a public right-of-way or public place, shall not be further than ten (10) feet from the property line exclusive of the public right-of-way and shall be posted in a manner that the bottom portion of the sign is no further than eighteen (18) inches from the ground. The applicant shall file an affidavit prior to the public hearing stating that said sign has been posted according to these regulations.



**Project Case # CD-CPC-2025-00010**

**Meeting Date: February 18, 2025**

**Meeting Location: 4545 S. Noland Road, Kansas City, MO**

**Meeting Time: Start: 6:00 PM End: 7:00 PM**

**Also by Zoom:**

<https://us02web.zoom.us/j/86998120079?pwd=bVogSvOoA2Y3nP21IHJvQdGN0DwTil.1>

**Additional Comments (optional):**

# Meeting Sign-In Sheet

Rezoning Application 16001 Ess Road & 7100 Lee's Summit

CD-CPC-2025-00010

Name	Address	Phone	Email
Phil LeVoda	16001 ESS RD	816-590-1000	plervoda@yahoo.com
MARSHALL SCOTT	16000 ESS RD	909-228-4855	PSLPVET@aol.com
Shelise W. Hishelwood	16000 ESS RD	951-716-7687	PSLPVET@aol.com
Greg Hummel	15900 ESS RD	916-536-9172	greg.hummel1978@gmail.com
James Ash	7000 Lees Summit Rd	913-522-5438	jamesashotd@gmail.com
STEVE SICKMEYER	16100 ESS RD	816-373-2602	Sarahsickmeyer@gmail.com
Sarah Sickmeyer	16100 Ess Rd	816-373-2602	Sarahsickmeyer@gmail.com
Sherri Brislovich	15395 ESS RD	816-365-5714	SherriBrislovich@gmail.com
Tom Brislovich	15401 ESS ROAD	816-872-9790	tom bear 53 @ gmail.com
TAD WILSON	15650 ESS RD	816-564-7761	tadwilson@aol.com
DANNY POTTS	15500 ESS RD	913 406 0349	POTTSDANNY@HOTMAIL.COM




Kansas City Plan Commission

414 East 12<sup>th</sup> Street

Kansas City, MO 64106

[publicengagement@kcmo.org](mailto:publicengagement@kcmo.org)

February 24, 2025

Re: CD-CPC-2025-00010

Proposed rezoning at 16100 Ess Road

Ladies and Gentlemen:

The application above seeks to change the current zoning for a number of parcels from R-7.5 to R-80. We own, and make our home on, land that abuts these parcels and we are strongly opposed to a change from the long-existing R-7.5 zoning.

The applicant has represented that the Commission staff believes that retaining the long-standing R-7.5 zoning is inappropriate. We don't understand why the staff would take that position. The nature of the neighborhood around the subject property is single family homes. The area across the entire southern border of the property is zoned R-7.5. The only non-residential uses anywhere close are a Girl Scout camp facility down Ess Road and the Lakewood park area and softball fields. There is a church and the Lakewood maintenance facility almost one-half mile south along Lee's Summit Road.

In essence, a ZONING designation is a USE designation. R-80 is a more permissive zoning/use designation. It allows a myriad of uses that are well outside both the current single-family home use restrictions of R-7.5 zoning and the character of the neighborhood. Many of these uses could involve high traffic, large crowds, significant noise, and dense animal populations. The R-80 uses that could exist include large day care centers, animal boarding and breeding, and vet services, event/entertainment venues, cell towers, B&Bs, halfway houses, and even RV parks. While many of these would require additional permits and variances, the point is that none of these USES can ever exist on the land under the present R-7.5 zoning, and we don't want them to be able to become our neighbors in the future. Retaining the R-7.5 zoning does not restrict the property from being used for anything compatible with the single-family home character of the neighborhood. On the contrary, it assures compatibility.

When I retired a few years ago, and Pam and I bought our home on what was once a part of the Stephenson's orchards at the corner of Ess and Lee's Summit Road, we knew the nature of the neighborhood. We would be bordered by existing large, beautiful estates to the north along Ess Road, by the lovely neighborhood of Lakewood to the east, and by a large remaining portion of wooded orchard to the west and south ALL of which (along with our property) was zoned R-7.5. We debated whether we wanted to buy in an area that could be subdivided into "tract" homes but we were comforted by the facts that (1) the uses of the surrounding area would have to be residential and (2) until sewer service was available in the area, home lot sizes would remain large. In essence, the nature of the neighborhood would remain unchanged. We were, and continue to be, much more concerned about the uses of the surrounding land that could be permitted under R-80 zoning than about the potential for single- family home density.

We appreciate that opening the property to the more permissive R-80 use classification probably impacts us more directly than others in the area, as the property in question abuts ours. But, the applicant has been able to build his homesite with the barn, pavilion and other amenities that he wants and that are outside the limitations of R-7.5 by obtaining BZA variances, and to separate his house from these other structures with a separate entrance gate and fencing.

The property in question has been zoned R-7.5 for almost 20 years. It was zoned R-7.5 when we bought our corner and it was zoned R-7.5 when the applicant bought his surrounding property. Given the character of the surrounding neighborhood we believe that R-7.5 zoning is quite appropriate and we have heard no reason supporting a decision to change it and create the opportunity to change the nature of our neighborhood.

Respectfully,

James M. Ash

Cc: Matthew Barnes, via email

Justin Smith, via email

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**Gregory L Hummel**

15900 Ess Road  
Kansas City, MO 64136  
816-536-9172  
greg.hummel8175@gmail.com

24 February 2025

**Kansas City Plan Commission**

City Hall 414 E. 12th Street  
10th Floor  
Kansas City, MO 64106  
[publicengagement@kcmo.org](mailto:publicengagement@kcmo.org)

Re: Case number CD-CPC-2025-00010      Phil LeVota Rezoning Request  
Following address 16001 Ess Road and 7100 Lee's Summit Road

Ladies and Gentlemen;

I send this summation of my and our neighbors' opposition to the above attempt by Mr. LeVota (and any future owner) to rezone property from the present R7.5 to R80. These objections were shared at Mr. LeVota's Public Meeting Tuesday, February 18, 2025.

We are a neighborhood of large acre homes/estates formed as a development over 35 years ago that included restrictions and covenants "tied to the land". We did this to create and preserve an environment in keeping with single family use and consistent with the stated purpose of Kansas City zoning (88-110-02 Ord#220997): "to maintain the desired physical character of EXISTING and developing neighborhoods...to ensure that new development is COMPATIBLE with the neighborhood..the regulations offer certainty for property owners, developers and neighbors about the limits of what is allowed."

Over the last 35 years NONE of us have used our land for any of the activities allowed with R80 zoning. We are a de facto R7.5 neighborhood and have spent thousands of hours and millions of dollars (including city taxes) to create and maintain the same expectations/environment as existed when we bought our land and built our homes across from the Stephenson's Orchards. It was the same desire and expectation which resulted in our neighborhood alliance asking the city to, and achieving rezoning of those lands (south of Ess Road) from R80 to R7.5 when developers purchased the land in early 2000s. We felt

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then, now and for the future that R7.5 zoning is compatible with our long established neighborhood character, restrictions and covenants, and our 35 year historical land usage. This IS the neighborhood along Ess Road adjacent to Mr. LeVota's property.

We oppose R80 because its permitted uses could include: commercial or large scale events center, dog/horse boarding stables-kennels, RV park, B&B and cell towers, among others. These are incompatible with our neighborhood usage history and would dramatically impact our property values and living areas in negative fashion. The security issues (with unknown/unsupervised nonresidents usage) as well as traffic, congestion, noise and smell from such R80 usage above has no buffer from our properties.

Ess Road is a small country road with 1 lane bridges and single lane sections as well as limited line of sight/blind curves. It is NOT suited for the traffic volume that would occur with R80 land uses.

We are concerned with other motives that may be behind this request for rezoning to R80. Any reasonably prudent person should've known when he purchased the property it was zoned R7.5; and the R7.5 inherent restrictions regarding building size and other site development or construction limitations. A disturbing pattern has emerged on this property with the construction of buildings close to Ess Road without pre approval/permits. This has resulted in a repetitive pattern of requesting variances "after the fact" because R7.5 allowances/restrictions are exceeded. A concern exists that the request for R80 can be utilized to circumvent the oversight that R7.5 mandates. In doing so, this would allow further site development, building size/placement without neighborhood notification, recourse for input, or correction that R7.5 provides. R80 would allow construction of other similar or larger sized structures more appropriate for truly rural areas, not in a long established residential neighborhood.

We also feel these outbuildings are very compatible with just the R80 uses we oppose. The entire area plan-site appearance and size also argues for easy "R80 usage" now; despite Mr. LeVota's assurances. What if "tomorrow" he changes his mind, leaving us no recourse to prevent that R80 use? The problem is magnified in the event any future owner; despite Mr. LeVota's "prior assurances", wanted to, could easily use those same outbuildings-area for high density public event activities or high volume animal presence and other R80 uses.

The present R7.5 zoning does not place any undue hardships on Mr. LeVota (other than correcting the problem he created in violating code by already constructing non permitted/ code variant outbuildings). R7.5 would not limit his single family home size or R7.5 usages consistent with his adjacent

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surrounding neighborhood's multi decade use history. It would not prevent him from sub-developing his property (as he has evidently already submitted a proposal to the city) even including large estates keeping that R7.5 as well.

We understand R80 rezoning would allow large cost avoidance in improving/paving access to a gas-petroleum line easement as well as the several driveways off Ess and Lee's Summit Roads onto his property that R7.5 requires; versus much less cost if rezoned to R80. Any reasonably prudent person surely would have known the petroleum line was on his property and the R7.5 zoning requirement when he purchased the land.

Mr. LeVota has stated he wants the rezoning to R80 because "there is almost all R80 zoning entirely around these parcels so the change will just get the property back to the most appropriate zoning requirements". We feel this is self-serving and inaccurate. The entire northern border ("Ess Road Alliance") has a documented 35+ years of property titled with covenant-restrictions (tied to the land) and resultant historical usage consistent with R7.5 not R80. The eastern border is R7.5 and the Lakewood development across Lee's Summit Road. The southern border is already R7.5 (and further towards University Hospital: R1). The western border are "Ess Road Alliance" associate's homes and Camp Prairie Schooner (Girl's Scout Camp). NONE of the above allow/exhibit R80 uses.

We are also submitting a "Formal Protest Petition"; such is the strength of our resolve.

We have also realized through this process, the presence of an archaic R80 zoning status that covers our development property. This R80 zoning does NOT represent our past use or future desires as clearly outlined above. We are exploring optional solutions.

Please leave the "LeVota property" and the other existing R7.5 zoned property unchanged.

The neighbors listed with addresses below have shared the above accurately reflects their position in OPPOSITION to the rezoning request.

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Submitted on behalf of the neighbors listed below:

Gregory and Ann Hummel

15900 Ess Road

Danny and Gina Potts

15500 Ess Road

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Tom and Sherri Berislavich

15395 Ess Road

Marshall and Sherise Scott

16000 Ess Road

Steve and Sarah Sickmeyer

16100 Ess Road

Mark and Mary Ann Westhues

16200 Ess Road

James and Pamela Ash

7600 Lee's Summit Road

Joe and Sharon Tamborella

4393 NW Lee's Summit Road

Meghan Donohoe and Talal Asif

16400 Poplar

Cc: Hon. Darrell Curls 5th District Councilman Kansas City,MO

Sent to: [rita.berry@kcmo.org](mailto:rita.berry@kcmo.org)

Matthew Barnes [matthew.barnes@kcmo.org](mailto:matthew.barnes@kcmo.org)

Alec Gustafson [alec.gustafson@kcmo.org](mailto:alec.gustafson@kcmo.org)