

The City of Lee's Summit
Action Letter
City Council - Regular Session

Tuesday, December 3, 2019

6:30 PM

City Council Chambers

City Hall

220 SE Green Street

Lee's Summit, MO 64063

(816) 969-1000

REGULAR SESSION NO. 44

Preliminaries:

- A. Invocation
- B. Pledge of Allegiance
- C. Call to Order

Mayor Baird called Regular Session No. 44 to order at 6:34 p.m.

- D. Roll Call

Present: 8 - Mayor Bill Baird
Councilmember Rob Binney
Councilmember Fred DeMoro
Councilmember Phyllis Edson
Councilmember Craig Faith
Councilmember Diane Forte
Councilmember Bob Johnson
Councilmember Beto Lopez

Absent: 1 - Councilmember Trish Carlyle

1. Approval of Agenda

Before approval of the agenda, Mayor Baird removed agenda item 6A, Bill No. 19-265.

ACTION: A motion was made by Councilmember Forte, seconded by Councilmember DeMoro, to approve the agenda as amended by Mayor Baird. The motion carried by the following vote:

Aye: 8 - Mayor Baird
Councilmember Binney
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Johnson
Councilmember Lopez

Absent: 1 - Councilmember Carlyle

2. Approval of Consent Agenda:

ACTION: A motion was made by Councilmember DeMoro, seconded by Councilmember Lopez, to adopt the Consent Agenda. The motion carried by the following vote:

Aye: 8 - Mayor Baird
Councilmember Binney
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Johnson
Councilmember Lopez

Absent: 1 - Councilmember Carlyle

A. [2019-3150](#) Approval of Action Letters from November 5th, 12th and 19th, 2019.

A motion was made by Councilmember DeMoro, seconded by Councilmember Lopez, to approve the November Action Letters as part of the Consent Agenda. The motion carried by the following vote:

Aye: 8 - Mayor Baird
Councilmember Binney
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Johnson
Councilmember Lopez

Absent: 1 - Councilmember Carlyle

B. [BILL NO. 19-248](#) An Ordinance approving a Special Use Permit renewal for a mini-warehouse outdoor storage facility in District PI on land located at 3920 SW M-291 Hwy, existing Storage Mart all in accordance with the provisions of Chapter 33, The Unified Development Ordinance of Lee's Summit Code of Ordinances, for the City of Lee's Summit, Missouri.

(Note: First reading by Council on November 17, 2019. Passed by unanimous vote.)

A motion was made by Councilmember DeMoro, seconded by Councilmember Lopez, that Bill No. 19-248 be adopted and numbered Ordinance No. 8776 as part of the Consent Agenda. The motion carried by the following vote:

Aye: 8 - Mayor Baird
Councilmember Binney
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Johnson
Councilmember Lopez

Absent: 1 - Councilmember Carlyle

- C. [BILL NO. 19-260](#) An Ordinance accepting Final Plat entitled Lee's Summit Airport, Lots 1-4, as a subdivision to the City of Lee's Summit, Missouri.
(Note: First reading by Council on November 17, 2019. Passed by unanimous vote.)

A motion was made by Councilmember DeMoro, seconded by Councilmember Lopez, that Bill No. 19-260 be adopted and numbered Ordinance No. 8777 as part of the Consent Agenda. The motion carried by the following vote:

Aye: 8 - Mayor Baird
Councilmember Binney
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Johnson
Councilmember Lopez

Absent: 1 - Councilmember Carlyle

3. Council Roundtable

Councilmember Binney congratulated the Mayor for his Christmas Tree Lighting Ceremony. He said it was a nice event and everyone had a good time. He then reminded Jackson County residents the treasury office at City Hall is accepting tax payments for those wanting to pay in person. They will increase their hours of operation to 7:00 a.m. to 6:00 p.m. during the last week of December. The city receives 1% from the county for collecting tax payments. He then asked everyone to consider giving their time, or treasure, to a charitable organization to help make the community a better place.

Councilmember Forte shared some updates from Lee's Summit Cares. Lee's Summit area residents dropped off nearly 900 pounds of medication during October's National Drug Take Back Day. Since 2013 there has been a 30% increase of youths reporting they have thriving levels of assets in their lives. That is up 8% in 2013 to 20% in 2019 and there has been a 36% decrease in the number of youth reporting the lowest level of assets in their lives from 14% in 2013 to 9% in 2019.

Mayor Pro Tem Lopez commended everyone that was involved in organizing the Mayor's Tree Lighting Ceremony. He also thanked the citizens for making it a very special night. He said the quality of life and the spirit of the neighborhood in Lee's Summit is really special. He then commented the previous week was the Strategic Plan Kick off meeting and the City Council Chambers were packed with citizen volunteers on a cold Monday night during the holiday season. He stated it was an awesome showing of interest and caring from the citizens and stakeholders in this community.

Mayor Baird stated he is really looking forward to seeing Councilmembers at the many upcoming community partners events.

4. Public Hearings:

- A. [2019-2911](#) Continued Public Hearing: Application #PL2019-020 - Rezoning from RP-2 to RP-3 and Preliminary Development Plan - Burton Townhomes, 408 & 500 NW Olive Street; Cherokee Flight, LLC, applicant.
(Note: This application was continued from July 23, 2019 pending an additional hearing at the Planning Commission. This item is to be continued to December 3, 2019 per the applicants request. This application has been withdrawn.)

This matter was withdrawn

- B. [2019-3140](#) Public Hearing: Application #PL2019-305 - Preliminary Development Plan - Main Orchard, 510 NE Main Street and 6 NW Orchard Street; Engineering Solutions, LLC, applicant.

Exhibit A, List of exhibits 1-24 were entered into the record.

City Council discussions included:

- The Developer owns property in downtown Lee's Summit but does not live there
- Sidewalks
- Deep ditch on Orchard side is the reason for the payment in lieu of taxes (PILOTS)
- Dimensions of proposed lots
- The individual lot owners will pick their builder
- Some buyers won't like the older floor plans
- Some builders won't like the proposed materials
- If the lots are sold but the buyer wants to build a more contemporary home, would they need to come before Council to request a modification - Yes
- Unimproved road policy improvements were not triggered by the trips generated by this development

There were no speakers in favor of, or opposed to, this application.

- 1) [BILL NO. 19-261](#) An Ordinance approving a Preliminary Development Plan, located at 510 NE Main Street and 6 NW Orchard Street in District RP-2, proposed "Main Orchard" in accordance with the provisions of Chapter 33, The Unified Development Ordinance of Lee's Summit Code of Ordinances, for the City of Lee's Summit, Missouri. (Note: First reading by Council on December 3, 2019. Passed by unanimous vote.)

ACTION: A motion was made by Councilmember Lopez, seconded by Councilmember Forte, that Bill No. 19-261 be advanced to second reading. The motion carried by the following vote:

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Aye: 8 - Mayor Baird
Councilmember Binney
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Johnson
Councilmember Lopez

Absent: 1 - Councilmember Carlyle

- C. [2019-3144](#) Public Hearing: Application #PL2019-307 - Rezoning from AG and R-1 to RP-3 and Preliminary Development Plan - Osage, approximately 32 acres located at the southwest corner of SW M-150 Hwy and SW Pryor Road; Clayton Properties Group, Inc., applicant.

Exhibit A, list of exhibits 1-20 were entered into the record.

City Council discussions included:

- Types of Materials
- Setbacks will fit in RP3 zoning
- HOA controls the build out
- Who controls the HOA
- Number of 4-plex units
- Density of phase one
- Square footage and price points
- All will have basements and 2 car garages
- More single family in all phases
- Could investors buy up the units
- Sidewalks on both sides of the streets
- Lot dimensions of duplex and single family homes
- Zoning for lot size
- Price point for duplexes compared to Arborwalk
- Parking
- Upgrade of amenities
- M150 overlay
- Major intersection and major gateway

There were no speakers in favor of, or opposed to, this application.

- 1) [BILL NO. 19-262](#) An Ordinance approving a rezoning from District AG and R-1 to District RP-3 and Preliminary Development Plan for approximately 32 acres located at southwest corner of SW M-150 Highway and SW Pryor Road, proposed Osage in accordance with the provisions of Chapter 33, the Unified Development Ordinance of Lee's Summit Code of Ordinances, for the City of Lee's Summit, Missouri. (Note: First reading by Council on December 3, 2019.)

ACTION: A motion was made by Councilmember Johnson, seconded by Councilmember Faith, that Bill No. 19-262 be advanced to second reading. The motion carried by the following vote:

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Aye: 6 - Mayor Baird
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Johnson
Councilmember Lopez

Nay: 2 - Councilmember Binney
Councilmember Forte

Absent: 1 - Councilmember Carlyle

- D. [2019-3137](#) Public Hearing: Application #PL2019-359- Unified Development Ordinance (UDO) Amendment - Changes to Article 1 - General Provisions, Article 2 - Applications and Procedures and Article 8 - Site Design to create an administrative reasonable accommodation process and reference ADA design standards in the International Building Code; City of Lee's Summit, applicant. Exhibit A, list of exhibits 1-10 were entered into the record.

City Council discussions included:

-Do Architects charge extra to route ADA exits

There were no speakers in favor of, or opposed to, this application.

- 1) [BILL NO. 19-263](#) An Ordinance approving application #PL2019-359 - Unified Development Ordinance (UDO) Amendment Changes to Article 1 - General Provisions, Article 2 - Applications and Procedures and Article 8 - Site Design to create an administrative reasonable accommodation process and reference ADA design standards in the International Building Code; City of Lee's Summit, applicant. (Note: First reading by Council on December 3, 2019. Passed by unanimous vote.)

ACTION: A motion was made by Councilmember Faith, seconded by Councilmember DeMoro, that Bill No. 19-263 be advanced to second reading. The motion carried by the following vote:

Aye: 8 - Mayor Baird
Councilmember Binney
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Johnson
Councilmember Lopez

Absent: 1 - Councilmember Carlyle

- E. [2019-3131](#) Public Hearing: Residences at Echelon Amendments to Chapter 100 Industrial Development Project.

City Council discussions included:

- 2019 PILOTS amount for an apartment complex today
- Procedure and policy

There were no speakers in favor of, or opposed to, this application.

- 1) [BILL NO. 19-264](#) An Ordinance approving an Amended and Restated Plan for an Industrial Development Project for Residences at Echelon, approving the issuance of an additional \$9,000,000 of Industrial Development Revenue Bonds for the Project, and approving the amendment of certain documents in connection therewith. (Note: First reading by Council on December 3, 2019.)

ACTION: A motion was made by Councilmember Johnson, seconded by Councilmember DeMoro, that Bill No. 19-264 be advanced to second reading. The motion carried by the following vote:

Aye: 7 - Mayor Baird
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Johnson
Councilmember Lopez

Nay: 1 - Councilmember Binney

Absent: 1 - Councilmember Carlyle

5. Public Comments:

Mr. Dale Coy addressed the City Council regarding Bill No. 19-265.

6. Proposed Ordinances Forwarded from Committee:

- A. [SUBSTITUT E BILL NO. 19-265](#) An Ordinance amending Chapter 19 Parks and Recreation of the Code of Ordinances of the City of Lee's Summit dealing generally with incorporating new definitions and modifying existing definitions, and amending language related to curfew in parks and as well as language regarding the prohibition of animals at the municipal pool. (CEDC 11/13/19)

Mayor Baird removed this item prior to the approval of the agenda.

7. Proposed Ordinances - First Reading:

- A. [BILL NO. 19-266](#) An Ordinance approving the Second Amendment to the Cooperative Agreement among the City of Lee's Summit, Missouri, The New Longview Transportation Development District and M-III Longview, LLC. (Note: First reading by Council on December 3, 2019. Passed by unanimous vote.)

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Forte, that Bill No. 19-266 be advanced to second reading. The motion carried by the following vote:

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Aye: 8 - Mayor Baird
Councilmember Binney
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Johnson
Councilmember Lopez

Absent: 1 - Councilmember Carlyle

- B.** [BILL NO. 19-267](#) An Ordinance approving the Cooperative Agreement among the City of Lee's Summit, Missouri, the New Longview Community Improvement District and M-III Longview, LLC. (Note: First reading by Council on December 3, 2019.)

ACTION: A motion was made by Councilmember DeMoro, seconded by Councilmember Lopez, that Bill No. 19-267 be advanced to second reading. The motion carried by the following vote:

Aye: 7 - Mayor Baird
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Johnson
Councilmember Lopez

Nay: 1 - Councilmember Binney

Absent: 1 - Councilmember Carlyle

- C.** [BILL NO. 19-268](#) An Ordinance approving the Redevelopment Contract and Lease Agreement between the City of Lee's Summit, Missouri, and DTLS Apartments, LLC, to implement the 2nd and Douglas Tax Increment Financing Plan and the 2nd and Douglas LCRA Redevelopment Plan. (Note: First reading by Council on December 3, 2019. Passed by unanimous vote.)

ACTION: A motion was made by Councilmember Lopez, seconded by Councilmember Forte, that Bill No. 19-268 be advanced to second reading. The motion carried by the following vote:

Aye: 8 - Mayor Baird
Councilmember Binney
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Johnson
Councilmember Lopez

Absent: 1 - Councilmember Carlyle

- D.** [BILL NO. 19-269](#) An Ordinance vacating certain utility easements located at 1695 SE Decker Street and 60 SE Thompson Drive in the City of Lee's Summit, Missouri. (Note: First reading by Council on December 3, 2019. Passed by unanimous vote.)

ACTION: A motion was made by Councilmember Johnson, seconded by Councilmember Binney, that Bill No. 19-269 be advanced to second reading. The motion carried by the following vote:

Aye: 8 - Mayor Baird
Councilmember Binney
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Johnson
Councilmember Lopez

Absent: 1 - Councilmember Carlyle

8. Committee Reports

Councilmember Faith advised twelve bills were recommended for approval to the City Council by Public Works Committee.

Councilmember Edson stated Friday, December 6, 2019 at 7:30 a.m. Lee's Summit is hosting a breakfast for neighboring City Council, Mayors and City Managers.

Councilmember Johnson mentioned there is a Finance and Budget Committee meeting scheduled for Monday, December 9, 2019 at 5:30 p.m. but it is unknown if there will be a quorum.

9. Council Comments:

Mayor Baird asked the City Council if anyone is using the printer friendly meeting packets on the website. All Councilmembers responded no and Mayor Baird advised the City Clerk's office this option is no longer needed. Mayor Baird then asked the City Council if anyone is using I-Legislate. Two Councilmembers responded yes and six Councilmembers responded no.

Councilmember Johnson reported having problems with the printer in the Councils work area.

10. Staff Roundtable

Police Chief Forbes stated he recently had the honor of representing the greater Kansas City Metropolitan Chiefs and Sheriffs Association in handing out awards for valor. They are very distinguished law enforcement awards, the highest level of recognition you can get in the area. Sergeant Brad Anders recieved the bronze award for the safe passage program which is drug and alcohol treatment program made available through the police department.

Josh Johnson thanked an Animal Control officer for her professionalism when she called to inform him their family cat had been hit be a car.

11. Adjournment

There being no further business, Mayor Baird adjourned Regular Session No. 44 at 8:57 p.m.

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Unless determined otherwise by the Mayor and City Council, no new agenda items shall be considered after 11:00 p.m.