

Packet Information

File #: 2019-2746, **Version:** 1

Public Hearing: Application #PL2019-058 - Unified Development Ordinance (UDO) Amendment #4 - Article 6 Use Standards - Division III Special Use Permits - Subdivision 2 Specified Special Uses - amendment to the regulations for telecommunication towers/antennas; City of Lee's Summit, applicant.

(NOTE: This item is to be continued to June 18, 2019 per Staff's request.)

Issue/Request:

Development Services and Legal staff have identified three areas of our telecommunications ordinance that could be improved; these include, amateur radio towers, the co-location definition and our general liability insurance requirements.

Background:

Recent changes to the state statutes for wireless communications have prompted staff to examine our existing standards in the UDO. The first area addresses amateur radio towers. Currently the ordinance does not restrict the placement of an amateur radio tower if it is under 70 feet in height. Staff is proposing the towers also meet a setback requirement equal to their height to abutting structures. This protects the character of our established neighborhoods while allowing a full 70' tower on larger lot properties.

The second change is a re-write of our co-location requirements. The content has not changed, rather the title was changed from Administratively Approved Uses to Co-location and it was reorganized to clarify what constitutes a co-location.

Finally, a sentence was added to our requirement for general liability insurance further protecting the City from damages.

Hector Soto Jr., Planning Manager

Recommendation: Staff recommends **APPROVAL** of the UDO amendment to Article 6 as presented.

Committee Recommendation: On a motion by Mr. Funk, seconded by Mr. Sims, the Planning Commission unanimously voted on May 9, 2019, to recommend APPROVAL of Appl. #PL2019-058 - Unified Development Ordinance (UDO) Amendment #4 - Article 6 Use Standards - Division III Special Use Permits - Subdivision 2 Specified Special Uses - amendment to the regulations for telecommunication towers/antennas; City of Lee's Summit, applicant.

BILL NO. 19-**

AN ORDINANCE APPROVING APPLICATION #PL2019-058 UNIFIED DEVELOPMENT ORDINANCE (UDO) AMENDMENT #4, ARTICLE 6 USE STANDARDS – DIVISION III SPECIAL USE PERMITS – SUBDIVISION 2 SPECIFIED SPECIAL USES - SECTION 6.1200 TELECOMMUNICATION TOWERS/ANTENNAS; CITY OF LEE'S SUMMIT APPLICANT.

WHEREAS, the Unified Development Ordinance (UDO) was originally adopted by the City Council as Ordinance No. 5209 on September 6, 2001, which has been amended numerous times and recodified in its entirety by the adoption of Ordinance No. 8443 and is incorporated into the City's Code of Ordinances through Section 33-1 of the Code; and,

WHEREAS, Application #PL2019-058, proposing an amendment to Article 6 Use Standards – Division III Special Use Permits – Subdivision 2 Specified Special Uses - Section 6.1200 Telecommunication Towers/Antennas was filed; and,

WHEREAS, the Community and Economic Development Committee considered the proposed UDO Amendment to Article 6 Use Standards – Division III Special Use Permits – Subdivision 2 Specified Special Uses - Section 6.1200 Telecommunication Towers/Antennas on ~~February 13, 2019~~, and authorized the amendments to be advertised for public hearings; and,

WHEREAS, after due public notice in the manner prescribed by law, the Planning Commission held a public hearing for Application #PL2019-058 on ~~January 10, 2019~~ and rendered a report to the City Council recommending that the proposed amendment to Article 6 Use Standards – Division III Special Use Permits – Subdivision 2 Specified Special Uses - Section 6.1200 Telecommunication Towers/Antennas be approved; and,

WHEREAS, after due public notice in the manner prescribed by law, the City Council held a public hearing on Application #PL2019-058 on ~~February 5, 2019~~ and,

WHEREAS, the City Council determined that the proposed UDO amendment contained in Application #PL2019-*** would serve the interests of the citizens of Lee's Summit.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEE'S SUMMIT, MISSOURI, as shown on the attached copy, appended hereto and made a part hereof.

SECTION 1. That Article 6 Use Standards – Division III Special Use Permits – Subdivision 2 Specified Special Uses - Section 6.1200 Telecommunication Towers/Antennas of the Unified Development Ordinance, is hereby amended in the manner shown on the copy appended hereto as Exhibit "A" and incorporated herein by reference.

SECTION 2. That it is the intention of the City Council and is hereby ordained that the provisions of this Ordinance shall become and be made a part of the UDO, and the sections of this Ordinance and the UDO may be renumbered as appropriate to accomplish such intention.

SECTION 3. That this ordinance shall be in full force and effect from and after the date of its passage, adoption, and approval by the Mayor.

BILL NO. 19-**

PASSED by the City Council of the City of Lee's Summit, Missouri, this _____ day of _____, 2019.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said city this _____ day of _____, 2019.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*

The City of Lee's Summit
Action Letter - Draft
Planning Commission

Thursday, May 9, 2019
5:00 PM
City Council Chambers
City Hall
220 SE Green Street
Lee's Summit, MO 64063

Call to Order

Present: 6 - Board Member Jason Norbury
Board Member Don Gustafson
Board Member Donnie Funk
Board Member Jeff Sims
Board Member John Lovell
Board Member Mark Kitchens

Absent: 3 - Board Member Carla Dial
Board Member Dana Arth
Board Member Jake Loveless

Roll Call

Approval of Agenda

A motion was made by Board Member Funk, seconded by Board Member Gustafson, this agenda be approved. The motion carried unanimously.

Public Comments

There were no public comments at the meeting.

Approval of Consent Agenda

[TMP-1216](#) Appl. #PL2019-124 - FINAL PLAT - Summit Orchard, Lot 4A-4E; Townsend Summit, LLC, applicant

A motion was made by Board Member Funk, seconded by Board Member Sims, that this application be recommended for approval to the City Council - Regular Session, due back on 5/21/2019. The motion carried unanimously.

[2019-2740](#) Minutes of the April 25, 2019, Planning Commission meeting

A motion was made by Board Member Funk, seconded by Board Member Sims, that the minutes be approved. The motion carried unanimously.

Public Hearings

[2018-2219](#) Continued Appl. #PL2018-101 - REZONING from PI to PMIX and PRELIMINARY DEVELOPMENT PLAN - Woodland Glen, approximately 24 acres located at the northeast corner of SW Ward Rd and SW Scherer Rd; John Duggan, applicant

Chairperson Norbury opened the hearing at 5:01 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Mr. John Duggan, the applicant, gave his address as 9101 110 Street, Ste. 200 in Overland Park, KS. He stated that this application for a rezoning and preliminary plan was a revision to the Woodland Glen subdivision. Early platting and applications for development were done in 2000, between April 11th (preliminary plat approved) and September 21st (rezoning, preliminary development plan and final plat), with about 36 acres now platted. Mr. Duggan had bought the subject property about a year ago, and had decided that some of the original plan was not well suited to today's market, including the improvements to Scherer Road that would be necessary and the condominiums that were in the development's multi-family part. Tonight's application would be for the last phases.

Mr. Duggan displayed the PDP that Schlager and Associates had done, pointing out the single family component. The previous plan had been for cul-de-sacs extending down into a wooded area with a creek, which would not have been practical; and this part was now divided into two large wooded lots, lots 11 and 12, running adjacent to Ward Road. Other single family residential lots would be along a future extension of Heartwood Road. The attached villas would be accessed by the entryway off Ward Road; but mostly conformed to the previous plan. The rezoning request substantially reduced the level of density that was previously approved, by about one unit per acre. The planned development would be in addition to what was already in place in the subdivision. That would include building out some of the existing lots. Two spec homes that were planned would meet all the same architectural requirements in the single family and villa areas. The 24 acres had a total density reduction of 34 units.

Mr. Duggan summarized that these changes had created the two large wooded lots along Ward Road, eliminated the cul-de-sacs, keeping the planned lots along Heartwood and extending it to run adjacent and parallel to Ward. That created the space for the twin villas that would replace the previously planned condominiums. The single family area was kept distinct and separate, with its own homeowners association, which would not include the twin villa neighborhood. He had emphasized this last month, in talking with the neighboring homeowners.

Following Mr. Duggan's presentation, Chairperson Norbury asked for staff comments.

Mr. Soto entered Exhibit (A), list of exhibits 1-19 into the record. He gave some background for the original plan, and explained how it compared with the PDP the applicant was proposing. He displayed slides of aerial and zoning maps, noting that the yellow-dashed border identified the two areas pertaining to the plan. The single family component was generally south of Winthrop, extending a little north on the east side; with the attached multi-family ('twin') villas. Another five acres, outlined in red on the map, were to be rezoned from PI (Planned Industrial) and PMIX to all PMIX. The southern part of this property, plus a narrow piece off the far east edge, were also zoned PI.

In 2000 Mr. Larry Barcus, the original developer, came forward with a plan for Woodland Glen. He was in control of all the property, as shown in lavender on one of the maps, but not the gray portion shown at the north end. At that time the planned zoning designation was PUD (Planned Unit Development). At present, the applicant did have control over that area and the plan included its development. In 2000 the zoning in the original plan was R-1. The development would be a total 194 dwelling units, including single family estate lots, more standard sized single family lots, attached villas and multi-family development ranging from duplexes to 'five-plexes' as well as apartments at the far northern end. Two buildings had 16 units and other two had 12 units each. To date, 87 home sites had been platted, mostly off Hedgewood Lane. Mr. Soto pointed out the location of the detached single family residential portion. The properties extending out just east of Heartwood were detached single family

villas, which had turned out to sell better than the multi-family options. Of the 87 lots platted to date, 69 of them had been developed. The original plan showed 17 acres of single family estate lots, 7 acres of detached single family lots, and a total 19 acres of attached villas, with apartments to the north. The average was 3.25 units per acre.

Tonight's application involved mostly 24 acres on the west side. The 63 units would include 17 single family lots and 23 two-family villas, for an average density of 2.62 units per acre. The displayed site plan showed the single family lots mostly south of Winthrop Drive, and the multi-family lots north of Winthrop and along Ward Road. The sample elevations shown on the next slide used stone and stucco with composition roofs.

Woodland Glen residents had submitted protest petitions to the City. These petitions had been received before the applicant had hosted the neighborhood meeting; so some of the concerns had been addressed. They'd had traffic safety concerns about the SW Scherer Road and SW Heartwood Drive intersection. Some were protesting the proposed lot sizes relative to existing developed lots, as well as what would be done with lots 11 and 12 along Ward Road. The new plan eliminated the apartments and had added mostly single family lots and attached villa units. This was consistent with a planned mix of residential types, including multi-family components. The total number of units had been reduced, and the overall density reduced from 3.25 units per acre to 2.34 units per acre.

Staff found the proposed rezoning and plan consistent with the existing development and with the Comprehensive Plan's recommended land use. They recommended approval of the proposed rezoning and PDP, subject to two conditions. One required that development to be consistent with the preliminary plans submitted to the City between September 2018 and February 2019; with development standards such as lot area and setbacks consistent with what the plan showed. The second condition required the development to be "subject to the recommended road improvements outlined in the Transportation Impact Analysis prepared by Michael Park, dated October 3, 2018." One of these improvements addressed the concerns residents had brought up about the Scherer/ Heartwood intersection. It was a three-way stop, with limited sight distance across. The TIA recommended improvements to these sight distance problems before the City issued any building permits. The required improvements would also include an eastbound left-turn lane.

Following Mr. Soto's comments, Chairperson Norbury asked if there was anyone present wishing to give testimony, either in support for or opposition to the application.

Mr. George Owen gave his address as 1631 SW Heartwood Drive. He and Mrs. Sharon Owen had purchased their home in 2005. He observed that the neighbors who had wanted to speak out about their concerns had experienced more than one continuance of this application, one of them on the day of the Commission meeting. They did appreciate the City requiring the developer to meet with the homeowners and he did not believe that the developer would have met with them otherwise. They were concerned about increase of traffic into the development from Scherer Road. The main entryway off Ward was the other concern. By covenant the homeowners were responsible for maintenance of the paver entryway, although the road itself was public. They did not want this part of the entry to be damaged by heavy equipment during the construction phase; and wanted to know who would be responsible for repairs if this happened. Additionally, the entry road itself was called "Winthrop" but the entry to the attached villa area was called "Winthrop Circle." To access it, a driver had to come through the main entry and then turn north; and the residents asked that the Winthrop Circle entry be closed during the construction phase. Equipment could be brought in via 14th Street as well as two other existing entry points on Ward where homes had formerly been. Mr. Owen acknowledged that the barrier should conform to accessibility for emergency vehicles.

Mr. James Green gave his address as 1433 SW Heartwood Terrace, stating that he had Mrs. Tonya Green had been Woodland Glen residents for 14 years. He wanted some information

about maintenance of the new buildings. Over the past year or 18 months, the developer had not been negligent about mowing the undeveloped property and the lots for sale. Quite often, mowing was not done until a resident contacted the City with a complaint. The first mowing of the season had been done only yesterday, and the properties had been seriously overgrown. Additionally, one 'estate' lot behind his home had a large pile of downed tree limbs, paint cans and other trash such as gravel and plastic. About ten years ago he had contacted the previous developer, and eventually the City, about another, similar pile that was mostly construction debris and had generated a serious problem with rats. He wondered why a developer would allow this kind of nuisance on a lot he planned to eventually sell and develop.

Ms. Cynthia Hernandez gave her address as 1376 SW Heartwood Drive. She wanted to know if the TIA included the increased traffic that the attached villas would create at the Ward/Persels intersection. This was actually two signaled intersections back-to-back; and she had learned from a Lee's Summit police officer that high traffic was an issue there. Three weeks ago, her boyfriend had been in an accident at that intersection that had totaled his car. Drivers turning onto 14th Street would have to deal with increased congestion unless they had a separate left-turn lane. At present, drivers turning left had only about 6 seconds of a green light. Ms. Hernandez also wanted to know why the zoning would be changed to PMIX when the development was a residential one. She was concerned about this zoning designation allowing non-residential uses, and she noted that the development across the road at Ward and Persels was zoned R-1. Concerning lots 11 and 12, the developer had just called them 'wooded lots'; but the PDP did not give any information about what would eventually be built there and she wanted to see some indication that these would be residential development only. Ms. Hernandez also asked about the attached villas having a separate homeowners association, raising concerns about the separate HOAs having inconsistencies with property maintenance and restrictions. There would be a shared entrance and she wanted to know how the two HOAs would share the cost of maintaining the entrances and landscape islands. She had heard that the different HOAs would have the same restrictions. She asked that the plan for the attached villas to include some type of fence or landscaping buffer in the back, down to 14th Street. A wrought iron fence at the corner of Ward and Scherer Road that ran on the east side of Ward, and she was asking for some consistency of both sides of Winthrop.

Mr. Buddy Hendricks gave his address as 1604 SW Hedgewood Lane. Concerning lots 11 and 12, he asked that the entries to these lots along Heartland Drive be replaced. He pointed out their location on a displayed map, noting that the adjacent lots had been reduced in size. These would reduce the width of any house that could be placed on these lots, and asked that the original sizes be restored. He noted that the HOA currently required a minimum square foot area for the first level of houses on these lots. Mr. Hendricks also wanted some assurance that the attached villas would follow the HOA requirements, including construction and building materials. He also asked that dues for both HOAs be used for maintenance of common ground and that dues included a common trash disposal company. If the new developer did decide to deed the residents some of that common ground to maintain and clean up, they wanted to be sure that the ground was in good condition when they assumed responsibility. At present, there was a lot of debris, especially from trees downed over the winter.

Mr. Gary Sears gave his address as 1512 SW Hedgewood Lane. Referring to Mr. Owen's suggestion to temporarily block off Winthrop Circle, he asked that once it was re-opened, traffic into the other proposed new lots come through 14th Street and Winthrop Terrace instead of the entryways on Scherer and Ward. Concerning the reference to brush piles, Mr. Sears stated that this was not a minor cleanup. Some very large trees were down and needed to be removed. He also wanted some details on what facades would be on the front and sides of the attached villas, explaining that the residents had heard conflicting information as to whether the villas would have four-sided architecture or stucco on the front sides only. He also wanted to see cost sharing if there were to be two separate HOAs, and a definite choice

of just one trash hauler.

Chairperson Norbury then asked if the Commission had questions for the applicant or staff.

Mr. Funk asked what the price range would be, specifically for the villas. Mr. Duggan answered that the design was for about 1,100-1,200 square feet for a main level of a 2-bedroom unit, with a finished basement. On today's market he doubted they could be sold for anything less than \$300,000 to \$325,000. He added that he would probably eventually sell these lots to a builder, so he did not plan to put restrictions on rents if the market dictated going to rentals. He added that he had made it clear to the homeowners that these would not have stucco on all four sides. A mix of stucco and stone would be on the front with regular siding on the other three sides.

Mr. Funk then asked for some details about the required improvements to the Heartwood/Scherer intersection. Mr. Duggan responded that according to City staff, that intersection needed to be lowered. The preliminary plat that he had submitted did not show Heartwood going all the way through the project. Several discussions had focused on the intersection at Winthrop, and he believed the plan was to finish this intersection, and there would actually be four lots in the area next to Tract A, three lots on the corner plus lot 11. The road would stop there and not be extended through until such time as Scherer was improved.

Chairperson Norbury remarked that it did not look like the road could go anywhere else. Mr. Duggan stated that he did not have any access rights from lots 11 or 12. That meant the Winthrop would be the only access onto lot 11. Access to lot 12 was likely to be a future driveway from Heartwood. Chairperson Norbury asked if these lots would be developed eventually and if the plan allowed for their development in any way. Mr. Duggan replied that it did not. If they were developed, each lot would be for a single house. When the rezoning was done and he came back for a final plat, lot 11 would be for sale as a single family lot with access to Heartwood. When the Scherer Road improvements were done and Heartwood was extended, lot 12 could have a driveway onto Heartwood and could also be developed.

Mr. Kitchens asked if the villas on lots 6, 7 and 8 would have a back fence, as they were near the detention area. Mr. Duggan replied that fences tended to deteriorate after the first 4 or 5 years. He would prefer to use landscaping. Mr. Kitchens noted that the dropoff was about 10 feet and appeared to be very steep. He asked if there were any City regulations about fences on property that steep. Mr. Soto answered that there were none that he knew of.

Chairperson Norbury asked Mr. Soto for an answer to the earlier question about why the PMIX zoning was chosen. Mr. Soto answered that the PMIX zoning allowed for a wide range of uses; however, when a property was requested for a PMIX rezoning that was tied to the land uses designated on the plan adopted as part of that rezoning request. This specific plan had 17 single family residential lots plus 23 two-unit villa lots. Accordingly, the PMIX zoning would be applicable only to these uses. If someone did want to use another zoning designation in the future, a new plan would be required. In this case, the PMIX zoning would apply to the variety of residential uses only.

Noting that on this plan the referenced 'villas' were duplexes, Mr. Lovell asked if the references to the density being reduced took into account that the duplex villas were two dwelling units, not one. Mr. Soto answered that they did. Chairperson Norbury asked if a developer could have purchased this land with the existing platting could have built according to that plat even though it was significantly dated; or if this would have required a new preliminary development plan. Mr. Soto answered that a builder could build off the 2000 plan; however, the City did have a 'sunset' option for a plat. The builder would be able to build the apartments and condos shown on the original plan.

Chairperson Norbury asked if there were further questions for the applicant or staff. Hearing

Planning Commission

Action Letter - Draft

May 9, 2019

none, he closed the public hearing at 6:00 p.m. and asked for discussion among the Commission members. He acknowledged the concerns that were raised, many of which had to do with code enforcement. At Mr. Gustafson's request, he re-opened the hearing.

Mr. Gustafson noted what appeared to be a cul-de-sac near lot 11, and asked if it was a temporary one. Mr. Soto explained that staff had asked for the plan to show a cul-de-sac for the benefit of a developer who might want to subdivide the lot into smaller ones. It was a temporary one, and the lot would not be developable until the cul-de-sac was removed. He confirmed for Mr. Gustafson that the applicant did not own the adjacent property to the north; and the aerial photograph showed a single family residence built on it.

Mr. Lovell asked for clarification of the elevations included in his packet. One sheet showed the ones the applicant had displayed but the packet included other elevations that looked like apartments. Mr. Soto clarified that one of them was a preliminary elevation; but another that Mr. Lovell had just shown was part of the older plan. Details of the current elevations would be addressed in the final development plan. A larger, more detailed elevation in the packet was an example of materials to be used.

Mr. Lovell stated that he tended to reference his own experiences in Lee's Summit, as did some of the citizens attending and wanting concerns addressed. During the economic downturn, many developments, including New Longview, were not finished the way that was intended. At this point, the Commission would have to look at today's plan rather than the 2000 one; and in the idea of duplexes was his first concern. This was influenced by the challenges with some developments that had gone through. He was not opposed to duplexes but he did not think that the design of the elevation in his packet met the standards the City and the Commission were looking for. However, there was enough separation and the applicant had said that the prices for them was \$300,000 and up for about 1,100 square feet. He liked the separation in the plan, as these were different housing products and might have different property values. He did not have any problem with rezoning to PMIX, as this would provide for a variety of housing approaches.

Mr. Funk commented that the Commission had a straightforward task with the rezoning. He emphasized to both the developer and the citizens present that this was a preliminary plan, not a final one. Concerning the villas in particular, he recommended that in the final plan the developer would show a more distinctive housing product for the \$300,000 price range.

Concerning the issue of HOAs, Chairperson Norbury remarked that the discussion suggested wanting a lot of control over the product, such as contributing to the common entry without giving access to a pool; and this was not how it worked. He encouraged the participants to work together in deciding how maintenance would be handled.

As there was no further discussion, Chairperson Norbury again closed the hearing at 6:11 p.m. and called for a motion.

Mr. Funk made a motion to recommend approval of continued Application PL2018-101, Rezoning from PI to PMIX and Preliminary Development Plan: Woodland Glen, approximately 24 acres located at the northeast corner of SW Ward Rd and SW Scherer Rd; John Duggan, applicant; subject to staff's letter of May 3, 2019, specifically Recommendation Items 1 and 2. Mr. Gustafson seconded.

Chairperson Norbury asked if there was any discussion of the motion. Hearing none, he called for a vote.

A motion was made by Board Member Funk, seconded by Board Member Gustafson, that this application be recommended for approval to the City Council - Regular Session, due back on 6/4/2019. The motion carried unanimously.

[2019-2753](#) Appl. #PL2019-097 - REZONING from AG to RLL - Sanko Acres, 5220 NE Maybrook Rd; Nathan Sanko, applicant

Chairperson Norbury opened the hearing at 5:13 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Mr. McGuire entered Exhibit (A), list of exhibits 1-12 into the record, and stated that this application was to rezone .52 acres of a 15.6 acre tract from AG to RLL. It was bordered by large-lot single family homes on all sides. The property to the north had AG and RLL zoning, with those on the south, east and west having only AG. The .52 acres was developed with a single family home; and the applicant wanted to rezone the property and then subdivide it into two tracts: the .52 acres with the home and the remaining 16 acres. No development was planned at this time. The requested rezoning was consistent with the 2005 Comprehensive Plan, which identified this area as low-density residential use. Staff recommended approval, stipulating that the rezoning would become effective only after a minor plat was submitted and approved.

Chairperson Norbury asked if there was anyone present wishing to give testimony, either in support for or opposition to the application.

Ms. Teresa Vollenweider gave her address as 5201 NE Maybrook Road. She asserted that the smallest lot in the neighborhood was the one with the baseball diamond, at 4.82 acres. Her property was zoned AG, and she was currently planting a fruit tree orchard in the area north of the subject property a use that was permitted in AG zoning. Her first concern was that if the City approved the .52 lot, others would follow; with the potential volume of wastewater being a more immediate issue.

Currently some stagnant water existed from the subject property's address to just south of its driveway. The water would travel all the way down the east side of Maybrook Road; and one corner of the subject property, as well as her own property, was swampy. From 2003 to 2007, she was able to mow in that area but could not know because the area always had standing water except during droughts. Stagnant water generated public health problems, especially as a breeding ground for mosquitoes. She had a video from last spring of the volume of larvae. According the reading from the CDC that she had done, the danger of disease from mosquitoes and ticks was something that cities would have to start taking seriously. She currently had a pasture that her horses could not use due to the danger of West Nile disease; which human beings could also get. People moving into this neighborhood needed to be aware of this hazard; but to date the City was doing nothing to address it although the residents had been told that the standing water problem would be fixed. It would only get worse if this tract was eventually developed with half-acre lots.

Chairperson Norbury noted that if any other portion of this tract was developed, it would involve an application, or applications, that would have to come through the approval process separately. That would include any issues concerning storm water, traffic or infrastructure. Ms. Vollenweider answered that her major concern was the neighborhood starting to undergo a drastic change, in view of a lot size so out of character being approved.

Chairperson Norbury then asked if the Commission had questions for the applicant or staff.

Mr. Elam confirmed the statement that any future development of this tract, other than a single family home being built on the remaining 15 acres, would have to go through the City's approval process.

Chairperson Norbury asked if there were further questions for the applicant or staff. Hearing none, he closed the public hearing at 6:25 p.m. and asked for discussion among the Commission members, or for a motion.

Mr. Funk made a motion to recommend approval of Application PL2019-097, Rezoning from AG to RLL: Sanko Acres, 5220 NE Maybrook Rd; Nathan Sanko, applicant; subject to staff's letter of May 3, 2019, specifically Recommendation Item 1. Mr. Sims seconded.

Chairperson Norbury asked if there was any discussion of the motion. Hearing none, he called for a vote.

A motion was made by Board Member Funk, seconded by Board Member Sims, that this application be recommended for approval to the City Council - Regular Session, due back on 6/4/2019. The motion carried unanimously.

[2019-2695](#)

Appl. #PL2019-071 - Preliminary Development Plan - Paragon Star Village, approximately 36 acres generally located at the northeast corner of I-470 and NW View High Dr; Paragon Star, LLC, applicant

Mr. Elam announced that on Tuesday evening, the applicant had requested a continuance to a date certain of May 23, 2019.

Chairperson Norbury noted that this application had been continued at least twice before, and asked what the problem was. Mr. Elam answered that the project had several pieces with schedules that had to be reconciled; and they also had another application in Kansas City, being heard on May 21st. Chairperson Norbury stated the applicants needed to be present on the 23rd, especially if they intended to request yet another continuance PL2019-071 applied specifically to Lee's Summit.

Mr. Gustafson asked if this application would involve the city of Kansas City. Mr. Elam responded that it was not likely. The Kansas City application involved property north of the soccer complex so it was part of a larger project. Mr. Gustafson asked if View High was a Kansas City road, and Mr. Elam said it went through both Kansas City and Lee's Summit. The previously approved preliminary development plan was associated with the soccer complex.

Noting that this was a fairly sizable development bordering Kansas City on two sides, Mr. Gustafson remarked that it would be helpful to have more information about what was going on with the city of Kansas City. He asked if there had been any response from the highway department to the traffic analysis. Mr. Park related that throughout the Paragon Star project, the sports complex and village component phase were coordinating with Jackson County, MoDOT and Kansas City. It was a complex project with multiple jurisdictions involved. Kansas City and MoDOT had read the traffic impact study for this particular portion and agreed with the conclusions and the study's scope. Staff had given Kansas City the opportunity to add their own conditions for staff's report; so the report would more consistently reflect Lee's Summit, Kansas City and MoDOT. View High did pass through a number of jurisdictions.

Mr. Lovell commented that his development had a lot of 'moving parts', and hopefully when they did participate, that would help resolve some of the lingering issues. It would be an advantage to have more complete representation. Mr. Elam added that staff was coordinating with the Paragon development team almost daily. The City was also communicating with officials from both Kansas City and Jackson County.

Hearing no further discussion, Chairperson Norbury called for a motion to continue.

Mr. Funk made a motion to continue Application PL2019-071, Preliminary Development Plan: Paragon Star Village, approximately 36 acres generally located at the northeast corner of I-470 and NW View High Dr; Paragon Star, LLC, applicant, to a date certain of May 23, 2019. Mr. Sims seconded.

Chairperson Norbury asked if there was any discussion of the motion. Hearing none, he called

for a vote.

A motion was made by Board Member Funk, seconded by Board Member Sims, that this application be continued to the Planning Commission, due back on 5/23/2019. The motion carried unanimously.

[2019-2746](#)

Appl. #PL2019-058 - Unified Development Ordinance (UDO) Amendment #4 - Article 6 Use Standards - Division III Special Use Permits - Subdivision 2 Specified Special Uses - amendment to the regulations for telecommunication towers/antennas; City of Lee's Summit, applicant

Chairperson Norbury opened the hearing at 6:30 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Mr. Soto entered Exhibit (A), list of exhibits 1-6 into the record. He explained that this was the first of three UDO amendments, with mostly minor changes. Staff had revisited regulations regarding telecommunications in response to changes in State law. These mostly affected amateur radio regulations, co-locations and insurance requirements. Staff had also made some improvements to publication requirements as well. The amateur radio regulations had previously referred readers to "page 4", and since page numbers could change this was changed to the more specific "Section 6.1200." Another change established "minimum setback requirements from structures on the same property and adjacent property equal to tower height." Amateur radio towers rarely exceeded 70 feet in height. A reference to receive-only antennas was deleted.

No significant changes were made regarding co-locations, but re-titled the subsection reference from "Administratively Approved Uses" to, more simply, "Co-locations." In addition to the requirement for general liability insurance, a requirement was added for the insurance policy to include "a waiver of subrogation against the City" as part of the proof of liability insurance. Staff recommended approval of the UDO amendment to Article 6, as amended."

Chairperson Norbury asked if there was any public comment regarding this particular UDO amendment. Seeing none, he opened the hearing for questions for the applicant or staff.

Mr. Kitchens asked if anything would be 'grandfathered' in, specifically towers on private property. Mr. Soto replied that anything that was lawfully permitted previously would be; and Mr. Kitchens noted that amateur towers were not uncommon and were often next to houses.

Chairperson Norbury asked if there were further questions for the applicant or staff. Hearing none, he closed the public hearing at 6:39 p.m. and asked for discussion among the Commission members, or for a motion.

Mr. Funk made a motion to recommend approval of Application PL2019-058, Unified Development Ordinance (UDO) Amendment #4: Article 6 Use Standards; Division III Special Use Permits; Subdivision 2; Specified Special Uses: amendment to the regulations for telecommunication towers/antennas; City of Lee's Summit, applicant . Mr. Sims seconded.

Chairperson Norbury asked if there was any discussion of the motion. Hearing none, he called for a vote.

A motion was made by Board Member Funk, seconded by Board Member Sims, that this application be recommended for approval to the City Council - Regular Session, due back on 6/4/2019. The motion carried unanimously.

[2019-2744](#)

Appl. #PL2019-134 - Unified Development Ordinance Amendment #5 - Article 5 Overlay Districts - Division VIII EnVision LS Area Development Plan (ADP)

Design Standards; and Article 15 Rules of Interpretation and Definitions - Division II Definitions - establishment of an appeals process for prohibited uses and amendment to definitions; City of Lee's Summit, applicant

Chairperson Norbury opened the hearing at 6:42 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Mr. Soto entered Exhibit (A), list of exhibits 1-6 into the record. He displayed a map of the EnVision LS area development plan adopted in 2017. The yellow part indicated the northwest/southwest/southeast corner of US 50 and Jefferson Street/M-291 South. The blue part was the boundary of the Grove project. When EnVision LS was adopted, the idea was that Lee's Summit had a significant amount of currently unused or underutilized property near the US 50/M-291 intersection: the Adessa site, the Calmar site and some redevelopment potential with the existing Pinetree Plaza. The 'Vision' in the name was for a "desired aesthetic" and a certain type of desired development as opportunities for redevelopment occurred and a high quality community at a prime commercial location." Minimum design standards were part of, and established by, the plan; as well as processes for future development and redevelopment. "Development" could refer to existing structures as well as any future ones.

In the past few months, the City had seen increased interest from developers and existing property owners for projects they wanted to occur. Some lists of allowed uses were established as part of EnVision's plan. Other lists focused on uses that were prohibited, or restricted uses in some cases. The latter would require an appeal process initiated by a developer or owner/ occupant. Staff had received inquiries about some of the prohibited uses, and the appeal process was essentially like the preliminary development plan process, which usually took at least three months and involved public hearings with the Planning Commission and the City Council. Staff had developed a UDO amendment that would make this appeal process more realistic and less cumbersome. When the matter went to the CEDC, the suggestion was to establish an appeals process that would go directly to the City Council. If an appeal got an approval from the Council, that would not preclude the applicant coming back through the usual preliminary development plan process for a new project or significant change. Some applicants had gone through this process and then discovered that a use was not workable for some particular site.

Another request that had been made had to do with maintenance and work on existing buildings. The current wording required the preliminary development plan process for any changes to a building. This would apply to many owners of existing properties who wanted to update and maintain a structure, such as re-doing stucco or removing cladding that covered another material. Some changes to definitions clarified the differing definitions of "alterations" and "repair". "Repair" would now include rehabilitation work that might be intended to bring the structure into compliance with other City codes. Many changes to exteriors could be approved administratively.

One of the changes was to the applicability of the design standards for the EnVision LS area. Currently the design standards applied to a multi-family and to commercial/non-residential uses; and the proposed change was to make them applicable to all uses. Staff recommended approval of the UDO amendment to Articles 5 and 15 as presented.

Mr. Johnson informed Chairperson Norbury that the packets might have the wrong version of the ordinance. Alterations were allowed to buildings. The displayed draft ordinance version of the "Applicability" (B.) paragraph provided language for a motion. Chairperson Norbury and staff agreed that the motion should be to amend the draft ordinance to include the amended language in the application.

Chairperson Norbury asked if there was anyone present wishing to give testimony, either in support for or opposition to the application. Seeing none, he then asked if the Commission

had any questions for the applicant or staff. There were no questions, he closed the public hearing at 6:45 p.m. and asked for discussion among the Commission members, or for a motion.

Mr. Lovell made a motion to amend the language in the Unified Development Ordinance (UDO) to reflect the proposed amendments and changes as presented. Mr. Funk seconded. As there was no further discussion, Chairperson Norbury called for a vote.

On the motion of Mr. Lovell, seconded by Mr. Funk, the Planning Commission members voted unanimously by voice vote to amend the language in the Unified Development Ordinance (UDO) to reflect the proposed amendments and changes as presented.

Chairperson Norbury then called for a motion to recommend approval for the application as amended.

Hearing no further discussion, Chairperson Norbury called for a motion.

Mr. Funk made a motion to recommend approval of Application PL2019-134, Unified Development Ordinance (UDO) Amendment #5: Article 5, Overlay Districts: Division VIII EnVision LS Area Development Plan (ADP) Design Standards; and Article 15, Rules of Interpretation and Definitions, Division II Definitions: establishment of an appeals process for prohibited uses and amendment to definitions, as amended, City of Lee's Summit, applicant. Mr. Sims seconded.

Chairperson Norbury asked if there was any discussion of the motion. Hearing none, he called for a vote.

A motion was made by Board Member Funk, seconded by Board Member Sims, that this application be recommended for approval as amended to the City Council - Regular Session, due back on 6/4/2019. The motion carried unanimously.

[2019-2693](#)

Appl. #PL2019-151 - Unified Development Ordinance (UDO) Amendment #6 - Article 8 Site Standards - Division I Design Standards - Subdivision 4 Other Required Design Standards - amendment to trash enclosure and ground-mounted mechanical screening material requirements; City of Lee's Summit, applicant

Chairperson Norbury opened the hearing at 6:50 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Mr. Soto entered Exhibit (A), list of exhibits 1-6 into the record. He stated that this amendment was essentially to expand options for screening ground-mounted mechanical units and trash dumpsters. This amendment would impact only the city's three specified metal building areas. They were shown on the displayed map in lavender, as was the Hamblen Road area to the south. The Airport property was to the north. Currently the ground-mounted screening options were either masonry walls or evergreen landscaping up to the units' height. The amendment would add two more options: (1) "structural steel tube frame construction clad in wood composite material" or (2) "structural steel tube frame construction clad in the same metal siding as the building located on the same site.". Mr. Soto observed that many materials now available were more durable than when the original ordinance requirement was approved. Masonry walls in particular were more costly. The amendment would not only expand the options but also allow for more continuity in appearance.

Regarding trash enclosures, the existing requirement was for masonry walls. The amendment did not specify wood composite material, but allowed for structural steel tube frame construction with metal siding. It also required "the installation of 4-inch bollards along the

Planning Commission

Action Letter - Draft

May 9, 2019

interior side of the trash enclosure rear wall." Durability was always a concern with these enclosures, which were serviced by heavy trucks.

Staff recommended approval of the UDO amendment to Article 8, as presented.

Chairperson Norbury asked if there was any public comment on the application. Seeing none, he then asked if the Commission had questions for staff.

Chairperson Norbury commented that an issue about screening had come up, specifically some rooftop units. Mr. Soto recalled that some of these issues concerned QuikTrip's rooftop screening and the material for the gates to the trash enclosures. QT did have a maintenance schedule and policy about these materials that included replacing and repairing them.

Chairperson Norbury asked if there were further questions for the applicant or staff. Hearing none, he closed the public hearing at 7:00 p.m. and asked for discussion among the Commission members, or for a motion.

Mr. Funk made a motion to recommend approval of Application PL2019-151 Unified Development Ordinance (UDO) Amendment #6: Article 8, Site Standards, Division I Design Standards; Subdivision 4, Other Required Design Standards; amendment of trash enclosure and ground-mounted mechanical screening material requirements; City of Lee's Summit, applicant. Mr. Sims seconded.

Chairperson Norbury asked if there was any discussion of the motion. Hearing none, he called for a vote.

A motion was made by Board Member Funk, seconded by Board Member Sims, that this application be recommended for approval to the City Council - Regular Session, due back on 6/4/2019. The motion carried unanimously.

Other Agenda Items

There were no other agenda items at the meeting.

Roundtable

Mr. Elam reminded that the joint Planning Commission/City Council meeting was scheduled for 6:00 p.m. next Tuesday, May 14th. Staff wanted to review some action steps to get feedback. Chairperson Norbury requested Ms. Beck to send out a reminder email.

Adjournment

There being no further business, Chairperson Norbury adjourned the meeting @ 6:59 PM.

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LEE'S SUMMIT
MISSOURI
Development Services Department

Application Information

Appl. #PL2019-058 – Unified Development Ordinance (UDO) Amendment #4 – Article 6 Use Standards – Division III Special Use Permits – Subdivision 2 Specified Special Uses – amendment to the regulations for telecommunication towers/antennas; City of Lee's Summit, applicant

Overview of Amendment

Development Services and Legal staff have identified three areas of our Telecommunications ordinance that could be improved: amateur radio towers, the co-location definition and our general liability insurance requirements.

Background

Recent changes to the state statutes for wireless communications have prompted staff to examine our existing standards in the UDO. The first area addresses amateur radio towers. Currently the ordinance does not restrict the placement of an amateur radio tower if it is under 70 feet in height. Staff is proposing the towers also meet a setback requirement equal to their height to abutting structures. This protects the character of our established neighborhoods while allowing a full 70' tower on larger lot properties.

The second change is a re-write of our co-location requirements. The content has not changed, rather the title was changed from Administratively Approved Uses to Co-location and it was reorganized to clarify what constitutes a co-location.

Finally, a sentence was added to our requirement for general liability insurance further protecting the City from damages.

Effective Date

Pending approval

Affected UDO Section(s)

Article 6, Section 6.1200 Telecommunication Towers/Antennas

	Previous Standard(s)	New Standard(s) <i>(changes shown below in bold)</i>
Amateur Radio	The requirements of page 4 shall not govern any communication tower or the installation of any antenna that is: <ul style="list-style-type: none">• Under 70 feet in height;• Owned and operated by a federally-licensed amateur radio station operator, or• Used exclusively for receive-only antenna. (Section 6.1200.E)	The requirements of Section 6.1200 shall not govern any telecommunications tower or the installation of any antenna that is: <ul style="list-style-type: none">• Under 70 feet in height;• Set back from all structures on the same lot, tract or parcel, and all structures on adjacent

		<p>lots, tracts, and parcels, a distance equal to its height; and</p> <ul style="list-style-type: none"> Owned and operated by a federally-licensed amateur radio station operator. (Section 6.1200.E)
Co-locations	Sub-section titled "Administratively Approved Uses". (Section 6.1200.K.3)	Sub-section titled " Co-locations ". (Section 6.1200.K.3)
Proof of General Liability Insurance	Proof of general liability insurance for claims from injury or death and property damage in an amount approved by the City, but not less than \$2,000,000.00 per occurrence for personal injury and \$2,000,000.00 per occurrence for property damage with the City listed as an additional insured. (Section 6.1200.K.11)	Proof of general liability insurance for claims from injury or death and property damage in an amount approved by the City, but not less than \$2,000,000.00 per occurrence for personal injury and \$2,000,000.00 per occurrence for property damage with the City listed and endorsed as an additional insured. The policy shall also include an endorsed waiver of subrogation against the City. (Section 6.1200.K.11)

Comprehensive Plan	
Focus Area(s)	Goals, Objectives and Policies
Overall Area Land Use	Objective 1.4 <ul style="list-style-type: none"> Policies A and B

Recommendation
Staff recommends APPROVAL of the UDO amendment to Article 6 as presented.

Exhibit A

Sec. 6.1200. - Telecommunication towers/antennas.

- A. Purpose. The purpose of these standards is to establish general guidelines for the siting of communication towers, antenna structures and antennas for commercial wireless telecommunications.
- B. Goals.
1. Encourage the location of towers, where necessary, in non-residential areas;
 2. Encourage the joint use of new and existing telecommunication tower sites and other antenna structures;
 3. Encourage telecommunication towers, other antenna structures, and antennas to be configured in a way that minimizes the adverse visual impact on the community;
 4. Encourage users of communication towers, other antenna mounts, and antennas to configure them in a way that minimizes the adverse visual impact of those structures;
 5. Enhance the ability of the City to ensure that wireless telecommunications services are provided to the community quickly, effectively, and efficiently.
- C. Minimize the potential adverse effects associated with telecommunication towers through the implementation of reasonable design, landscaping, and construction practices; and:
1. Conform to Federal and State laws that allow certain antennas to be exempt from local regulations.⁷
- D. Definitions.
1. Telecommunications tower. Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, and the like. Terms associated with tower shall mean as follows:
 - a. Alternative communication tower structure shall mean man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.
 - b. Antenna shall mean any exterior apparatus or apparatuses designed for telephonic, radio, data, Internet, or television communications through the sending or receiving of electromagnetic waves including equipment attached to a tower or building for the purpose of providing personal wireless services including, for example, cellular, enhanced specialized mobile radio and personal communications services telecommunications services, and its attendant base station.
 - c. Antenna for non-commercial use shall mean any antenna external to a building, including any supporting structure such as a tower, which is not hand-carried while in use and is used for: Reception or electromagnetic signals, such as radio or television broadcasts or direct satellite television; or for transmission of electromagnetic signals by a licensed amateur radio operator or by means of an Earth-orbiting satellite communications device.
 - d. Antenna panel shall mean an antenna or array of antennas that are flat and rectangular and designed to concentrate a radio signal in a particular area. Also, referred to as directional antennas.
 - e. Antenna support structure shall mean any mast, pole, tripod, tower or similar structure used to support an antenna.
 - f. Antenna system shall mean the combination of an antenna and antenna support structure.

- g. Antenna system height shall mean the overall vertical length of the antenna system above grade. If such system is located on a building, the overall height shall include the height of the building.
- h. Antenna tower shall mean a structure designed and constructed to support one or more antennas used by commercial wireless telecommunication facilities and including all appurtenant devices attached to it. A tower can be free-standing (solely self-supported by attachment to the ground) or supported (attached directly to the ground and with guy wires), or either lattice or monopole construction.
- i. Antenna, whip shall mean an antenna that transmits signals in 360 degrees. They are typically cylindrical in shape and are less than six inches in diameter and measure up to 18 feet in height. Also called omni-directional, pipe, or stick antenna.
- j. Coaxial cable shall mean a cable consisting of one or more cylinders with a single wire running down the center of each cylinder.
- k. Mast shall mean any structure or part of an antenna that has vertical dimensions greater than five times its horizontal dimension that supports or lends support to any part of an antenna.
- l. Microwave shall mean electromagnetic radiation with frequencies higher than 1,000 MHz; highly directional signal used to transmit radio frequencies from point to point at a relatively low power level.
- m. Microwave radio shall mean a line-of-sight radio transmission using very short wavelengths, corresponding to a frequency of 1,000 megahertz or greater.
- n. Radio transmitting and receiving antenna shall mean an array or system of wires, tubing and supporting members mounted on a mast, tower or building, used for transmitting and/or receiving radio signals that include, but are not limited to, citizen band and other special frequencies.
- o. Satellite parabolic or dish receiving antenna shall mean a device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, bowl, or cornucopia. Such device shall be used to transmit or receive radio or electromagnetic waves between terrestrially or orbitally based uses. This definition is meant to include but not be limited to what are commonly referred to as satellite earth stations, TVROs (television reception only satellite dish antennas), and satellite microwave antennas. See: Division IV, Table 6.IV-1 of this article.
- p. Satellite relay shall mean an active or passive satellite repeater that relays signals between two earth terminals.
- q. Standard residential receiving antenna shall mean an array made up of small metal tubing and supporting members that are commonly installed on or near residential buildings for the purpose of receiving television or radio signals. See: Division IV, Table 6.IV-1 of this article.
- r. Telecommunications carrier shall mean a company that provides wireless services. Telecommunication carriers may or may not own the tower they are on; if they are not the owner they are typically leasing the space from a tower company.
- s. Telecommunications facilities equipment shelter shall mean a facility, shelter, cabinet, shed, or vaults used to house and protect the electronic equipment necessary for processing wireless communications signals. Associated equipment may include, for example, air conditioning, backup power supplies and emergency generators.
- t. Tower company shall mean a company that owns, operates and maintains the tower infrastructure.
- u. Tower, guyed shall mean a monopole or lattice tower that is supported, in whole or in part, by guy wires and ground anchors or other means of support besides the superstructure of the tower itself.

- v. Tower, lattice shall mean a tower characterized by an open frame-work of lateral cross-members that stabilize the structure.
- w. Tower, monopole shall mean a telecommunications tower consisting of a single pole, constructed without guy wires and ground anchors.
- x. Tower, self-supporting shall mean a lattice telecommunications tower that is constructed without guy wires and ground anchors.
- y. Wireless telecommunication shall mean the transmission through the air of information in the form of electromagnetic or optical signals; including television, AM/FM radio, digital, microwave, cellular, telephone, or similar forms of electronic or optical wireless communication.
- z. Wireless telecommunication facility shall mean a facility including antennas and transmitting and receiving equipment for wireless telecommunication, including personal wireless services facilities.

E. Applicability.

1. Antenna and antenna structure. An antenna and antenna structure, any portion of which is located within the City of Lee's Summit, shall be subject to this chapter, except as otherwise provided herein.
2. Utility poles. The provisions of this chapter shall not apply to utility poles that are utilized for the support of electrical, telephone, cable television, or other similar cables and wires, are located on public rights-of-ways or easements for that purpose, and are a part of a system of such poles throughout the City of Lee's Summit.
3. Amateur radio, receive-only antenna. The requirements of ~~this~~ section 6.1200 shall not govern any ~~communication~~ telecommunications tower or the installation of any antenna that is:
 - a. Under 70 feet in height;
 - b. Setback from all structures on the same lot, tract, or parcel, and all structures on adjacent lots, tracts, and parcels, a distance equal to its height; and
 - c. ~~b.~~ Owned and operated by a federally-licensed amateur radio station operator ~~, or~~
 - ~~e. Used exclusively for receive-only antennas.~~
4. Pre-existing communication tower, other antenna structure, and antenna. A pre-existing communication tower, other pre-existing antenna structure, and pre-existing antenna shall not be required to meet the requirements of this section except upon expiration of an existing special use permit.
5. Principal or accessory use. An antenna, a communication tower, or an antenna structure, and equipment accessory to the same, may be considered either principal or accessory uses. A different existing use or an existing structure on the same lot shall not preclude the installation of an antenna, telecommunications tower or other antenna structure, and equipment accessory to the same on such lot.
6. Parcel boundaries. For purposes of determining whether the installation of a telecommunication tower or antenna complies with district development regulations, including but not limited to setback requirements, lot coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lot.
7. Non-conforming use. A tower or other antenna structure that is constructed or installed in accordance with the provisions of this chapter, although an addition to the property, shall not be deemed to constitute the expansion of a non-conforming use or structure.

F. General requirements.

1. Federal requirements.

- a. All wireless telecommunication facilities must meet or exceed current standards and regulations of the Federal Aviation Administration (FAA), the Federal Communications Commission (FCC), and any other agency of the federal government with the authority to regulate towers and antennas.
- b. If such standards and regulations are changed, then the owner(s) of the wireless telecommunication facility governed by this chapter shall bring such facility into compliance with such revised standards and regulations within six months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency.
- c. Failure to bring a wireless telecommunication facility into compliance with such revised standards and regulations shall constitute grounds for the removal of the facility at the owner's expense. Any such removal by the governing authority shall be in the manner provided in this section.

2. Building codes and safety standards.

- a. To ensure the structural integrity of telecommunication towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in the International Building Code (IBC) and the applicable standards for towers that are published by the Telecommunications Industry Association (TIA)/Electronic Industries Association (EIA), as amended from time to time. Tower owners shall conduct periodic inspections of telecommunications towers at least once every three years to ensure structural integrity. Inspections shall be conducted by a structural engineer licensed to practice in Missouri. The results of such inspection(s) shall be provided to the Building Official.
- b. If, upon inspection, the Building Official concludes that a tower fails to comply with such codes and standards and is not a danger to persons or property, then a written notice will be sent to the owner of the tower with a copy of said notice to all of the known lease holders. Such notice shall include:
 - (1) A description of the property;
 - (2) A statement of the violation(s) and the reason the notice is being issued;
 - (3) Statement that the owner shall have 30 days to bring such tower into compliance; and
 - (4) A statement that the owner has a right to appeal the Building Official's findings to the Board of Appeals.

If the tower is not brought into compliance within the stated time period above, an extension may be requested by the owner. The extension request shall be in writing and include a proposed plan of action with a timeframe for completion of the work. The Building Official is authorized to grant in writing one or more extensions of time as deemed reasonable and appropriate; however, the owner shall provide proof that action is being taken. If tower is not brought into compliance within the stated time period and no extension is requested, the City may remove such tower at the owner's expense after notice is sent to the property owner and all known lease holders of a Notice Appeal Hearing and such hearing is held.

If, upon inspection, the Building Official concludes that a tower constitutes a danger to persons or property, then upon written notice being provided to the owner of the tower and any known lease holders, the owner shall have 15 days to inspect the tower and make the necessary repairs. If repairs are not made within the stated time period the City may take whatever action is necessary to remove or lessen the dangerous condition.

3. Special use permit. A telecommunications tower shall be subject to a special use permit, in accordance with the following considerations:

- a. Setbacks. No new tower shall be constructed without setbacks from all property lines a distance equal to the height of the tower as measured from the base of the structure to its

highest point or as otherwise authorized by the Governing Body in approval of the special use permit. Accessory structures shall be governed by the setbacks for that particular zoning district.

- b. Guy anchors. Guy anchor foundations shall be setback a minimum of ten feet from all property lines.
- c. Separation distances. The following are the required separation distances from other towers and residential:
 - (1) A telecommunications tower over 90 feet in height shall be separated from any other telecommunications tower over 90 feet in height by a distance of at least one mile.
 - (2) A monopole telecommunications tower with all antennae totally concealed within the monopole shall be located a distance equal to the tower height from any existing single-family or two-family dwelling that is not on the same lot with the tower, any property zoned for single-family or two-family residential use, and any property where the future use indicated by the Comprehensive Plan is low density residential use.
 - (3) A monopole, lattice or guyed telecommunication tower with exposed antennae shall be located a distance of one and one-half times the tower height from any existing single-family or two-family dwelling that is not on the same lot with the tower, any property zoned for single-family or two-family residential use, and any property where the future use indicated by the Comprehensive Plan is low density residential use.
 - (4) These separation distances may be waived if the Governing Body legislatively determines the application of these requirements would effectively prevent the provision of wireless telecommunications services within the City.
- d. Lighting. A telecommunications tower or other antenna structure shall not be artificially lighted unless such lighting is required by the FAA or other applicable authority. If lighting is required, the Governing Body may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views. Security lighting around the base of a communications tower or other antenna structure may be installed if the lighting complies with Article 8, Division 1 and no light is directed toward adjacent properties or rights-of-way.
- e. Signage. Signs located at the telecommunications tower shall be limited to ownership, contact information, the FCC antenna registration number and any other warning signs required by the FCC. Commercial advertising is strictly prohibited.
- f. Landscaping. A telecommunications tower facility shall be landscaped in accordance with Article 8, Division III to provide a buffer of plant materials that effectively screen the view of the telecommunications tower base and accessory structures from adjacent property. This may be waived by the Governing Body where natural growth and land forms provide an equivalent buffer. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In certain locations where the visual impact of the tower would be minimal, such as remote agricultural or rural locations or developed heavy industrial areas, the landscaping requirement may be reduced or waived by the Governing Body.
- g. Parking areas and drives. Parking areas and drives associated with the telecommunications tower shall be paved in accordance with this chapter and the Design and Construction Manual or as otherwise authorized by the Governing Body in the approval of a special use permit after making a determination that additional impervious coverage is not in the best interest of adjacent property owners.
- h. Security fencing. A telecommunications tower shall be enclosed by fencing not less than six feet in height and equipped with an appropriate anti-climbing device. The type of fence shall be in accordance with Article 8, Division III or as otherwise authorized by the Governing Body in the approval of the special use permit.

- i. Visual impact. To limit the visual impact of a telecommunications tower, to the extent feasible, the tower shall be:
 - (1) Located away from key public viewpoints;
 - (2) Located down-slope from the top of ridge lines, so that from key public viewpoints, a smaller portion of the height of the tower is viewed against the sky;
 - (3) Placed within forested areas with antennas just above the treeline;
 - (4) Located or be of such a height not to necessitate FAA coloring and lighting;
 - (5) Located in industrial areas;
 - (6) Of the minimum height necessary for operation of the telecommunication system, considering the visual trade-off of a greater number of towers at lower heights; and
 - (7) Located outside historic districts designated by the Governing Body and located unobtrusively so as not to be visible from historic structures.
- j. View of accessory equipment. Mobile or immobile equipment not used in direct support of a wireless telecommunications facility shall not be stored or parked on the site of the facility, unless repairs to the facility are being made.
- k. Design. The following standards shall apply:
 - (1) A telecommunications tower shall, subject of any applicable standards of the FAA, be painted a neutral color approved by the Governing Body, so as to reduce visual obtrusiveness;
 - (2) At a telecommunications tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and built environment;
 - (3) If an antenna is installed on an antenna structure other than a telecommunications tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the antenna structure so as to make the antenna and related equipment as visually unobtrusive as possible; and
 - (4) Tower design will be evaluated on a case by case basis utilizing the following design preferences:
 - (a) Monopoles are highly encouraged;
 - (b) Stealth technology shall be incorporated into the placement of antenna utilizing architectural elements or structures whenever feasible. Such antenna placement is appropriate around window frames, doorways, along guttering, incorporated into penthouses, cupolas, steeples, etc.;
 - (c) Towers are to be architecturally compatible to the surrounding development(s); and
 - (d) However, the Governing Body shall not mandate design requirements which have been found to be unreasonable under Missouri law.

4. Accessory uses.

- a. Accessory uses shall include only such structures and equipment as are necessary for transmission and receiving functions and satellite ground stations associated with them and shall not include broadcast studios, offices, vehicle storage area, or other similar uses.
- b. Accessory uses/structures shall be placed in an underground vault when located within visual sight of an historic property, or adjacent to or within the public right-of-way.
- c. Accessory structures shall be in compliance with the requirements of this chapter.

5. Exceptions. The Governing Body may reduce the requirements of this section if the goals of this section would be better served thereby.
- G. Shared use (co-location). Although not required pursuant to this chapter, co-location is encouraged and supported by the City in the process of siting new facilities.
- H. All telecommunications towers over 50 feet in height shall be designed to accommodate antennas for more than one user.
- I. Abandonment and removal. If the use of any antenna mounted on a telecommunications tower ceases, and the antenna is not used for a continuous period of 12 months, the antenna shall be considered abandoned, and the owner of such antenna and tower shall remove it within 90 days of receipt of notice from the City notifying the owner of such abandonment. If such antenna and tower is not removed within said 90 days, the City may remove such antenna and tower at the owner's expense. In the event the owner is defunct or cannot be located, the property owner shall be held jointly and severally responsible for the removal of abandoned facilities. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the antennas on the tower.
- J. Replacement or alteration of an existing communication tower.
 1. The Director may approve the replacement or alteration of an existing telecommunications tower under a current and valid special use permit if:
 - a. All conditions of this article are otherwise met.
 - b. The replacement or alteration does not result in an increase in height at or above 25 percent of the height of the existing telecommunications tower.
 2. All other replacements or alterations of telecommunications towers shall require a special use permit.
- K. Required submittals. The following items are required for any new tower application, existing tower renewal, or co-locate as indicated:
 1. New towers. New towers require the submittal of the following items:
 - a. A preliminary development plan per Article 2;
 - b. A special use permit as detailed in this division; and
 - c. Supplemental technical studies as detailed below.
 2. Existing towers. The following items are required for existing telecommunication towers:
 - a. A special use permit renewal per this division; and
 - b. Supplemental technical studies as detailed below.
3. Co-locations.
 - a. Definition
 - i. Placing or installing an antenna on an existing telecommunications tower of any height including the placement of additional mounts or other supporting equipment use in connection with said antenna, or
 - ii. Placing or installing an antenna on an existing structure other than a telecommunications tower (such as a building, sign, light pole, water tower, or other free-standing non-residential structure), provided that:
 1. Such structure is not designated as a historic structure by the Governing Body.

2. The antenna does not extend horizontally from the side of such structure farther than the minimum necessary for attachment, and

3. Where the antenna extends horizontally from the side of a building, it is camouflaged by the use of materials, colors, textures, or screening that will visually blend the antenna into the building.

b. Approval criteria:

i. The co-location of an antenna shall be approved through the final development plan process set forth in Article 2.

~~Administratively approved uses. The following uses (co-locations) are specifically permitted without a special use permit, subject to approval of a final development plan. The application shall follow the procedures set forth in Article 2:~~

~~a. Installing an antenna on an existing structure other than a telecommunications tower (such as a building, sign, light pole, water tower, or other free-standing non-residential structure), provided that:~~

~~(1) Such structure is not designated as a historic structure by the Governing Body,~~

~~(2) The antenna does not extend horizontally from the side of such structure farther than the minimum necessary for attachment, and~~

~~(3) Where the antenna extends horizontally from the side of a building, it is camouflaged by the use of materials, colors, textures, or screening that will visually blend the antenna into the building.~~

~~b. Installing an antenna on any existing telecommunications tower of any height, including the placement of additional mounts or other supporting equipment used in connection with said antenna.~~

1. The Director, Commission, or Governing Body may require additional technical studies deemed necessary to fully evaluate the application. Should the services of an outside consultant be needed to evaluate any such technical studies, the cost of such services shall be borne by the applicant.
2. Where required by the Director as essential to the evaluation of a proposed location, proposed mounting of an antenna shall be shown by an accurately-scaled photo simulation, from not less than three viewpoints approved by the Director.
3. A map of the City and the first half-mile of all bordering communities showing the design of the applicant's entire existing and proposed wireless telecommunications network. Such map shall, at a minimum, indicate the exact location of all proposed and existing tower and antenna sites, their dimensions, specifications, and signal area coverage.
4. Color photo simulations from several different angles showing the proposed site of the tower with a photo-realistic representation of the proposed tower as it would appear viewed from the closest residential property or properties and from adjacent roadways.
5. A structural integrity study completed and certified by a licensed professional engineer. The study should include, at a minimum, the following items:
 - a. Tower type, age, manufacturer, model number, and all current and proposed antennas and their owners;
 - b. A review of wind and ice load design criteria under current conditions and with the proposed additions/changes; and
 - c. A statement indicating the condition of the tower's foundation.
6. Tower owners shall provide documentation (i.e., a copy of the FCC Antenna Structure Registration and any other relevant documents) indicating that each telecommunications tower is in compliance with all federal requirements. A statement declaring that the existing tower is still

in compliance and will remain so after any proposed alterations or additions shall be submitted when the structure is altered or antenna(s) added.

7. A copy of an inspection report current within the last three years.
 8. Proof of general liability insurance for claims from injury or death and property damage in an amount approved by the City, but not less than \$2,000,000.00 per occurrence for personal injury and \$2,000,000.00 per occurrence for property damage with the City listed and endorsed as an additional insured. The policy shall also include an endorsed waiver of subrogation against the City.
 9. The tower owner and/or landowner shall promptly notify the city within 30 days by certified or registered mail of the sale, transfer, or assignment of any tower or telecommunications facility. Each co-location shall be conditioned upon the co-locate obtaining the necessary approvals for the subject facility or site from the City prior to siting such facility.
- L. Pre-existing towers/non-conforming uses. All nonconforming telecommunication towers installed and in use on November 1, 2001 (which was the effective date of the Unified Development Ordinance) shall be allowed to continue their present usage as a legal non-conforming use and shall be treated as a non-conforming use in accordance with Article 10 of the UDO. Periodic structural integrity and inspection reports shall be submitted as required by this article.
- M. Maintenance. Routine maintenance on an existing telecommunications tower shall be permitted without need for a new application unless the structure is being altered beyond what currently exists per the latest approved plan.
- N. Denial. Upon denial of a special use permit tower application by the Governing Body the applicant or any other person, official or agency who is aggrieved by the final decision may appeal the denial pursuant to Article 2. Upon denial of an administrative use, the applicant or any other person, official or agency who is aggrieved by the decision may appeal the denial pursuant to Article 11. In either case, written findings shall be made available to the applicant. The findings should recite the requirements of the ordinance and the failure of the applicant to meet one or more of them.
- O. Preemption. Nothing in this section shall apply to any application or circumstances where to do so would violate applicable and valid provisions of federal law or laws of the State of Missouri.

Packet Information

File #: BILL NO. 19-135, **Version:** 1

An Ordinance approving Application #PL2019-058 - Unified Development Ordinance (UDO) Amendment #4, Article 6 Use Standards - Division III Special Use Permits - Subdivision 2 Specified Special Uses - amendment to the regulations for telecommunication towers/antennas; City of Lee's Summit, applicant

Proposed City Council Motion:

I move for a second reading of an Ordinance approving Application #PL2019-058 - Unified Development Ordinance (UDO) Amendment #4, Article 6 Use Standards - Division III Special Use Permits - Subdivision 2 Specified Special Uses - amendment to the regulations for telecommunication towers/antennas; City of Lee's Summit, applicant

Hector Soto Jr., Planning Manager

BILL NO. 19-135

AN ORDINANCE APPROVING APPLICATION #PL2019-058 - UNIFIED DEVELOPMENT ORDINANCE (UDO) AMENDMENT #4, ARTICLE 6 USE STANDARDS – DIVISION III SPECIAL USE PERMITS – SUBDIVISION 2 SPECIFIED SPECIAL USES – AMENDMENT TO THE REGULATIONS FOR TELECOMMUNICATION TOWERS/ANTENNAS; CITY OF LEE'S SUMMIT APPLICANT

WHEREAS, the Unified Development Ordinance (UDO) was originally adopted by the City Council as Ordinance No. 5209 on September 6, 2001, which has been amended numerous times and recodified in its entirety by the adoption of Ordinance No. 8443 and is incorporated into the City's Code of Ordinances through Section 33-1 of the Code; and,

WHEREAS, Application #PL2019-058, proposing an amendment to Article 6 Use Standards – Division III Special Use Permits – Subdivision 2 Specified Special Uses – amendment to the regulations for telecommunication towers/antennas was filed; and,

WHEREAS, the Community and Economic Development Committee considered the proposed UDO Amendment to Article 6 Use Standards – Division III Special Use Permits – Subdivision 2 Specified Special Uses on February 13, 2019, and authorized the amendments to be advertised for public hearings; and

WHEREAS, after due public notice in the manner prescribed by law, the Planning Commission held a public hearing for Application #PL2019-058 on May 9, 2019 and rendered a report to the City Council recommending that the proposed amendment to Article 6 Use Standards – Division III Special Use Permits – Subdivision 2 Specified Special Uses be approved; and,

WHEREAS, after due public notice in the manner prescribed by law, the City Council held a public hearing on Application #PL2019-058 on June 4, 2019; and,

WHEREAS, the City Council determined that the proposed UDO amendment contained in Application #PL2019-058 would serve the interests of the citizens of Lee's Summit.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEE'S SUMMIT, MISSOURI, as shown on the attached copy, appended hereto and made a part hereof.

SECTION 1. That Article 6 Use Standards – Division III Special Use Permits – Subdivision 2 Specified Special Uses of the Unified Development Ordinance, are hereby amended in the manner shown on the copy appended hereto as Exhibit "A" and incorporated herein by reference.

SECTION 2. That it is the intention of the City Council and is hereby ordained that the provisions of this Ordinance shall become and be made a part of the UDO, and the sections of this Ordinance and the UDO may be renumbered as appropriate to accomplish such intention.

SECTION 3. That this ordinance shall be in full force and effect from and after the date of its passage, adoption, and approval by the Mayor.

BILL NO. 19-135

PASSED by the City Council of the City of Lee's Summit, Missouri, this _____ day of _____, 2019.

Mayor William A. Baird

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said city this _____ day of _____, 2019.

Mayor William A. Baird

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney Brian Head

Exhibit A

Sec. 6.1200. - Telecommunication towers/antennas.

- A. Purpose. The purpose of these standards is to establish general guidelines for the siting of communication towers, antenna structures and antennas for commercial wireless telecommunications.
- B. Goals.
1. Encourage the location of towers, where necessary, in non-residential areas;
 2. Encourage the joint use of new and existing telecommunication tower sites and other antenna structures;
 3. Encourage telecommunication towers, other antenna structures, and antennas to be configured in a way that minimizes the adverse visual impact on the community;
 4. Encourage users of communication towers, other antenna mounts, and antennas to configure them in a way that minimizes the adverse visual impact of those structures;
 5. Enhance the ability of the City to ensure that wireless telecommunications services are provided to the community quickly, effectively, and efficiently.
- C. Minimize the potential adverse effects associated with telecommunication towers through the implementation of reasonable design, landscaping, and construction practices; and:
1. Conform to Federal and State laws that allow certain antennas to be exempt from local regulations.⁷
- D. Definitions.
1. Telecommunications tower. Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, and the like. Terms associated with tower shall mean as follows:
 - a. Alternative communication tower structure shall mean man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.
 - b. Antenna shall mean any exterior apparatus or apparatuses designed for telephonic, radio, data, Internet, or television communications through the sending or receiving of electromagnetic waves including equipment attached to a tower or building for the purpose of providing personal wireless services including, for example, cellular, enhanced specialized mobile radio and personal communications services telecommunications services, and its attendant base station.
 - c. Antenna for non-commercial use shall mean any antenna external to a building, including any supporting structure such as a tower, which is not hand-carried while in use and is used for: Reception or electromagnetic signals, such as radio or television broadcasts or direct satellite television; or for transmission of electromagnetic signals by a licensed amateur radio operator or by means of an Earth-orbiting satellite communications device.
 - d. Antenna panel shall mean an antenna or array of antennas that are flat and rectangular and designed to concentrate a radio signal in a particular area. Also, referred to as directional antennas.
 - e. Antenna support structure shall mean any mast, pole, tripod, tower or similar structure used to support an antenna.
 - f. Antenna system shall mean the combination of an antenna and antenna support structure.

- g. Antenna system height shall mean the overall vertical length of the antenna system above grade. If such system is located on a building, the overall height shall include the height of the building.
- h. Antenna tower shall mean a structure designed and constructed to support one or more antennas used by commercial wireless telecommunication facilities and including all appurtenant devices attached to it. A tower can be free-standing (solely self-supported by attachment to the ground) or supported (attached directly to the ground and with guy wires), or either lattice or monopole construction.
- i. Antenna, whip shall mean an antenna that transmits signals in 360 degrees. They are typically cylindrical in shape and are less than six inches in diameter and measure up to 18 feet in height. Also called omni-directional, pipe, or stick antenna.
- j. Coaxial cable shall mean a cable consisting of one or more cylinders with a single wire running down the center of each cylinder.
- k. Mast shall mean any structure or part of an antenna that has vertical dimensions greater than five times its horizontal dimension that supports or lends support to any part of an antenna.
- l. Microwave shall mean electromagnetic radiation with frequencies higher than 1,000 MHz; highly directional signal used to transmit radio frequencies from point to point at a relatively low power level.
- m. Microwave radio shall mean a line-of-sight radio transmission using very short wavelengths, corresponding to a frequency of 1,000 megahertz or greater.
- n. Radio transmitting and receiving antenna shall mean an array or system of wires, tubing and supporting members mounted on a mast, tower or building, used for transmitting and/or receiving radio signals that include, but are not limited to, citizen band and other special frequencies.
- o. Satellite parabolic or dish receiving antenna shall mean a device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, bowl, or cornucopia. Such device shall be used to transmit or receive radio or electromagnetic waves between terrestrially or orbitally based uses. This definition is meant to include but not be limited to what are commonly referred to as satellite earth stations, TVROs (television reception only satellite dish antennas), and satellite microwave antennas. See: Division IV, Table 6.IV-1 of this article.
- p. Satellite relay shall mean an active or passive satellite repeater that relays signals between two earth terminals.
- q. Standard residential receiving antenna shall mean an array made up of small metal tubing and supporting members that are commonly installed on or near residential buildings for the purpose of receiving television or radio signals. See: Division IV, Table 6.IV-1 of this article.
- r. Telecommunications carrier shall mean a company that provides wireless services. Telecommunication carriers may or may not own the tower they are on; if they are not the owner they are typically leasing the space from a tower company.
- s. Telecommunications facilities equipment shelter shall mean a facility, shelter, cabinet, shed, or vaults used to house and protect the electronic equipment necessary for processing wireless communications signals. Associated equipment may include, for example, air conditioning, backup power supplies and emergency generators.
- t. Tower company shall mean a company that owns, operates and maintains the tower infrastructure.
- u. Tower, guyed shall mean a monopole or lattice tower that is supported, in whole or in part, by guy wires and ground anchors or other means of support besides the superstructure of the tower itself.

- v. Tower, lattice shall mean a tower characterized by an open frame-work of lateral cross-members that stabilize the structure.
- w. Tower, monopole shall mean a telecommunications tower consisting of a single pole, constructed without guy wires and ground anchors.
- x. Tower, self-supporting shall mean a lattice telecommunications tower that is constructed without guy wires and ground anchors.
- y. Wireless telecommunication shall mean the transmission through the air of information in the form of electromagnetic or optical signals; including television, AM/FM radio, digital, microwave, cellular, telephone, or similar forms of electronic or optical wireless communication.
- z. Wireless telecommunication facility shall mean a facility including antennas and transmitting and receiving equipment for wireless telecommunication, including personal wireless services facilities.

E. Applicability.

1. Antenna and antenna structure. An antenna and antenna structure, any portion of which is located within the City of Lee's Summit, shall be subject to this chapter, except as otherwise provided herein.
2. Utility poles. The provisions of this chapter shall not apply to utility poles that are utilized for the support of electrical, telephone, cable television, or other similar cables and wires, are located on public rights-of-ways or easements for that purpose, and are a part of a system of such poles throughout the City of Lee's Summit.
3. Amateur radio, receive-only antenna. The requirements of ~~this~~ section 6.1200 shall not govern any ~~communication~~ telecommunications tower or the installation of any antenna that is:
 - a. Under 70 feet in height;
 - b. Setback from all structures on the same lot, tract, or parcel, and all structures on adjacent lots, tracts, and parcels, a distance equal to its height; and
 - c. ~~b.~~ Owned and operated by a federally-licensed amateur radio station operator ~~, or~~
 - ~~e. Used exclusively for receive-only antennas.~~
4. Pre-existing communication tower, other antenna structure, and antenna. A pre-existing communication tower, other pre-existing antenna structure, and pre-existing antenna shall not be required to meet the requirements of this section except upon expiration of an existing special use permit.
5. Principal or accessory use. An antenna, a communication tower, or an antenna structure, and equipment accessory to the same, may be considered either principal or accessory uses. A different existing use or an existing structure on the same lot shall not preclude the installation of an antenna, telecommunications tower or other antenna structure, and equipment accessory to the same on such lot.
6. Parcel boundaries. For purposes of determining whether the installation of a telecommunication tower or antenna complies with district development regulations, including but not limited to setback requirements, lot coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lot.
7. Non-conforming use. A tower or other antenna structure that is constructed or installed in accordance with the provisions of this chapter, although an addition to the property, shall not be deemed to constitute the expansion of a non-conforming use or structure.

F. General requirements.

1. Federal requirements.

- a. All wireless telecommunication facilities must meet or exceed current standards and regulations of the Federal Aviation Administration (FAA), the Federal Communications Commission (FCC), and any other agency of the federal government with the authority to regulate towers and antennas.
- b. If such standards and regulations are changed, then the owner(s) of the wireless telecommunication facility governed by this chapter shall bring such facility into compliance with such revised standards and regulations within six months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency.
- c. Failure to bring a wireless telecommunication facility into compliance with such revised standards and regulations shall constitute grounds for the removal of the facility at the owner's expense. Any such removal by the governing authority shall be in the manner provided in this section.

2. Building codes and safety standards.

- a. To ensure the structural integrity of telecommunication towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in the International Building Code (IBC) and the applicable standards for towers that are published by the Telecommunications Industry Association (TIA)/Electronic Industries Association (EIA), as amended from time to time. Tower owners shall conduct periodic inspections of telecommunications towers at least once every three years to ensure structural integrity. Inspections shall be conducted by a structural engineer licensed to practice in Missouri. The results of such inspection(s) shall be provided to the Building Official.
- b. If, upon inspection, the Building Official concludes that a tower fails to comply with such codes and standards and is not a danger to persons or property, then a written notice will be sent to the owner of the tower with a copy of said notice to all of the known lease holders. Such notice shall include:
 - (1) A description of the property;
 - (2) A statement of the violation(s) and the reason the notice is being issued;
 - (3) Statement that the owner shall have 30 days to bring such tower into compliance; and
 - (4) A statement that the owner has a right to appeal the Building Official's findings to the Board of Appeals.

If the tower is not brought into compliance within the stated time period above, an extension may be requested by the owner. The extension request shall be in writing and include a proposed plan of action with a timeframe for completion of the work. The Building Official is authorized to grant in writing one or more extensions of time as deemed reasonable and appropriate; however, the owner shall provide proof that action is being taken. If tower is not brought into compliance within the stated time period and no extension is requested, the City may remove such tower at the owner's expense after notice is sent to the property owner and all known lease holders of a Notice Appeal Hearing and such hearing is held.

If, upon inspection, the Building Official concludes that a tower constitutes a danger to persons or property, then upon written notice being provided to the owner of the tower and any known lease holders, the owner shall have 15 days to inspect the tower and make the necessary repairs. If repairs are not made within the stated time period the City may take whatever action is necessary to remove or lessen the dangerous condition.

3. Special use permit. A telecommunications tower shall be subject to a special use permit, in accordance with the following considerations:

- a. Setbacks. No new tower shall be constructed without setbacks from all property lines a distance equal to the height of the tower as measured from the base of the structure to its

highest point or as otherwise authorized by the Governing Body in approval of the special use permit. Accessory structures shall be governed by the setbacks for that particular zoning district.

- b. Guy anchors. Guy anchor foundations shall be setback a minimum of ten feet from all property lines.
- c. Separation distances. The following are the required separation distances from other towers and residential:
 - (1) A telecommunications tower over 90 feet in height shall be separated from any other telecommunications tower over 90 feet in height by a distance of at least one mile.
 - (2) A monopole telecommunications tower with all antennae totally concealed within the monopole shall be located a distance equal to the tower height from any existing single-family or two-family dwelling that is not on the same lot with the tower, any property zoned for single-family or two-family residential use, and any property where the future use indicated by the Comprehensive Plan is low density residential use.
 - (3) A monopole, lattice or guyed telecommunication tower with exposed antennae shall be located a distance of one and one-half times the tower height from any existing single-family or two-family dwelling that is not on the same lot with the tower, any property zoned for single-family or two-family residential use, and any property where the future use indicated by the Comprehensive Plan is low density residential use.
 - (4) These separation distances may be waived if the Governing Body legislatively determines the application of these requirements would effectively prevent the provision of wireless telecommunications services within the City.
- d. Lighting. A telecommunications tower or other antenna structure shall not be artificially lighted unless such lighting is required by the FAA or other applicable authority. If lighting is required, the Governing Body may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views. Security lighting around the base of a communications tower or other antenna structure may be installed if the lighting complies with Article 8, Division 1 and no light is directed toward adjacent properties or rights-of-way.
- e. Signage. Signs located at the telecommunications tower shall be limited to ownership, contact information, the FCC antenna registration number and any other warning signs required by the FCC. Commercial advertising is strictly prohibited.
- f. Landscaping. A telecommunications tower facility shall be landscaped in accordance with Article 8, Division III to provide a buffer of plant materials that effectively screen the view of the telecommunications tower base and accessory structures from adjacent property. This may be waived by the Governing Body where natural growth and land forms provide an equivalent buffer. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In certain locations where the visual impact of the tower would be minimal, such as remote agricultural or rural locations or developed heavy industrial areas, the landscaping requirement may be reduced or waived by the Governing Body.
- g. Parking areas and drives. Parking areas and drives associated with the telecommunications tower shall be paved in accordance with this chapter and the Design and Construction Manual or as otherwise authorized by the Governing Body in the approval of a special use permit after making a determination that additional impervious coverage is not in the best interest of adjacent property owners.
- h. Security fencing. A telecommunications tower shall be enclosed by fencing not less than six feet in height and equipped with an appropriate anti-climbing device. The type of fence shall be in accordance with Article 8, Division III or as otherwise authorized by the Governing Body in the approval of the special use permit.

- i. Visual impact. To limit the visual impact of a telecommunications tower, to the extent feasible, the tower shall be:
 - (1) Located away from key public viewpoints;
 - (2) Located down-slope from the top of ridge lines, so that from key public viewpoints, a smaller portion of the height of the tower is viewed against the sky;
 - (3) Placed within forested areas with antennas just above the treeline;
 - (4) Located or be of such a height not to necessitate FAA coloring and lighting;
 - (5) Located in industrial areas;
 - (6) Of the minimum height necessary for operation of the telecommunication system, considering the visual trade-off of a greater number of towers at lower heights; and
 - (7) Located outside historic districts designated by the Governing Body and located unobtrusively so as not to be visible from historic structures.
- j. View of accessory equipment. Mobile or immobile equipment not used in direct support of a wireless telecommunications facility shall not be stored or parked on the site of the facility, unless repairs to the facility are being made.
- k. Design. The following standards shall apply:
 - (1) A telecommunications tower shall, subject of any applicable standards of the FAA, be painted a neutral color approved by the Governing Body, so as to reduce visual obtrusiveness;
 - (2) At a telecommunications tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and built environment;
 - (3) If an antenna is installed on an antenna structure other than a telecommunications tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the antenna structure so as to make the antenna and related equipment as visually unobtrusive as possible; and
 - (4) Tower design will be evaluated on a case by case basis utilizing the following design preferences:
 - (a) Monopoles are highly encouraged;
 - (b) Stealth technology shall be incorporated into the placement of antenna utilizing architectural elements or structures whenever feasible. Such antenna placement is appropriate around window frames, doorways, along guttering, incorporated into penthouses, cupolas, steeples, etc.;
 - (c) Towers are to be architecturally compatible to the surrounding development(s); and
 - (d) However, the Governing Body shall not mandate design requirements which have been found to be unreasonable under Missouri law.

4. Accessory uses.

- a. Accessory uses shall include only such structures and equipment as are necessary for transmission and receiving functions and satellite ground stations associated with them and shall not include broadcast studios, offices, vehicle storage area, or other similar uses.
- b. Accessory uses/structures shall be placed in an underground vault when located within visual sight of an historic property, or adjacent to or within the public right-of-way.
- c. Accessory structures shall be in compliance with the requirements of this chapter.

5. Exceptions. The Governing Body may reduce the requirements of this section if the goals of this section would be better served thereby.
- G. Shared use (co-location). Although not required pursuant to this chapter, co-location is encouraged and supported by the City in the process of siting new facilities.
- H. All telecommunications towers over 50 feet in height shall be designed to accommodate antennas for more than one user.
- I. Abandonment and removal. If the use of any antenna mounted on a telecommunications tower ceases, and the antenna is not used for a continuous period of 12 months, the antenna shall be considered abandoned, and the owner of such antenna and tower shall remove it within 90 days of receipt of notice from the City notifying the owner of such abandonment. If such antenna and tower is not removed within said 90 days, the City may remove such antenna and tower at the owner's expense. In the event the owner is defunct or cannot be located, the property owner shall be held jointly and severally responsible for the removal of abandoned facilities. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the antennas on the tower.
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 - a. All conditions of this article are otherwise met.
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 - ii. Placing or installing an antenna on an existing structure other than a telecommunications tower (such as a building, sign, light pole, water tower, or other free-standing non-residential structure), provided that:
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2. The antenna does not extend horizontally from the side of such structure farther than the minimum necessary for attachment, and

3. Where the antenna extends horizontally from the side of a building, it is camouflaged by the use of materials, colors, textures, or screening that will visually blend the antenna into the building.

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i. The co-location of an antenna shall be approved through the final development plan process set forth in Article 2.

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~~a. Installing an antenna on an existing structure other than a telecommunications tower (such as a building, sign, light pole, water tower, or other free-standing non-residential structure), provided that:~~

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1. The Director, Commission, or Governing Body may require additional technical studies deemed necessary to fully evaluate the application. Should the services of an outside consultant be needed to evaluate any such technical studies, the cost of such services shall be borne by the applicant.
2. Where required by the Director as essential to the evaluation of a proposed location, proposed mounting of an antenna shall be shown by an accurately-scaled photo simulation, from not less than three viewpoints approved by the Director.
3. A map of the City and the first half-mile of all bordering communities showing the design of the applicant's entire existing and proposed wireless telecommunications network. Such map shall, at a minimum, indicate the exact location of all proposed and existing tower and antenna sites, their dimensions, specifications, and signal area coverage.
4. Color photo simulations from several different angles showing the proposed site of the tower with a photo-realistic representation of the proposed tower as it would appear viewed from the closest residential property or properties and from adjacent roadways.
5. A structural integrity study completed and certified by a licensed professional engineer. The study should include, at a minimum, the following items:
 - a. Tower type, age, manufacturer, model number, and all current and proposed antennas and their owners;
 - b. A review of wind and ice load design criteria under current conditions and with the proposed additions/changes; and
 - c. A statement indicating the condition of the tower's foundation.
6. Tower owners shall provide documentation (i.e., a copy of the FCC Antenna Structure Registration and any other relevant documents) indicating that each telecommunications tower is in compliance with all federal requirements. A statement declaring that the existing tower is still

in compliance and will remain so after any proposed alterations or additions shall be submitted when the structure is altered or antenna(s) added.

7. A copy of an inspection report current within the last three years.
 8. Proof of general liability insurance for claims from injury or death and property damage in an amount approved by the City, but not less than \$2,000,000.00 per occurrence for personal injury and \$2,000,000.00 per occurrence for property damage with the City listed and endorsed as an additional insured. The policy shall also include an endorsed waiver of subrogation against the City.
 9. The tower owner and/or landowner shall promptly notify the city within 30 days by certified or registered mail of the sale, transfer, or assignment of any tower or telecommunications facility. Each co-location shall be conditioned upon the co-locate obtaining the necessary approvals for the subject facility or site from the City prior to siting such facility.
- L. Pre-existing towers/non-conforming uses. All nonconforming telecommunication towers installed and in use on November 1, 2001 (which was the effective date of the Unified Development Ordinance) shall be allowed to continue their present usage as a legal non-conforming use and shall be treated as a non-conforming use in accordance with Article 10 of the UDO. Periodic structural integrity and inspection reports shall be submitted as required by this article.
- M. Maintenance. Routine maintenance on an existing telecommunications tower shall be permitted without need for a new application unless the structure is being altered beyond what currently exists per the latest approved plan.
- N. Denial. Upon denial of a special use permit tower application by the Governing Body the applicant or any other person, official or agency who is aggrieved by the final decision may appeal the denial pursuant to Article 2. Upon denial of an administrative use, the applicant or any other person, official or agency who is aggrieved by the decision may appeal the denial pursuant to Article 11. In either case, written findings shall be made available to the applicant. The findings should recite the requirements of the ordinance and the failure of the applicant to meet one or more of them.
- O. Preemption. Nothing in this section shall apply to any application or circumstances where to do so would violate applicable and valid provisions of federal law or laws of the State of Missouri.

Packet Information

File #: 2019-2744, **Version:** 1

Public Hearing: Application #PL2019-134 - Unified Development Ordinance Amendment #5 - Article 5 Overlay Districts - Division VIII EnVision LS Area Development Plan (ADP) Design Standards; and Article 15 Rules of Interpretation and Definitions - Division II Definitions - establishment of an appeals process for prohibited uses and amendment to definitions; City of Lee's Summit, applicant. (NOTE: This item is to be continued to June 18, 2019 per Staff's request.)

Issue/Request:

Various property owners and interested investors within the EnVision LS overlay have expressed interest in requesting relief or flexibility from the area's specific uses standards and application & review requirements for upgrades/renovations to existing buildings.

Background:

Recently, property owners proposed a series of uses that are prohibited in the EnVision LS area. The uses are a thrift store, a car wash, car detailing and a call center. The mechanism for the EnVision LS area is an overlay district in the UDO with additional design and use standards. The vision for the EnVision LS area is for a mixed-use and transit oriented development that would act as a gateway to downtown. The overlay is divided into three areas; the LS Gateway (Pinetree Plaza), LS Mixed-Use -(Adesa property and properties adjacent to M-291) and LS Arts and Entertainment - (Old Calmar property). The basis for uses was the CP-2 (Planned Community Commercial) zone's office and retail uses. The overlay has a list of additional allowed and prohibited uses designed to support the overall vision for the overlay district and are complimentary to the downtown. The property owners asking for relief are located in the Gateway and Mixed Use parts of the overlay. The use standards are included below for reference.

In addition, at the February CEDC meeting, Chad Anderson with MAR Building Solutions requested the CEDC look into modifying the requirements for application and review of upgrades and renovations to existing buildings within the EnVision LS area plan. Currently applications for renovations, upgrades and remodels require applications to be processed through the preliminary development plan process which requires public hearings at the Planning Commission and City Council.

At the March 13 CEDC meeting, after hearing discussion from property owners and staff, the CEDC directed staff to look at possible UDO changes that might address the above concerns about the Envision LS standards. The current EnVision standards require almost any work done on an existing site to conform to the design requirements. The only opportunity for relief from either the use or design standards is through the PDP process. Staff has modified the Envision Standards to include an appeal process where the applicant goes directly to Council to advocate for uses not allowed in the EnVision LS overlay. We have also provided more specific definitions for what constitutes repair so existing owners can maintain their property. The ordinance as drafted does not provide relief for existing businesses to expand without adhering to the design standards of the EnVision LS Ordinance. The current EnVision standards and staff's draft ordinance are attached to the packet.

Hector Soto Jr., Planning Manager

Recommendation: Staff recommends **APPROVAL** of the UDO amendment to Article 5 and Article 15 as presented.

Committee Recommendation: On a motion by Mr. Funk, seconded by Mr. Sims, the Planning Commission unanimously voted on May 9, 2019, to recommend APPROVAL of Appl. #PL2019-134 - Unified Development Ordinance Amendment #5 - Article 5 Overlay Districts - Division VIII EnVision LS Area Development Plan (ADP) Design Standards; and Article 15 Rules of Interpretation and Definitions - Division II Definitions - establishment of an appeals process for prohibited uses and amendment to definitions; City of Lee's Summit, applicant, as amended.

BILL NO.

ORDINANCE NO.

AN ORDINANCE APPROVING APPLICATION #PL2019-134, A UNIFIED DEVELOPMENT ORDINANCE (UDO) AMENDMENT, ARTICLE 5 OVERLAY DISTRICTS – DIVISION VIII ENVISION LS AREA DEVELOPMENT PLAN (ADP) DESIGN STANDARDS; CITY OF LEE'S SUMMIT APPLICANT.

WHEREAS, the Unified Development Ordinance (UDO) was originally adopted by the City Council as Ordinance No. 5209 on September 6, 2001, which has been amended numerous times and recodified in its entirety by the adoption of Ordinance No. 8443 and is incorporated into the City's Code of Ordinances through Section 33-1 of the Code; and,

WHEREAS, an application #PL2019-134, a Unified Development Ordinance (UDO) Amendment, Article 5 Overlay Districts – Division VIII Envision LS Area Development Plan (ADP) Design Standards; City of Lee's Summit applicant.: and

WHEREAS, the Community and Economic Development Committee considered the proposed UDO Amendment to Article 5 Overlay Districts – Division VIII Envision LS Area Development Plan (ADP) Design Standards on April 10, 2019, and authorized the amendments to be advertised for public hearings; and

WHEREAS, after due public notice in the manner prescribed by law, the Planning Commission held a public hearing for Application #PL2019-134 on ~~January 10, 2019~~ and rendered a report to the City Council recommending that the proposed amendment to Article 5 Overlay Districts – Division VIII Envision LS Area Development Plan (ADP) Design Standards be approved, and,

WHEREAS, after due public notice in the manner prescribed by law, the City Council held a public hearing on Application #PL2019-134 on ~~February 5, 2019~~ and,

WHEREAS, the City Council determined that the proposed UDO amendment contained in Application #PL2019-134 would serve the interests of the citizens of Lee's Summit.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEE'S SUMMIT, MISSOURI, as shown on the attached copy, appended hereto and made a part hereof.

SECTION 1. That Article 5 Overlay Districts – Division VIII Envision LS Area Development Plan (ADP) Design Standards of the Unified Development Ordinance, are hereby amended in the manner shown on the copy appended hereto as Exhibit "A" and incorporated herein by reference.

SECTION 2. That it is the intention of the City Council and is hereby ordained that the provisions of this Ordinance shall become and be made a part of the UDO, and the sections of this Ordinance and the UDO may be renumbered as appropriate to accomplish such intention.

SECTION 3. That this ordinance shall be in full force and effect from and after the date of its passage, adoption, and approval by the Mayor.

PASSED by the City Council of the City of Lee's Summit, Missouri, this _____ day of _____, 2019.

BILL NO.

ORDINANCE NO.

Mayor William A. Baird

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said city this _____ day of _____, 2018.

Mayor William A. Baird

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney Brian Head

Exhibit A

Sec. 5.630. - General provisions.

- A. Purpose. The purpose of these development standards is to facilitate the development of all property within the EnVision LS Area Development Plan located adjacent to and in close proximity to the new interchange improvements at South M-291 and US 50 Highway with the highest possible levels of community and building design consistent with the Area Development Plan (ADP).

Development standards within the ADP have been established to create a healthy and viable economic development and redevelopment area. The administration, enforcement, and amendment of these standards shall be consistent with the ADP. Amendments to these standards should only be considered when a proposed development plan is providing a higher standard than that reflected in the ADP.

- B. Applicability. These development standards are applicable to all property identified on the map labeled "Planning Subareas for Design Standards" in Section 5.620, as now or hereafter established. Development standards shall be applicable to all construction, reconstruction, , and expansion, but shall not be applicable to repairs and alterations. No land, building, structure, or premises shall be used for any purpose or in any manner other than that which is permitted under the approved uses established for each development as a part of their respective preliminary development plan.
- C. Conflict. These development standards are additive; more than one set of standards may apply to a particular development project. The more restrictive provision, as determined by the Director of Planning and Special Projects (Director), shall control in cases where standards conflict.
- D. Alternative equivalent compliance.
1. Purpose and scope. To encourage creative and unique design, "alternative equivalent compliance" allows development to occur in a manner that meets the intent of these standards yet through an alternative design that does not strictly adhere to these standards. This is not a general waiver of regulations. Rather, this section authorizes a site-specific plan that is equal to or better than the strict application of these adopted standards while still meeting the goals and policies established herein.
 2. Decision-making responsibility. Final approval of any alternative compliance proposed under this section shall be the responsibility of the decision-making body responsible for deciding upon the application. Administratively approved projects proposing alternative compliance shall receive written approval of the alternative compliance from the Director.
 3. Criteria. Alternative equivalent compliance may be approved if the applicant demonstrates that the following criteria have been met by the proposed alternative:
 - a. Achieves the intent of the subject standard to the same or better degree than the subject standard;
 - b. Advances the goals and policies of the ADP to the same or better degree than the subject standard;
 - c. Results in benefits to the community that are equivalent to or exceed benefits associated with the subject standard; and

d. Imposes no greater impacts on adjacent properties than would occur through compliance with the specific requirements of this article.

4. Effect of approval. Alternative compliance shall apply only to the specific site for which it is requested and shall not establish a precedent for approval of other requests

Sec. 5.650. - Area development plan (ADP) permitted uses.

A. ADP permitted uses. The following uses are permitted throughout the ADP unless further modified in each "Specific Area" below or listed under "E. ADP Prohibited Uses":

1. CP-2 office and retail uses permitted by right (P) in Table 6-1 of the Unified Development Ordinance.
 2. Loft dwellings.
 3. Multi-family residential apartments, market rate, age restricted and senior.
 4. Drug store including drive-up window.
 5. Financial services, including drive-up window and drive-through facility, as a "C" use such as banks and credit unions.
 6. Bars and taverns as a "C" use.
 7. Hotel.
 8. Massage therapy as a "C" use.
 9. Restaurant, general as a "C" use.
 10. Civic or fraternal organization as a "C" use.
 11. Research, design, marketing and production needs of the general business community.
 12. Other uses specifically approved as part of a Preliminary Development Plan or further modified from the "Specific Area Uses" or "Prohibited Uses".
- Uses shown as "C" uses must comply with the conditions established in UDO Article 6, Division II unless further modified through the approval process.

B. LS Gateway—Specific area uses.

1. Rooftop restaurants.
2. Medical clinic.
3. Fitness center.

C. LS mixed use—Specific area uses.

1. Restaurants/coffee shops including drive-through.
2. Indoor fitness/recreation center.
3. Convenience store (C-Store).
4. Business and vocational schools.
5. Churches.

D. LS arts and entertainment center—Specific area uses.

1. Rooftop restaurants.
2. Restaurants/coffee shops located within a larger building.
3. Artist studio, video production labs.
4. Performing arts.
5. Hospital, medical clinic prohibited.
6. Restaurant—Drive-up and drive-thru services prohibited.

E. ADP prohibited uses.

1. Automotive/truck related uses.
2. Retail—Big box in excess of 80,000 square feet on one level.
3. Call centers.
4. Industrial uses.
5. Outdoor storage.
6. Indoor storage facility.
7. Office warehouse.
8. Pet and animal hospitals.
9. Adult business, entertainment, personal services, bookstores, novelties and similar uses.
10. Title loan, check cashing and unsecured loan businesses.
11. Appliance repair unless accessory to the primary retail business, i.e., servicing what is being sold on the premises.
12. Construction material sales and service.
13. Car wash indoor or outdoor or automated.
14. Equipment rental/lease.
15. Building or ground maintenance.
16. Bus terminal.
17. Day care except as an accessory use located within a larger building complex for a permitted business use.
18. Exterminating service.
19. Martial arts studio except when associated with a fitness center.
20. Pet grooming/pet motel.
21. Plumbing and heating equipment dealers.
22. Radio and TV repair.
23. Repair services non-automotive.
24. Reupholstery or furniture repair.

25. Tattoo parlor, permanent cosmetic services, body piercing studio.
26. Used merchandise sales, including thrift stores, second hand sales, refurbished equipment etc.

F. Appeals for Prohibited Uses.

1. Filing with City Clerk. If an applicant seeks relief from the restrictions in part E of this Section (ADP Prohibited Uses), the applicant may file a written appeal with the City Clerk which shall include the following information:
 - a. Date prepared;
 - b. Name, address and telephone number of the applicant and the name, address and telephone number of the landowner if different than the applicant;
 - c. Affidavit testifying to proof of ownership or of authorization of agent pursuant to Section 2.020, if applicable;
 - d. Name, address and telephone number of all persons preparing any technical studies, maps, drawings and documents submitted with the appeal;
 - e. Accurate legal description, accompanied by a legal description closure report for metes and bounds descriptions, of the property for which the application is submitted;
 - f. Description of the proposed use, including size of the propose structure(s), floor area of each use within each structure, a description of the alterations, repairs or improvements that are proposed to existing structures, and any additional information needed to understand the location, extent and character of the proposed development, including whether the proposed development will be one or more new structures or alteration to one or more existing structures;
 - g. a statement setting forth the reasons why relief should be granted and why the prohibited use should be allowed; and
 - h. Any additional information required by City staff in order to evaluate the request.
2. City Council Hearing. The City Clerk shall schedule a hearing before the City Council within thirty (30) days following the date that the appeal is filed, or as soon thereafter as practicable in the normal course of managing Council agendas, at which the applicant shall bear the burden of establishing that the requested relief should be granted.
3. Decision and Standards for Determination. The standard to be applied to the Council's decision on the appeal shall be the same standard that applies to legislative decisions of the City Council. The Council may grant approval to the appeal or deny the appeal by motion, resolution or ordinance. By granting an appeal, such decision will only provide relief from the prohibited use restriction set forth in part E of this Section, in that the proposed use will be considered as a potentially allowable use for the applicant's subject property, but no additional rights shall accrue to the applicant. All other UDO requirements which would apply to development of the property shall be satisfied if an appeal is granted. An appeal granted by the Council shall apply only to the property that is legally described in the written appeal and shall not be transferrable to any other property in the ADP or any other property owned by the applicant.
4. Development Application. If the appeal is granted by the City Council, a subsequent application may be made by the applicant or property owner and such application shall be processed according to all applicable UDO requirements.

Sec. 15.200. - Alteration.

Alteration shall mean any addition, removal, extension or change to any part of a structure or fixture.

Sec. 15.2470. - Repair.

Repair shall mean the reconstruction, rehabilitation or renewal of any part of an existing structure, improvement or fixture for the purpose of maintenance or to bring the structure, improvement or fixture into compliance with any City regulation.

The City of Lee's Summit
Action Letter - Draft
Planning Commission

Thursday, May 9, 2019

5:00 PM

City Council Chambers

City Hall

220 SE Green Street

Lee's Summit, MO 64063

Call to Order

Present: 6 - Board Member Jason Norbury
Board Member Don Gustafson
Board Member Donnie Funk
Board Member Jeff Sims
Board Member John Lovell
Board Member Mark Kitchens

Absent: 3 - Board Member Carla Dial
Board Member Dana Arth
Board Member Jake Loveless

Roll Call

Approval of Agenda

A motion was made by Board Member Funk, seconded by Board Member Gustafson, this agenda be approved. The motion carried unanimously.

Public Comments

There were no public comments at the meeting.

Approval of Consent Agenda

[TMP-1216](#) Appl. #PL2019-124 - FINAL PLAT - Summit Orchard, Lot 4A-4E; Townsend Summit, LLC, applicant

A motion was made by Board Member Funk, seconded by Board Member Sims, that this application be recommended for approval to the City Council - Regular Session, due back on 5/21/2019. The motion carried unanimously.

[2019-2740](#) Minutes of the April 25, 2019, Planning Commission meeting

A motion was made by Board Member Funk, seconded by Board Member Sims, that the minutes be approved. The motion carried unanimously.

Public Hearings

[2018-2219](#) Continued Appl. #PL2018-101 - REZONING from PI to PMIX and PRELIMINARY DEVELOPMENT PLAN - Woodland Glen, approximately 24 acres located at the northeast corner of SW Ward Rd and SW Scherer Rd; John Duggan, applicant

Chairperson Norbury opened the hearing at 5:01 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Mr. John Duggan, the applicant, gave his address as 9101 110 Street, Ste. 200 in Overland Park, KS. He stated that this application for a rezoning and preliminary plan was a revision to the Woodland Glen subdivision. Early platting and applications for development were done in 2000, between April 11th (preliminary plat approved) and September 21st (rezoning, preliminary development plan and final plat), with about 36 acres now platted. Mr. Duggan had bought the subject property about a year ago, and had decided that some of the original plan was not well suited to today's market, including the improvements to Scherer Road that would be necessary and the condominiums that were in the development's multi-family part. Tonight's application would be for the last phases.

Mr. Duggan displayed the PDP that Schlager and Associates had done, pointing out the single family component. The previous plan had been for cul-de-sacs extending down into a wooded area with a creek, which would not have been practical; and this part was now divided into two large wooded lots, lots 11 and 12, running adjacent to Ward Road. Other single family residential lots would be along a future extension of Heartwood Road. The attached villas would be accessed by the entryway off Ward Road; but mostly conformed to the previous plan. The rezoning request substantially reduced the level of density that was previously approved, by about one unit per acre. The planned development would be in addition to what was already in place in the subdivision. That would include building out some of the existing lots. Two spec homes that were planned would meet all the same architectural requirements in the single family and villa areas. The 24 acres had a total density reduction of 34 units.

Mr. Duggan summarized that these changes had created the two large wooded lots along Ward Road, eliminated the cul-de-sacs, keeping the planned lots along Heartwood and extending it to run adjacent and parallel to Ward. That created the space for the twin villas that would replace the previously planned condominiums. The single family area was kept distinct and separate, with its own homeowners association, which would not include the twin villa neighborhood. He had emphasized this last month, in talking with the neighboring homeowners.

Following Mr. Duggan's presentation, Chairperson Norbury asked for staff comments.

Mr. Soto entered Exhibit (A), list of exhibits 1-19 into the record. He gave some background for the original plan, and explained how it compared with the PDP the applicant was proposing. He displayed slides of aerial and zoning maps, noting that the yellow-dashed border identified the two areas pertaining to the plan. The single family component was generally south of Winthrop, extending a little north on the east side; with the attached multi-family ('twin') villas. Another five acres, outlined in red on the map, were to be rezoned from PI (Planned Industrial) and PMIX to all PMIX. The southern part of this property, plus a narrow piece off the far east edge, were also zoned PI.

In 2000 Mr. Larry Barcus, the original developer, came forward with a plan for Woodland Glen. He was in control of all the property, as shown in lavender on one of the maps, but not the gray portion shown at the north end. At that time the planned zoning designation was PUD (Planned Unit Development). At present, the applicant did have control over that area and the plan included its development. In 2000 the zoning in the original plan was R-1. The development would be a total 194 dwelling units, including single family estate lots, more standard sized single family lots, attached villas and multi-family development ranging from duplexes to 'five-plexes' as well as apartments at the far northern end. Two buildings had 16 units and other two had 12 units each. To date, 87 home sites had been platted, mostly off Hedgewood Lane. Mr. Soto pointed out the location of the detached single family residential portion. The properties extending out just east of Heartwood were detached single family

villas, which had turned out to sell better than the multi-family options. Of the 87 lots platted to date, 69 of them had been developed. The original plan showed 17 acres of single family estate lots, 7 acres of detached single family lots, and a total 19 acres of attached villas, with apartments to the north. The average was 3.25 units per acre.

Tonight's application involved mostly 24 acres on the west side. The 63 units would include 17 single family lots and 23 two-family villas, for an average density of 2.62 units per acre. The displayed site plan showed the single family lots mostly south of Winthrop Drive, and the multi-family lots north of Winthrop and along Ward Road. The sample elevations shown on the next slide used stone and stucco with composition roofs.

Woodland Glen residents had submitted protest petitions to the City. These petitions had been received before the applicant had hosted the neighborhood meeting; so some of the concerns had been addressed. They'd had traffic safety concerns about the SW Scherer Road and SW Heartwood Drive intersection. Some were protesting the proposed lot sizes relative to existing developed lots, as well as what would be done with lots 11 and 12 along Ward Road. The new plan eliminated the apartments and had added mostly single family lots and attached villa units. This was consistent with a planned mix of residential types, including multi-family components. The total number of units had been reduced, and the overall density reduced from 3.25 units per acre to 2.34 units per acre.

Staff found the proposed rezoning and plan consistent with the existing development and with the Comprehensive Plan's recommended land use. They recommended approval of the proposed rezoning and PDP, subject to two conditions. One required that development to be consistent with the preliminary plans submitted to the City between September 2018 and February 2019; with development standards such as lot area and setbacks consistent with what the plan showed. The second condition required the development to be "subject to the recommended road improvements outlined in the Transportation Impact Analysis prepared by Michael Park, dated October 3, 2018." One of these improvements addressed the concerns residents had brought up about the Scherer/ Heartwood intersection. It was a three-way stop, with limited sight distance across. The TIA recommended improvements to these sight distance problems before the City issued any building permits. The required improvements would also include an eastbound left-turn lane.

Following Mr. Soto's comments, Chairperson Norbury asked if there was anyone present wishing to give testimony, either in support for or opposition to the application.

Mr. George Owen gave his address as 1631 SW Heartwood Drive. He and Mrs. Sharon Owen had purchased their home in 2005. He observed that the neighbors who had wanted to speak out about their concerns had experienced more than one continuance of this application, one of them on the day of the Commission meeting. They did appreciate the City requiring the developer to meet with the homeowners and he did not believe that the developer would have met with them otherwise. They were concerned about increase of traffic into the development from Scherer Road. The main entryway off Ward was the other concern. By covenant the homeowners were responsible for maintenance of the paver entryway, although the road itself was public. They did not want this part of the entry to be damaged by heavy equipment during the construction phase; and wanted to know who would be responsible for repairs if this happened. Additionally, the entry road itself was called "Winthrop" but the entry to the attached villa area was called "Winthrop Circle." To access it, a driver had to come through the main entry and then turn north; and the residents asked that the Winthrop Circle entry be closed during the construction phase. Equipment could be brought in via 14th Street as well as two other existing entry points on Ward where homes had formerly been. Mr. Owen acknowledged that the barrier should conform to accessibility for emergency vehicles.

Mr. James Green gave his address as 1433 SW Heartwood Terrace, stating that he had Mrs. Tonya Green had been Woodland Glen residents for 14 years. He wanted some information

about maintenance of the new buildings. Over the past year or 18 months, the developer had not been negligent about mowing the undeveloped property and the lots for sale. Quite often, mowing was not done until a resident contacted the City with a complaint. The first mowing of the season had been done only yesterday, and the properties had been seriously overgrown. Additionally, one 'estate' lot behind his home had a large pile of downed tree limbs, paint cans and other trash such as gravel and plastic. About ten years ago he had contacted the previous developer, and eventually the City, about another, similar pile that was mostly construction debris and had generated a serious problem with rats. He wondered why a developer would allow this kind of nuisance on a lot he planned to eventually sell and develop.

Ms. Cynthia Hernandez gave her address as 1376 SW Heartwood Drive. She wanted to know if the TIA included the increased traffic that the attached villas would create at the Ward/Persels intersection. This was actually two signaled intersections back-to-back; and she had learned from a Lee's Summit police officer that high traffic was an issue there. Three weeks ago, her boyfriend had been in an accident at that intersection that had totaled his car. Drivers turning onto 14th Street would have to deal with increased congestion unless they had a separate left-turn lane. At present, drivers turning left had only about 6 seconds of a green light. Ms. Hernandez also wanted to know why the zoning would be changed to PMIX when the development was a residential one. She was concerned about this zoning designation allowing non-residential uses, and she noted that the development across the road at Ward and Persels was zoned R-1. Concerning lots 11 and 12, the developer had just called them 'wooded lots'; but the PDP did not give any information about what would eventually be built there and she wanted to see some indication that these would be residential development only. Ms. Hernandez also asked about the attached villas having a separate homeowners association, raising concerns about the separate HOAs having inconsistencies with property maintenance and restrictions. There would be a shared entrance and she wanted to know how the two HOAs would share the cost of maintaining the entrances and landscape islands. She had heard that the different HOAs would have the same restrictions. She asked that the plan for the attached villas to include some type of fence or landscaping buffer in the back, down to 14th Street. A wrought iron fence at the corner of Ward and Scherer Road that ran on the east side of Ward, and she was asking for some consistency of both sides of Winthrop.

Mr. Buddy Hendricks gave his address as 1604 SW Hedgewood Lane. Concerning lots 11 and 12, he asked that the entries to these lots along Heartland Drive be replaced. He pointed out their location on a displayed map, noting that the adjacent lots had been reduced in size. These would reduce the width of any house that could be placed on these lots, and asked that the original sizes be restored. He noted that the HOA currently required a minimum square foot area for the first level of houses on these lots. Mr. Hendricks also wanted some assurance that the attached villas would follow the HOA requirements, including construction and building materials. He also asked that dues for both HOAs be used for maintenance of common ground and that dues included a common trash disposal company. If the new developer did decide to deed the residents some of that common ground to maintain and clean up, they wanted to be sure that the ground was in good condition when they assumed responsibility. At present, there was a lot of debris, especially from trees downed over the winter.

Mr. Gary Sears gave his address as 1512 SW Hedgewood Lane. Referring to Mr. Owen's suggestion to temporarily block off Winthrop Circle, he asked that once it was re-opened, traffic into the other proposed new lots come through 14th Street and Winthrop Terrace instead of the entryways on Scherer and Ward. Concerning the reference to brush piles, Mr. Sears stated that this was not a minor cleanup. Some very large trees were down and needed to be removed. He also wanted some details on what facades would be on the front and sides of the attached villas, explaining that the residents had heard conflicting information as to whether the villas would have four-sided architecture or stucco on the front sides only. He also wanted to see cost sharing if there were to be two separate HOAs, and a definite choice

of just one trash hauler.

Chairperson Norbury then asked if the Commission had questions for the applicant or staff.

Mr. Funk asked what the price range would be, specifically for the villas. Mr. Duggan answered that the design was for about 1,100-1,200 square feet for a main level of a 2-bedroom unit, with a finished basement. On today's market he doubted they could be sold for anything less than \$300,000 to \$325,000. He added that he would probably eventually sell these lots to a builder, so he did not plan to put restrictions on rents if the market dictated going to rentals. He added that he had made it clear to the homeowners that these would not have stucco on all four sides. A mix of stucco and stone would be on the front with regular siding on the other three sides.

Mr. Funk then asked for some details about the required improvements to the Heartwood/Scherer intersection. Mr. Duggan responded that according to City staff, that intersection needed to be lowered. The preliminary plat that he had submitted did not show Heartwood going all the way through the project. Several discussions had focused on the intersection at Winthrop, and he believed the plan was to finish this intersection, and there would actually be four lots in the area next to Tract A, three lots on the corner plus lot 11. The road would stop there and not be extended through until such time as Scherer was improved.

Chairperson Norbury remarked that it did not look like the road could go anywhere else. Mr. Duggan stated that he did not have any access rights from lots 11 or 12. That meant the Winthrop would be the only access onto lot 11. Access to lot 12 was likely to be a future driveway from Heartwood. Chairperson Norbury asked if these lots would be developed eventually and if the plan allowed for their development in any way. Mr. Duggan replied that it did not. If they were developed, each lot would be for a single house. When the rezoning was done and he came back for a final plat, lot 11 would be for sale as a single family lot with access to Heartwood. When the Scherer Road improvements were done and Heartwood was extended, lot 12 could have a driveway onto Heartwood and could also be developed.

Mr. Kitchens asked if the villas on lots 6, 7 and 8 would have a back fence, as they were near the detention area. Mr. Duggan replied that fences tended to deteriorate after the first 4 or 5 years. He would prefer to use landscaping. Mr. Kitchens noted that the dropoff was about 10 feet and appeared to be very steep. He asked if there were any City regulations about fences on property that steep. Mr. Soto answered that there were none that he knew of.

Chairperson Norbury asked Mr. Soto for an answer to the earlier question about why the PMIX zoning was chosen. Mr. Soto answered that the PMIX zoning allowed for a wide range of uses; however, when a property was requested for a PMIX rezoning that was tied to the land uses designated on the plan adopted as part of that rezoning request. This specific plan had 17 single family residential lots plus 23 two-unit villa lots. Accordingly, the PMIX zoning would be applicable only to these uses. If someone did want to use another zoning designation in the future, a new plan would be required. In this case, the PMIX zoning would apply to the variety of residential uses only.

Noting that on this plan the referenced 'villas' were duplexes, Mr. Lovell asked if the references to the density being reduced took into account that the duplex villas were two dwelling units, not one. Mr. Soto answered that they did. Chairperson Norbury asked if a developer could have purchased this land with the existing platting could have built according to that plat even though it was significantly dated; or if this would have required a new preliminary development plan. Mr. Soto answered that a builder could build off the 2000 plan; however, the City did have a 'sunset' option for a plat. The builder would be able to build the apartments and condos shown on the original plan.

Chairperson Norbury asked if there were further questions for the applicant or staff. Hearing

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none, he closed the public hearing at 6:00 p.m. and asked for discussion among the Commission members. He acknowledged the concerns that were raised, many of which had to do with code enforcement. At Mr. Gustafson's request, he re-opened the hearing.

Mr. Gustafson noted what appeared to be a cul-de-sac near lot 11, and asked if it was a temporary one. Mr. Soto explained that staff had asked for the plan to show a cul-de-sac for the benefit of a developer who might want to subdivide the lot into smaller ones. It was a temporary one, and the lot would not be developable until the cul-de-sac was removed. He confirmed for Mr. Gustafson that the applicant did not own the adjacent property to the north; and the aerial photograph showed a single family residence built on it.

Mr. Lovell asked for clarification of the elevations included in his packet. One sheet showed the ones the applicant had displayed but the packet included other elevations that looked like apartments. Mr. Soto clarified that one of them was a preliminary elevation; but another that Mr. Lovell had just shown was part of the older plan. Details of the current elevations would be addressed in the final development plan. A larger, more detailed elevation in the packet was an example of materials to be used.

Mr. Lovell stated that he tended to reference his own experiences in Lee's Summit, as did some of the citizens attending and wanting concerns addressed. During the economic downturn, many developments, including New Longview, were not finished the way that was intended. At this point, the Commission would have to look at today's plan rather than the 2000 one; and in the idea of duplexes was his first concern. This was influenced by the challenges with some developments that had gone through. He was not opposed to duplexes but he did not think that the design of the elevation in his packet met the standards the City and the Commission were looking for. However, there was enough separation and the applicant had said that the prices for them was \$300,000 and up for about 1,100 square feet. He liked the separation in the plan, as these were different housing products and might have different property values. He did not have any problem with rezoning to PMIX, as this would provide for a variety of housing approaches.

Mr. Funk commented that the Commission had a straightforward task with the rezoning. He emphasized to both the developer and the citizens present that this was a preliminary plan, not a final one. Concerning the villas in particular, he recommended that in the final plan the developer would show a more distinctive housing product for the \$300,000 price range.

Concerning the issue of HOAs, Chairperson Norbury remarked that the discussion suggested wanting a lot of control over the product, such as contributing to the common entry without giving access to a pool; and this was not how it worked. He encouraged the participants to work together in deciding how maintenance would be handled.

As there was no further discussion, Chairperson Norbury again closed the hearing at 6:11 p.m. and called for a motion.

Mr. Funk made a motion to recommend approval of continued Application PL2018-101, Rezoning from PI to PMIX and Preliminary Development Plan: Woodland Glen, approximately 24 acres located at the northeast corner of SW Ward Rd and SW Scherer Rd; John Duggan, applicant; subject to staff's letter of May 3, 2019, specifically Recommendation Items 1 and 2. Mr. Gustafson seconded.

Chairperson Norbury asked if there was any discussion of the motion. Hearing none, he called for a vote.

A motion was made by Board Member Funk, seconded by Board Member Gustafson, that this application be recommended for approval to the City Council - Regular Session, due back on 6/4/2019. The motion carried unanimously.

[2019-2753](#) Appl. #PL2019-097 - REZONING from AG to RLL - Sanko Acres, 5220 NE Maybrook Rd; Nathan Sanko, applicant

Chairperson Norbury opened the hearing at 5:13 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Mr. McGuire entered Exhibit (A), list of exhibits 1-12 into the record, and stated that this application was to rezone .52 acres of a 15.6 acre tract from AG to RLL. It was bordered by large-lot single family homes on all sides. The property to the north had AG and RLL zoning, with those on the south, east and west having only AG. The .52 acres was developed with a single family home; and the applicant wanted to rezone the property and then subdivide it into two tracts: the .52 acres with the home and the remaining 16 acres. No development was planned at this time. The requested rezoning was consistent with the 2005 Comprehensive Plan, which identified this area as low-density residential use. Staff recommended approval, stipulating that the rezoning would become effective only after a minor plat was submitted and approved.

Chairperson Norbury asked if there was anyone present wishing to give testimony, either in support for or opposition to the application.

Ms. Teresa Vollenweider gave her address as 5201 NE Maybrook Road. She asserted that the smallest lot in the neighborhood was the one with the baseball diamond, at 4.82 acres. Her property was zoned AG, and she was currently planting a fruit tree orchard in the area north of the subject property a use that was permitted in AG zoning. Her first concern was that if the City approved the .52 lot, others would follow; with the potential volume of wastewater being a more immediate issue.

Currently some stagnant water existed from the subject property's address to just south of its driveway. The water would travel all the way down the east side of Maybrook Road; and one corner of the subject property, as well as her own property, was swampy. From 2003 to 2007, she was able to mow in that area but could not know because the area always had standing water except during droughts. Stagnant water generated public health problems, especially as a breeding ground for mosquitoes. She had a video from last spring of the volume of larvae. According the reading from the CDC that she had done, the danger of disease from mosquitoes and ticks was something that cities would have to start taking seriously. She currently had a pasture that her horses could not use due to the danger of West Nile disease; which human beings could also get. People moving into this neighborhood needed to be aware of this hazard; but to date the City was doing nothing to address it although the residents had been told that the standing water problem would be fixed. It would only get worse if this tract was eventually developed with half-acre lots.

Chairperson Norbury noted that if any other portion of this tract was developed, it would involve an application, or applications, that would have to come through the approval process separately. That would include any issues concerning storm water, traffic or infrastructure. Ms. Vollenweider answered that her major concern was the neighborhood starting to undergo a drastic change, in view of a lot size so out of character being approved.

Chairperson Norbury then asked if the Commission had questions for the applicant or staff.

Mr. Elam confirmed the statement that any future development of this tract, other than a single family home being built on the remaining 15 acres, would have to go through the City's approval process.

Chairperson Norbury asked if there were further questions for the applicant or staff. Hearing none, he closed the public hearing at 6:25 p.m. and asked for discussion among the Commission members, or for a motion.

Mr. Funk made a motion to recommend approval of Application PL2019-097, Rezoning from AG to RLL: Sanko Acres, 5220 NE Maybrook Rd; Nathan Sanko, applicant; subject to staff's letter of May 3, 2019, specifically Recommendation Item 1. Mr. Sims seconded.

Chairperson Norbury asked if there was any discussion of the motion. Hearing none, he called for a vote.

A motion was made by Board Member Funk, seconded by Board Member Sims, that this application be recommended for approval to the City Council - Regular Session, due back on 6/4/2019. The motion carried unanimously.

[2019-2695](#)

Appl. #PL2019-071 - Preliminary Development Plan - Paragon Star Village, approximately 36 acres generally located at the northeast corner of I-470 and NW View High Dr; Paragon Star, LLC, applicant

Mr. Elam announced that on Tuesday evening, the applicant had requested a continuance to a date certain of May 23, 2019.

Chairperson Norbury noted that this application had been continued at least twice before, and asked what the problem was. Mr. Elam answered that the project had several pieces with schedules that had to be reconciled; and they also had another application in Kansas City, being heard on May 21st. Chairperson Norbury stated the applicants needed to be present on the 23rd, especially if they intended to request yet another continuance PL2019-071 applied specifically to Lee's Summit.

Mr. Gustafson asked if this application would involve the city of Kansas City. Mr. Elam responded that it was not likely. The Kansas City application involved property north of the soccer complex so it was part of a larger project. Mr. Gustafson asked if View High was a Kansas City road, and Mr. Elam said it went through both Kansas City and Lee's Summit. The previously approved preliminary development plan was associated with the soccer complex.

Noting that this was a fairly sizable development bordering Kansas City on two sides, Mr. Gustafson remarked that it would be helpful to have more information about what was going on with the city of Kansas City. He asked if there had been any response from the highway department to the traffic analysis. Mr. Park related that throughout the Paragon Star project, the sports complex and village component phase were coordinating with Jackson County, MoDOT and Kansas City. It was a complex project with multiple jurisdictions involved. Kansas City and MoDOT had read the traffic impact study for this particular portion and agreed with the conclusions and the study's scope. Staff had given Kansas City the opportunity to add their own conditions for staff's report; so the report would more consistently reflect Lee's Summit, Kansas City and MoDOT. View High did pass through a number of jurisdictions.

Mr. Lovell commented that his development had a lot of 'moving parts', and hopefully when they did participate, that would help resolve some of the lingering issues. It would be an advantage to have more complete representation. Mr. Elam added that staff was coordinating with the Paragon development team almost daily. The City was also communicating with officials from both Kansas City and Jackson County.

Hearing no further discussion, Chairperson Norbury called for a motion to continue.

Mr. Funk made a motion to continue Application PL2019-071, Preliminary Development Plan: Paragon Star Village, approximately 36 acres generally located at the northeast corner of I-470 and NW View High Dr; Paragon Star, LLC, applicant, to a date certain of May 23, 2019. Mr. Sims seconded.

Chairperson Norbury asked if there was any discussion of the motion. Hearing none, he called

for a vote.

A motion was made by Board Member Funk, seconded by Board Member Sims, that this application be continued to the Planning Commission, due back on 5/23/2019. The motion carried unanimously.

[2019-2746](#)

Appl. #PL2019-058 - Unified Development Ordinance (UDO) Amendment #4 - Article 6 Use Standards - Division III Special Use Permits - Subdivision 2 Specified Special Uses - amendment to the regulations for telecommunication towers/antennas; City of Lee's Summit, applicant

Chairperson Norbury opened the hearing at 6:30 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Mr. Soto entered Exhibit (A), list of exhibits 1-6 into the record. He explained that this was the first of three UDO amendments, with mostly minor changes. Staff had revisited regulations regarding telecommunications in response to changes in State law. These mostly affected amateur radio regulations, co-locations and insurance requirements. Staff had also made some improvements to publication requirements as well. The amateur radio regulations had previously referred readers to "page 4", and since page numbers could change this was changed to the more specific "Section 6.1200." Another change established "minimum setback requirements from structures on the same property and adjacent property equal to tower height." Amateur radio towers rarely exceeded 70 feet in height. A reference to receive-only antennas was deleted.

No significant changes were made regarding co-locations, but re-titled the subsection reference from "Administratively Approved Uses" to, more simply, "Co-locations." In addition to the requirement for general liability insurance, a requirement was added for the insurance policy to include "a waiver of subrogation against the City" as part of the proof of liability insurance. Staff recommended approval of the UDO amendment to Article 6, as amended."

Chairperson Norbury asked if there was any public comment regarding this particular UDO amendment. Seeing none, he opened the hearing for questions for the applicant or staff.

Mr. Kitchens asked if anything would be 'grandfathered' in, specifically towers on private property. Mr. Soto replied that anything that was lawfully permitted previously would be; and Mr. Kitchens noted that amateur towers were not uncommon and were often next to houses.

Chairperson Norbury asked if there were further questions for the applicant or staff. Hearing none, he closed the public hearing at 6:39 p.m. and asked for discussion among the Commission members, or for a motion.

Mr. Funk made a motion to recommend approval of Application PL2019-058, Unified Development Ordinance (UDO) Amendment #4: Article 6 Use Standards; Division III Special Use Permits; Subdivision 2; Specified Special Uses: amendment to the regulations for telecommunication towers/antennas; City of Lee's Summit, applicant . Mr. Sims seconded.

Chairperson Norbury asked if there was any discussion of the motion. Hearing none, he called for a vote.

A motion was made by Board Member Funk, seconded by Board Member Sims, that this application be recommended for approval to the City Council - Regular Session, due back on 6/4/2019. The motion carried unanimously.

[2019-2744](#)

Appl. #PL2019-134 - Unified Development Ordinance Amendment #5 - Article 5 Overlay Districts - Division VIII EnVision LS Area Development Plan (ADP)

Design Standards; and Article 15 Rules of Interpretation and Definitions - Division II Definitions - establishment of an appeals process for prohibited uses and amendment to definitions; City of Lee's Summit, applicant

Chairperson Norbury opened the hearing at 6:42 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Mr. Soto entered Exhibit (A), list of exhibits 1-6 into the record. He displayed a map of the EnVision LS area development plan adopted in 2017. The yellow part indicated the northwest/southwest/southeast corner of US 50 and Jefferson Street/M-291 South. The blue part was the boundary of the Grove project. When EnVision LS was adopted, the idea was that Lee's Summit had a significant amount of currently unused or underutilized property near the US 50/M-291 intersection: the Adessa site, the Calmar site and some redevelopment potential with the existing Pinetree Plaza. The 'Vision' in the name was for a "desired aesthetic" and a certain type of desired development as opportunities for redevelopment occurred and a high quality community at a prime commercial location." Minimum design standards were part of, and established by, the plan; as well as processes for future development and redevelopment. "Development" could refer to existing structures as well as any future ones.

In the past few months, the City had seen increased interest from developers and existing property owners for projects they wanted to occur. Some lists of allowed uses were established as part of EnVision's plan. Other lists focused on uses that were prohibited, or restricted uses in some cases. The latter would require an appeal process initiated by a developer or owner/ occupant. Staff had received inquiries about some of the prohibited uses, and the appeal process was essentially like the preliminary development plan process, which usually took at least three months and involved public hearings with the Planning Commission and the City Council. Staff had developed a UDO amendment that would make this appeal process more realistic and less cumbersome. When the matter went to the CEDC, the suggestion was to establish an appeals process that would go directly to the City Council. If an appeal got an approval from the Council, that would not preclude the applicant coming back through the usual preliminary development plan process for a new project or significant change. Some applicants had gone through this process and then discovered that a use was not workable for some particular site.

Another request that had been made had to do with maintenance and work on existing buildings. The current wording required the preliminary development plan process for any changes to a building. This would apply to many owners of existing properties who wanted to update and maintain a structure, such as re-doing stucco or removing cladding that covered another material. Some changes to definitions clarified the differing definitions of "alterations" and "repair". "Repair" would now include rehabilitation work that might be intended to bring the structure into compliance with other City codes. Many changes to exteriors could be approved administratively.

One of the changes was to the applicability of the design standards for the EnVision LS area. Currently the design standards applied to a multi-family and to commercial/non-residential uses; and the proposed change was to make them applicable to all uses. Staff recommended approval of the UDO amendment to Articles 5 and 15 as presented.

Mr. Johnson informed Chairperson Norbury that the packets might have the wrong version of the ordinance. Alterations were allowed to buildings. The displayed draft ordinance version of the "Applicability" (B.) paragraph provided language for a motion. Chairperson Norbury and staff agreed that the motion should be to amend the draft ordinance to include the amended language in the application.

Chairperson Norbury asked if there was anyone present wishing to give testimony, either in support for or opposition to the application. Seeing none, he then asked if the Commission

had any questions for the applicant or staff. There were no questions, he closed the public hearing at 6:45 p.m. and asked for discussion among the Commission members, or for a motion.

Mr. Lovell made a motion to amend the language in the Unified Development Ordinance (UDO) to reflect the proposed amendments and changes as presented. Mr. Funk seconded. As there was no further discussion, Chairperson Norbury called for a vote.

On the motion of Mr. Lovell, seconded by Mr. Funk, the Planning Commission members voted unanimously by voice vote to amend the language in the Unified Development Ordinance (UDO) to reflect the proposed amendments and changes as presented.

Chairperson Norbury then called for a motion to recommend approval for the application as amended.

Hearing no further discussion, Chairperson Norbury called for a motion.

Mr. Funk made a motion to recommend approval of Application PL2019-134, Unified Development Ordinance (UDO) Amendment #5: Article 5, Overlay Districts: Division VIII EnVision LS Area Development Plan (ADP) Design Standards; and Article 15, Rules of Interpretation and Definitions, Division II Definitions: establishment of an appeals process for prohibited uses and amendment to definitions, as amended, City of Lee's Summit, applicant. Mr. Sims seconded.

Chairperson Norbury asked if there was any discussion of the motion. Hearing none, he called for a vote.

A motion was made by Board Member Funk, seconded by Board Member Sims, that this application be recommended for approval as amended to the City Council - Regular Session, due back on 6/4/2019. The motion carried unanimously.

[2019-2693](#)

Appl. #PL2019-151 - Unified Development Ordinance (UDO) Amendment #6 - Article 8 Site Standards - Division I Design Standards - Subdivision 4 Other Required Design Standards - amendment to trash enclosure and ground-mounted mechanical screening material requirements; City of Lee's Summit, applicant

Chairperson Norbury opened the hearing at 6:50 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Mr. Soto entered Exhibit (A), list of exhibits 1-6 into the record. He stated that this amendment was essentially to expand options for screening ground-mounted mechanical units and trash dumpsters. This amendment would impact only the city's three specified metal building areas. They were shown on the displayed map in lavender, as was the Hamblen Road area to the south. The Airport property was to the north. Currently the ground-mounted screening options were either masonry walls or evergreen landscaping up to the units' height. The amendment would add two more options: (1) "structural steel tube frame construction clad in wood composite material" or (2) "structural steel tube frame construction clad in the same metal siding as the building located on the same site.". Mr. Soto observed that many materials now available were more durable than when the original ordinance requirement was approved. Masonry walls in particular were more costly. The amendment would not only expand the options but also allow for more continuity in appearance.

Regarding trash enclosures, the existing requirement was for masonry walls. The amendment did not specify wood composite material, but allowed for structural steel tube frame construction with metal siding. It also required "the installation of 4-inch bollards along the

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interior side of the trash enclosure rear wall." Durability was always a concern with these enclosures, which were serviced by heavy trucks.

Staff recommended approval of the UDO amendment to Article 8, as presented.

Chairperson Norbury asked if there was any public comment on the application. Seeing none, he then asked if the Commission had questions for staff.

Chairperson Norbury commented that an issue about screening had come up, specifically some rooftop units. Mr. Soto recalled that some of these issues concerned QuikTrip's rooftop screening and the material for the gates to the trash enclosures. QT did have a maintenance schedule and policy about these materials that included replacing and repairing them.

Chairperson Norbury asked if there were further questions for the applicant or staff. Hearing none, he closed the public hearing at 7:00 p.m. and asked for discussion among the Commission members, or for a motion.

Mr. Funk made a motion to recommend approval of Application PL2019-151 Unified Development Ordinance (UDO) Amendment #6: Article 8, Site Standards, Division I Design Standards; Subdivision 4, Other Required Design Standards; amendment of trash enclosure and ground-mounted mechanical screening material requirements; City of Lee's Summit, applicant. Mr. Sims seconded.

Chairperson Norbury asked if there was any discussion of the motion. Hearing none, he called for a vote.

A motion was made by Board Member Funk, seconded by Board Member Sims, that this application be recommended for approval to the City Council - Regular Session, due back on 6/4/2019. The motion carried unanimously.

Other Agenda Items

There were no other agenda items at the meeting.

Roundtable

Mr. Elam reminded that the joint Planning Commission/City Council meeting was scheduled for 6:00 p.m. next Tuesday, May 14th. Staff wanted to review some action steps to get feedback. Chairperson Norbury requested Ms. Beck to send out a reminder email.

Adjournment

There being no further business, Chairperson Norbury adjourned the meeting @ 6:59 PM.

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LEE'S SUMMIT
MISSOURI
Development Services Department

Application Information

Appl. #PL2019-134 – Unified Development Ordinance Amendment #5 – Article 5 Overlay Districts – Division VIII EnVision LS Area Development Plan (ADP) Design Standards; and Article 15 Rules of Interpretation and Definitions – Division II Definitions – establishment of an appeals process for prohibited uses and amendment to definitions; City of Lee’s Summit, applicant

Overview of Amendment

The amendment establishes an appeals process for prohibited uses proposed within the overlay boundaries. The amendment also makes changes to the definitions of “alteration” and “repair” in order to facilitate the ability of property owners to maintain their property..

Background

The EnVision LS Area Development Plan (ADP) was approved in 2017 to guide redevelopment of the intersection of US 50 Hwy/M-291 Hwy South. The overlay created from the plan is composed of three areas: the LS Gateway (Pinetree Plaza), LS Mixed-Use (old Adessa site and properties bounded by Jefferson St, Persels Rd and M-291 Hwy) and LS Arts and Entertainment (old Calmar site).

Various property owners and interested investors within the EnVision LS overlay have expressed interest in requesting relief or flexibility from the area's specific uses standards and application & review requirements for upgrades/renovations to existing buildings.

Effective Date

Pending approval

Affected UDO Section(s)

Article 5, Section 5.630 General Provisions

	Previous Standard(s)	New Standard(s) <i>(changes shown below in bold)</i>
Applicability	These development standards are applicable to all property identified on the map labeled “Planning Subareas for Design Standards” on page 4, as now or hereafter established. Development standards shall be applicable to multi-family and commercial (non-residential) construction, reconstruction, alteration.... (Section 5.630.B)	These development standards are applicable to all property identified on the map labeled “Planning Subareas for Design Standards” in Section 5.620 , as now or hereafter established. Development standards shall be applicable to all construction, reconstruction, alteration.... (Section 5.630.B)

Affected UDO Section(s)		
Article 5, Section 5.650 Area Development Plan (ADP) permitted uses		
	Previous Standard(s)	New Standard(s) <i>(changes shown below in bold)</i>
Appeals for Prohibited Uses	Prohibited uses can be specifically approved as part of the preliminary development plan public hearing process. (Section 5.650.A.12)	<ul style="list-style-type: none"> • File a written appeal with the City Clerk. • The City Clerk shall schedule a hearing with the City Council within 30 days of the appeal, or as soon thereafter as practiceable. • If appeal is granted, a preliminary development plan and/or final development plan, as necessary, shall be submitted and processed in accordance with the UDO. (Section 5.650.F)

Affected UDO Section(s)		
Article 15, Rules of Interpretation and Definitions		
	Previous Standard(s)	New Standard(s) <i>(changes shown below in bold)</i>
Alteration	<u>Alteration</u> shall mean any addition, removal, extension or change in the location of any exterior surface of a main structure or accessory structure. (Section 15.200)	<u>Alteration</u> shall mean any addition, removal, extension or change to any part of a structure or fixture. (Section 15.200)
Repair	<u>Repair</u> shall mean the reconstruction or renewal of any part of an existing structure, improvement or fixture for the purpose of maintenance. (Section 15.2470)	<u>Repair</u> shall mean the reconstruction, rehabilitation or renewal of any part of an existing structure, improvement or fixture for the purpose of maintenance or to bring the structure, improvement or fixture into compliance with any City regulation. (Section 15.2470)

Comprehensive Plan	
Focus Area(s)	Goals, Objectives and Policies
Overall Area Land Use	Objective 1.1 <ul style="list-style-type: none"> • Policies A, B and C Objective 1.4

	<ul style="list-style-type: none">• Policy A
Economic Development	Objective 2.1 <ul style="list-style-type: none">• Policies A and B Objective 2.2 <ul style="list-style-type: none">• Policy A Objective 2.3 <ul style="list-style-type: none">• Policies A and B
Commercial Development	Objective 4.1 <ul style="list-style-type: none">• Policies A and B Objective 4.3 <ul style="list-style-type: none">• Policies A and B

Recommendation
Staff recommends APPROVAL of the UDO amendment to Article 5 and Article 15 as presented.

UDO Amendments for the EnVision LS Area

Sec. 5.630. - General provisions.

- A. Purpose. The purpose of these development standards is to facilitate the development of all property within the EnVision LS Area Development Plan located adjacent to and in close proximity to the new interchange improvements at South M-291~~f~~ and US 50 Highway with the highest possible levels of community and building design consistent with the Area Development Plan (ADP).

Development standards within the ADP have been established to create a healthy and viable economic development and redevelopment area. The administration, enforcement, and amendment of these standards shall be consistent with the ADP. Amendments to these standards should only be considered when a proposed development plan is providing a higher standard than that reflected in the ADP.

- B. Applicability. These development standards are applicable to all property identified on the map labeled "Planning Subareas for Design Standards" ~~in Section 5.620 on page 4~~, as now or hereafter established. Development standards shall be applicable to ~~all multi-family and commercial (nonresidential)~~ construction, reconstruction, ~~alteration~~, and expansion, ~~but shall not be applicable to repairs and alterations~~. No land, building, structure, or premises shall be used for any purpose or in any manner other than that which is permitted under the approved uses established for each development as a part of their respective preliminary development plan.

- C. Conflict. These development standards are additive; more than one set of standards may apply to a particular development project. The more restrictive provision, as determined by the Director of Planning and Special Projects (Director), shall control in cases where standards conflict.

- D. Alternative equivalent compliance.

1. Purpose and scope. To encourage creative and unique design, "alternative equivalent compliance" allows development to occur in a manner that meets the intent of these standards yet through an alternative design that does not strictly adhere to these standards. This is not a general waiver of regulations. Rather, this section authorizes a site-specific plan that is equal to or better than the strict application of these adopted standards while still meeting the goals and policies established herein.

2. Decision-making responsibility. Final approval of any alternative compliance proposed under this section shall be the responsibility of the decision-making body responsible for deciding upon the application. Administratively approved projects proposing alternative compliance shall receive written approval of the alternative compliance from the Director.

3. Criteria. Alternative equivalent compliance may be approved if the applicant demonstrates that the following criteria have been met by the proposed alternative:

- a. Achieves the intent of the subject standard to the same or better degree than the subject standard;
- b. Advances the goals and policies of the ADP to the same or better degree than the subject standard;
- c. Results in benefits to the community that are equivalent to or exceed benefits associated with the subject standard; and

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d. Imposes no greater impacts on adjacent properties than would occur through compliance with the specific requirements of this article.

4. Effect of approval. Alternative compliance shall apply only to the specific site for which it is requested and shall not establish a precedent for approval of other requests

Sec. 5.650. - Area development plan (ADP) permitted uses.

A. ADP permitted uses. The following uses are permitted throughout the ADP unless further modified in each "Specific Area" below or listed under "E. ADP Prohibited Uses":

1. CP-2 office and retail uses permitted by right (P) in Table 6-1 of the Unified Development Ordinance.
 2. Loft dwellings.
 3. Multi-family residential apartments, market rate, age restricted and senior.
 4. Drug store including drive-up window.
 5. Financial services, including drive-up window and drive-through facility, as a "C" use such as banks and credit unions.
 6. Bars and taverns as a "C" use.
 7. Hotel.
 8. Massage therapy as a "C" use.
 9. Restaurant, general as a "C" use.
 10. Civic or fraternal organization as a "C" use.
 11. Research, design, marketing and production needs of the general business community.
 12. Other uses specifically approved as part of a Preliminary Development Plan or further modified from the "Specific Area Uses" or "Prohibited Uses".
- Uses shown as "C" uses must comply with the conditions established in UDO Article 6, Division II unless further modified through the approval process.

B. LS Gateway—Specific area uses.

1. Rooftop restaurants.
2. Medical clinic.
3. Fitness center.

C. LS mixed use—Specific area uses.

1. Restaurants/coffee shops including drive-through.
2. Indoor fitness/recreation center.
3. Convenience store (C-Store).
4. Business and vocational schools.
5. Churches.

D. LS arts and entertainment center—Specific area uses.

For Council meeting packets

1. Rooftop restaurants.
2. Restaurants/coffee shops located within a larger building.
3. Artist studio, video production labs.
4. Performing arts.
5. Hospital, medical clinic prohibited.
6. Restaurant—Drive-up and drive-thru services prohibited.

E. ADP prohibited uses.

1. Automotive/truck related uses.
2. Retail—Big box in excess of 80,000 square feet on one level.
3. Call centers.
4. Industrial uses.
5. Outdoor storage.
6. Indoor storage facility.
7. Office warehouse.
8. Pet and animal hospitals.
9. Adult business, entertainment, personal services, bookstores, novelties and similar uses.
10. Title loan, check cashing and unsecured loan businesses.
11. Appliance repair unless accessory to the primary retail business, i.e., servicing what is being sold on the premises.
12. Construction material sales and service.
13. Car wash indoor or outdoor or automated.
14. Equipment rental/lease.
15. Building or ground maintenance.
16. Bus terminal.
17. Day care except as an accessory use located within a larger building complex for a permitted business use.
18. Exterminating service.
19. Martial arts studio except when associated with a fitness center.
20. Pet grooming/pet motel.
21. Plumbing and heating equipment dealers.
22. Radio and TV repair.
23. Repair services non-automotive.
24. Reupholstery or furniture repair.
25. Tattoo parlor, permanent cosmetic services, body piercing studio.

For Council meeting packets

26. Used merchandise sales, including thrift stores, second hand sales, refurbished equipment etc.

F. Appeals for Prohibited Uses.

1. Filing with City Clerk. If an applicant seeks relief from the restrictions in part E of this Section (ADP Prohibited Uses), the applicant may file a written appeal with the City Clerk which shall include the following information:
 - a. Date prepared;
 - b. Name, address and telephone number of the applicant and the name, address and telephone number of the landowner if different than the applicant;
 - c. Affidavit testifying to proof of ownership or of authorization of agent pursuant to Section 2.020, if applicable;
 - d. Name, address and telephone number of all persons preparing any technical studies, maps, drawings and documents submitted with the appeal;
 - e. Accurate legal description, accompanied by a legal description closure report for metes and bounds descriptions, of the property for which the application is submitted;
 - f. Description of the proposed use, including size of the propose structure(s), floor area of each use within each structure, a description of the alterations, repairs or improvements that are proposed to existing structures, and any additional information needed to understand the location, extent and character of the proposed development, including whether the proposed development will be one or more new structures or alteration to one or more existing structures;
 - g. a statement setting forth the reasons why relief should be granted and why the prohibited use should be allowed; and
 - h. Any additional information required by City staff in order to evaluate the request.
2. City Council Hearing. The City Clerk shall schedule a hearing before the City Council within thirty (30) days following the date that the appeal is filed, or as soon thereafter as practicable in the normal course of managing Council agendas, at which the applicant shall bear the burden of establishing that the requested relief should be granted.
3. Decision and Standards for Determination. The standard to be applied to the Council's decision on the appeal shall be the same standard that applies to legislative decisions of the City Council. The Council may grant approval to the appeal or deny the appeal by motion, resolution or ordinance. By granting an appeal, such decision will only provide relief from the prohibited use restriction set forth in part E of this Section, in that the proposed use will be considered as a potentially allowable use for the applicant's subject property, but no additional rights shall accrue to the applicant. All other UDO requirements which would apply to development of the property shall be satisfied if an appeal is granted. An appeal granted by the Council shall apply only to the property that is legally described in the written appeal and shall not be transferrable to any other property in the ADP or any other property owned by the applicant.
4. Development Application. If the appeal is granted by the City Council, a subsequent application may be made by the applicant or property owner and such application shall be processed according to all applicable UDO requirements.

For Council meeting packets

Sec. 15.200. - Alteration.

Alteration shall mean any addition, removal, extension or change ~~to in the location of any part exterior surface~~ of a ~~main~~-structure ~~or fixture or accessory structure~~.

Sec. 15.2470. - Repair.

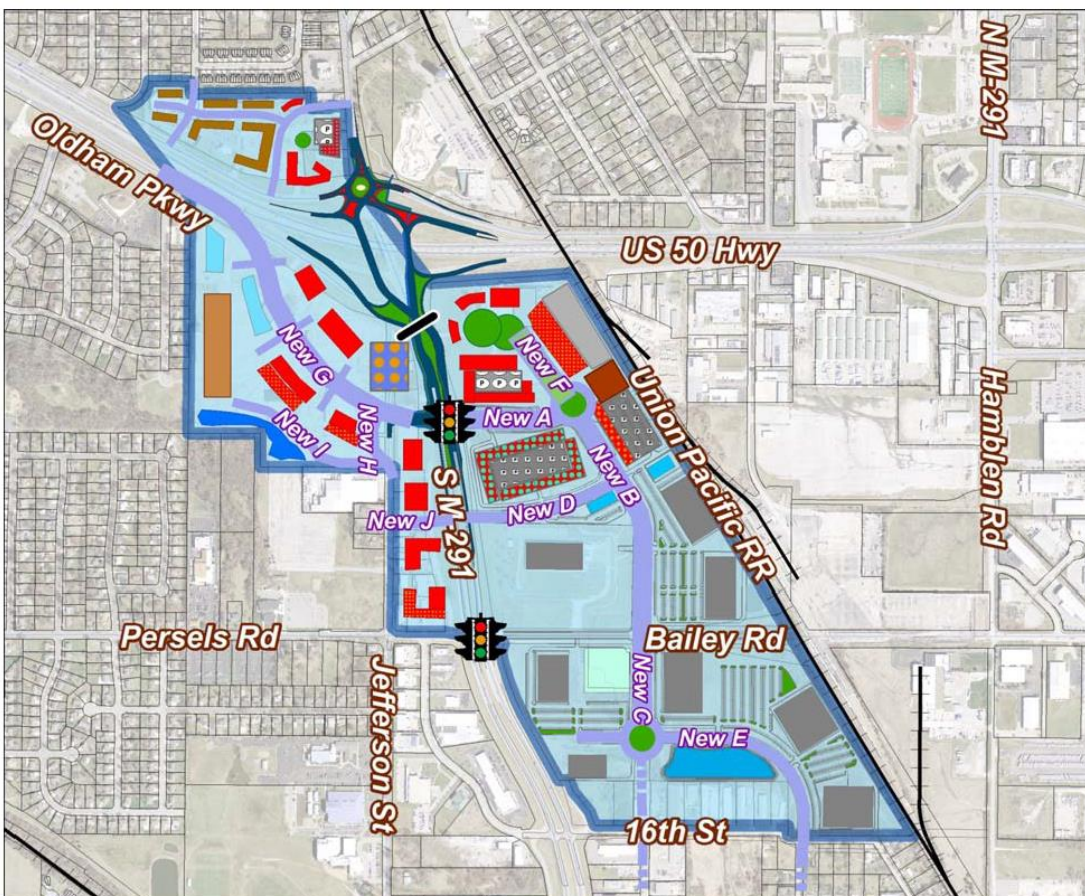
Repair shall mean the reconstruction, rehabilitation or renewal of any part of an existing structure, improvement or fixture for the purpose of maintenance or to bring the structure, improvement or fixture into compliance with any City regulation.

DIVISION VIII. - ENVISION LS AREA DEVELOPMENT PLAN (ADP) DESIGN STANDARDS

Sec. 5.610. - Introduction.

EnVision LS was first conceived at the announcement of the new diverging diamond interchange soon to replace the existing outdated and overburdened South M-291/US 50 Highway interchange. The City Council identified the area in and around the interchange as a targeted redevelopment opportunity directing staff to prepare a Master Development Plan for consideration. The Master Development Plan was to include Pine Tree Plaza, Adesa property and adjacent parcels along South M-291, the old Calmar property and the 85-acre Westcott Investment Group, LLC property just to the south of Calmar and bisected by Bailey Road.

Staff prepared a Conceptual Master Development Plan which was adopted by the City Council along with rezoning the properties to Planned Mixed Use, PMIX.

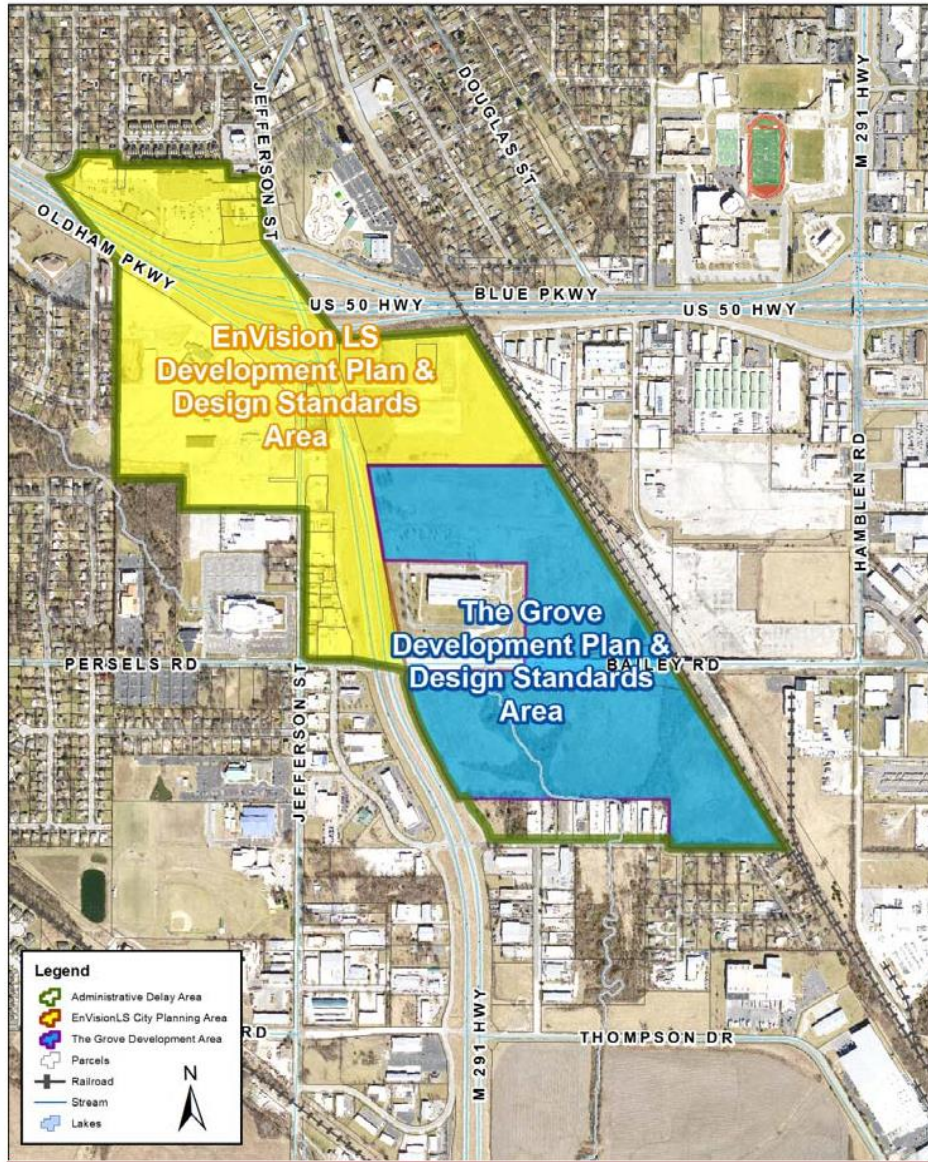


Envision LS — Adopted Conceptual Master Development Plan

Following adoption of the Conceptual Master Development Plan and PMIX zoning, Westcott Investment Group, LLC made Preliminary Development Plan application for "The Grove," an 85-acre mixed-use development with an established set of quality design standards. Approvals were subsequently granted for both the development plan and design standards.

EnVision LS Area Development Plan Design Standards shall be applied to all property within the EnVision LS area with the exception of the 85-acre development known as "The Grove" which will be governed by its own adopted set of design standards.

Planning Areas for Design Standards

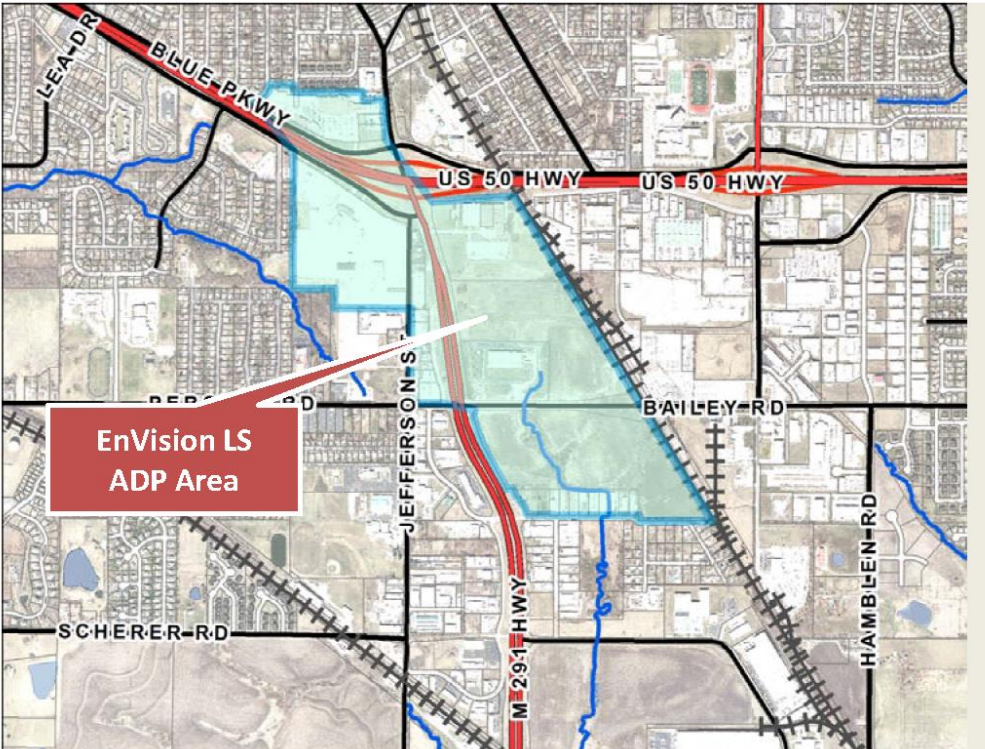


The Conceptual Master Plan and associated Design Standards outlined herein exhibit the City's desire and commitment to a vision of "establishing and achieving a desired aesthetic and a high quality gateway community at a prime commercial location". These Design Standards were created to establish the minimum design standards necessary for the implementation of the expressed vision.

EnVision LS Design Standards serve to provide a structure for the development community to follow in preparation for development plan application submittals.

Sec. 5.620. - EnVision LS Area Development Plan (ADP).

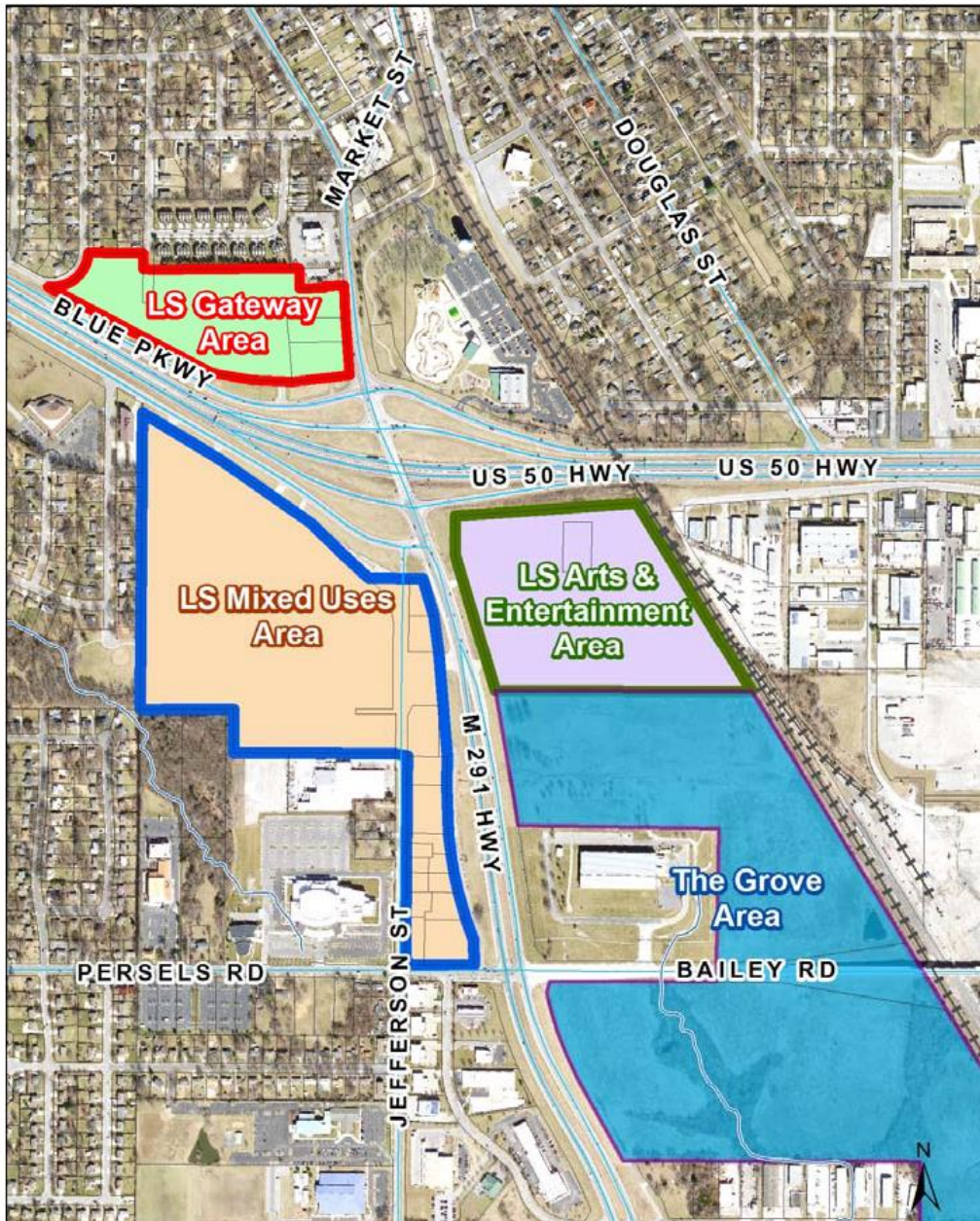
- A. The ADP (Conceptual Master Development Plan) represents the desired mix and intensity of uses. However, uses depicted on the ADP are considered flexible and will be viewed and considered per development application and site location. The overall mix of uses should remain consistent with the overall approved ADP.
- B. Buildings should be located close to the street, two to five stories tall, have a high level of exterior finish, utilize brick and/or stone, and include heavy architectural elements, canopies, overhangs, and patios or balconies. The design of the buildings should include variable roof and exterior wall planes and trim details that divide the mass of the buildings and add visual interest.



Area Development Plan Boundaries

- C. The larger EnVision LS Area Development Plan, ADP, is divided into three primary development areas, excluding "The Grove Area" for purposes of applying these design standards and further herein referred to as the ADP:
 - 1. LS Gateway (Pine Tree Plaza).
 - 2. LS Mixed Use (Adesa and properties adjacent to M-291 north of Persels).
 - 3. LS Arts and Entertainment District.

Planning Subareas for Design Standards



Sec. 5.630. - General provisions.

- A. Purpose. The purpose of these development standards is to facilitate the development of all property within the EnVision LS Area Development Plan located adjacent to and in close proximity to the new interchange improvements at South M-291/ and US 50 Highway with the highest possible levels of community and building design consistent with the Area Development Plan (ADP).

Development standards within the ADP have been established to create a healthy and viable economic development and redevelopment area. The administration, enforcement, and amendment of these standards shall be consistent with the ADP. Amendments to these standards should only be considered when a proposed development plan is providing a higher standard than that reflected in the ADP.

- B. Applicability. These development standards are applicable to all property identified on the map labeled "Planning Subareas for Design Standards" on page 4, as now or hereafter established. Development standards shall be applicable to multi-family and commercial (nonresidential) construction, reconstruction, alteration, and expansion. No land, building, structure, or premises shall be used for any purpose or in any manner other than that which is permitted under the approved uses established for each development as a part of their respective preliminary development plan.
- C. Conflict. These development standards are additive; more than one set of standards may apply to a particular development project. The more restrictive provision, as determined by the Director of Planning and Special Projects (Director), shall control in cases where standards conflict.
- D. Alternative equivalent compliance.
 - 1. Purpose and scope. To encourage creative and unique design, "alternative equivalent compliance" allows development to occur in a manner that meets the intent of these standards yet through an alternative design that does not strictly adhere to these standards. This is not a general waiver of regulations. Rather, this section authorizes a site-specific plan that is equal to or better than the strict application of these adopted standards while still meeting the goals and policies established herein.
 - 2. Decision-making responsibility. Final approval of any alternative compliance proposed under this section shall be the responsibility of the decision-making body responsible for deciding upon the application. Administratively approved projects proposing alternative compliance shall receive written approval of the alternative compliance from the Director.
 - 3. Criteria. Alternative equivalent compliance may be approved if the applicant demonstrates that the following criteria have been met by the proposed alternative:
 - a. Achieves the intent of the subject standard to the same or better degree than the subject standard;
 - b. Advances the goals and policies of the ADP to the same or better degree than the subject standard;
 - c. Results in benefits to the community that are equivalent to or exceed benefits associated with the subject standard; and
 - d. Imposes no greater impacts on adjacent properties than would occur through compliance with the specific requirements of this article.
 - 4. Effect of approval. Alternative compliance shall apply only to the specific site for which it is requested and shall not establish a precedent for approval of other requests.

Sec. 5.640. - Development standards.

- A. Sensitive lands and natural resources. The provisions of the stream preservation standards in the City's Design and Construction Manual shall be applicable to development in the ADP.
- B. Pedestrian and bicycle connectivity and mobility.
 - 1. Purpose. The purpose of this section is to:
 - a. Support the creation of a highly connected transportation system within Lee's Summit in order to provide choices for drivers, bicyclists, and pedestrians;



Sidewalks on Both Sides of Street

- b. Increase effectiveness of local service delivery; promote walking and bicycling; connect "development communities" to each other and to local destinations such as employment centers, parks, multi-family units and shopping centers;
 - c. Reduce vehicle miles traveled; improve air quality and reduce emergency response times;
 - d. Mitigate the traffic impacts of new development, and free up arterial capacity for long-distance travel needs; and
 - e. Avoid the creation of large, isolated tracts without routes for traffic, pedestrian and bicycle connections.
2. Sidewalks required. Sidewalks shall be installed on both sides of all streets pursuant to the standards of City's Design and Construction Manual. The Director may allow the use of alternative paving materials if a community improvement district or other long-term oversight board and funding mechanism is established to provide for ongoing maintenance.
 3. On-site pedestrian connections.
 - a. Development within the ADP shall provide a network of on-site pedestrian walkways with a minimum width of five feet to and between the following areas:



On-Site Pedestrian Connections

- (1) Entrances to each building on the site, including pad site buildings;
- (2) Public sidewalks, walkways, or trails on adjacent properties that extend to the boundaries shared with the subject development;

- (3) Public sidewalks along the perimeter streets adjacent to the development;
 - (4) Adjacent land uses and developments;
 - (5) Adjacent public park, greenway, or other public or civic use; and
 - (6) Adjacent public transit station areas, transit stops, park and ride facilities, or other transit facilities.
- b. On-site pedestrian connections shall be constructed of materials distinguishable from the driving surface such as:



Decorative Materials for Pedestrian Crossings

- (1) Changing paving color;
 - (2) Painted crosswalks; or
 - (3) Stamped concrete.
- Additional identification methods may be used provided an improvement district or other funding mechanism is provided for long-term maintenance.
- c. Pedestrian circulation routes along storefronts shall be emphasized with special design features that establish them as areas where pedestrians are physically separated from the flow of vehicular traffic and/or are protected from the elements. Techniques shall include one or more of the following:
- (1) Arcades, porticos, or other shade structures;
 - (2) Pedestrian light features;
 - (3) Bollards;
 - (4) Seat walls or benches;
 - (5) Drinking water fountains; and
 - (6) Landscape planters.

- d. The placement of street furniture and other decorative or functional items on the sidewalk shall not narrow the sidewalk at any point to less than four feet wide.

4. Trail linkages.

- a. Trail linkages shall be incorporated into the design of all developments where practical. Trail linkages shall be located and designed to provide public access, connecting residential units and businesses to open space and the City's existing trail system where practical, and to promote pedestrian and bicycle movement between residential areas and employment/business areas.



Residential Trail Connection

- b. All development shall be required to demonstrate that the design of the proposed development includes trail linkages pursuant to Lee's Summit Greenway Master Plan, Metro Green, or other applicable plan.
 - c. Trails shall be constructed at the time of development in accordance with adopted City standards and specifications.
- C. Screening. The following screening standards shall apply in the ADP in addition to the requirements of UDO Article 8, Division III, Landscaping, Buffers, and Tree Protection.
- 1. Multi-family, mixed-use, and commercial screening. For all developments the following mechanical equipment screening standard shall apply to the maximum extent practicable.



Parapet Wall Screening Roof Mounted Equipment

- a. Roof-mounted mechanical equipment. Roof-mounted mechanical equipment shall be screened by a parapet wall or similar feature that is an integral part of the building's architectural design. The parapet wall or similar feature shall be of a height equal to or greater than the height of the mechanical equipment being screened.
- b. Wall-mounted mechanical equipment. Wall-mounted mechanical equipment, except air conditioning equipment (e.g., window AC units), that protrudes more than six inches from the outer building wall shall be screened from view by structural features that are compatible with the architecture and color of the subject building. Wall-mounted mechanical equipment that protrudes six inches or less from the outer building wall shall be designed to blend with the color and architectural design of the subject building.
- c. Ground-mounted mechanical equipment. Ground-mounted mechanical equipment shall be screened from view by landscaping or by a decorative wall that is compatible with the architecture and landscaping of the development site. The wall shall be of a height equal to or greater than the height of the mechanical equipment being screened.
- d. Utilities.
 - (1) Utility poles and supports shall be painted or be of materials neutral in color. Wooden poles shall be prohibited.
 - (2) All transformers and other facilities and equipment, including telecommunications equipment, shall either be screened through the use of architectural materials compatible with the architectural materials present on the site or, alternatively, through landscape screening.
 - (3) Such screening shall be adequate to completely screen such facilities from all rights-of-way.

2. Screening of service, loading, and storage areas.

- a. Applicability. These screening requirements are applicable to all service, loading, and storage areas. Owners are encouraged to locate the types of features listed in this subsection where they are not visible from off-site or from public areas of a site, so that screening is unnecessary.
- b. Placement.
 - (1) All service areas shall be placed at the rear, on the side of, or inside buildings.
 - (2) No service area shall be visible from a public right-of-way or from adjacent residential areas.
 - (3) Service areas and access drives shall be located so they do not interfere with the normal activities of building occupants or visitors on driveways, walkways, in parking areas or at entries.
- c. Outside storage areas and loading docks.
 - (1) All storage areas, service areas, and loading docks not screened by an intervening building shall be screened from view from any public street right-of-way. In addition, storage and loading areas must be screened from view from any adjoining property when that property requires a buffer as identified in UDO Table 8.890, Buffer/Screen Impact.



Loading Area Placement and Screening

- (2) An opaque screen consisting of one or a combination of the following shall be used:
 - (a) Freestanding walls, wing walls, or fences;
 - (b) Earthen berms in conjunction with trees and other landscaping; or
 - (c) Landscaping, that must be opaque and eight feet in height within 18 months of planting.
 - (3) Screening shall be a minimum height of eight feet to screen truck berths, loading docks, areas designated for permanent parking or storage of heavy vehicles and equipment or materials.
 - (4) Screening shall be long enough to screen the maximum size trailer that can be accommodated on site. Sites that can accommodate a full size tractor-trailer shall provide a 48-foot length wing wall, where wing walls are used.
- d. Shopping cart storage. All shopping carts shall be stored inside the building they serve. Shopping cart corrals shall be prohibited.
- e. Refuse facility screening. All refuse facilities, including new refuse facilities placed on an existing development, shall be large enough to accommodate a trash dumpster and shall be completely screened from view of public streets and adjoining nonindustrial used properties by:

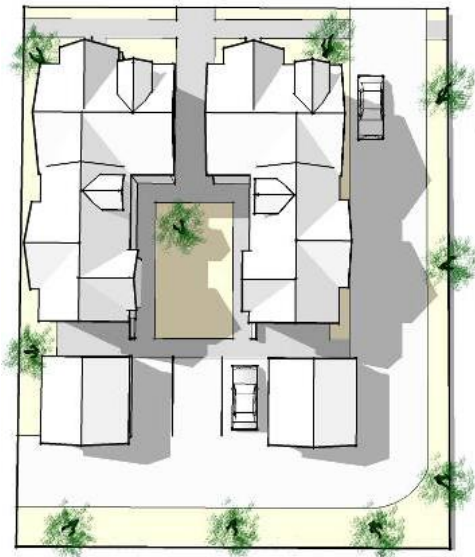


Refuse Facility Screening

- (1) Meeting the requirements of the other sections of this section; or
 - (2) Screening on three sides by a minimum six-foot masonry wall surrounded by evergreen landscaping. An opening shall be situated so that the container is not visible from adjacent properties or public streets and the opening shall be a metal clad opaque gate or an alternate approved metal framed gate with black high density mesh screen. Chain-link gates are not permitted. Gates must have tie backs to secure in the open position.
- f. Design of screening. All screening shall be complementary to the building served in landscaping approach and through the use of similar colors and material palette.

D. Multi-family residential development standards.

1. Purpose. The purpose of the multi-family residential development standards is to enhance the quality and character of the built environment in the City. More specifically, the purposes of this section are to:
 - a. Encourage high quality development as a strategy for investing in the ADP;
 - b. Emphasize the unique character anticipated for the ADP;
 - c. Maintain and enhance the quality of life for the City's citizens;
 - d. Shape the City's appearance, aesthetic quality, and spatial form;
 - e. Protect and enhance property values;
 - f. Provide property owners, developers, architects, builders, business owners, and others with a clear and equitable set of parameters for developing land within the ADP;
 - g. Promote the sustainability of both the structure and the overall community; and
 - h. Promote the establishment of a gateway into the historic downtown.
2. Design standards. Design standards in this subsection apply to all new multi-family development.
 - a. Minimum building separation (for individual free standing buildings). Multi-family structures shall be separated pursuant to the standards of the Building Code.



Courtyard Orientation



Perimeter Street Orientation

- b. Building orientation.
 - (1) Individual buildings within a multi-family development shall be oriented to:
 - (a) Common open space, such as interior courtyards or on-site natural areas or features;
 - (b) Perimeter streets;
 - (c) Other residential buildings; or
 - (d) Through-access drives.
 - (2) To the maximum extent practicable, individual buildings shall be oriented or arranged in a manner to enclose common open spaces such as gardens, courtyards, recreation or play areas, that shall contain a minimum of three of these features:
 - (a) Seasonal planting areas,
 - (b) Trees,
 - (c) Pedestrian-scaled lighting,
 - (d) Gazebos or other decorative shelters,
 - (e) Seating,
 - (f) Play structures for children, or
 - (g) Natural features or areas, unless the City determines that for preservation reasons the buildings should avoid the feature or area.
- c. Entrance orientation.
 - (1) Primary entrances and façades shall not be oriented towards parking lots, garages, or carports.
 - (2) All individual multi-family buildings shall comply with at least two of the following requirements:
 - (a) At least one main building entry faces an adjacent public street;
 - (b) A building entrance faces a courtyard or common open space that has a direct and visible connection to an adjacent public street;
 - (c) A building entry is connected to a public sidewalk by a system of interior walkways; or

- (d) The pedestrian entries to the site from the public right-of-way are emphasized with enhanced landscaping, special paving, gateways, arbors, or similar features.
- (3) All ground-floor units with frontage along the primary street shall have an entrance that faces the street. Individual multi-family buildings located with multiple street frontages shall provide entrances to the building along each local street frontage.



Ground-Floor Unit Entrances

- (a) Exterior entrances from a public sidewalk or common open space are permitted for dwelling units on the ground floor.
- (b) Exterior entrances shall be raised from the finished ground-floor level of the sidewalk a minimum of two feet.
- (4) Dwelling units above the ground floor shall have interior unit entrances including fire stair towers.
- d. Private common space. Individual multi-family building developments shall provide private common open space for recreation, including uses such as swimming pools, sport courts, playgrounds with equipment, and/or community gardening. Required landscaping is excluded from open space calculations.



Four-Sided Design

- 3. Building design.
 - a. Four-sided design. All sides of a multi-family building shall display a similar level of quality and architectural detailing as on the front elevation.
 - b. Building mass and articulation.

- (1) The elevations of all multi-family buildings shall be articulated through the incorporation of at least three or more of the following:



Multi-Family Building Articulation

- (a) Balconies;
 - (b) Bay or box windows;
 - (c) Porches or covered entries;
 - (d) Dormers or other variations in the roof plane;
 - (e) Accent materials such as brick, stone, or stucco with banding highlights;
 - (f) Shutters;
 - (g) Variation in window sizes and shapes; or
 - (h) Vertical elements that demarcate building modules.
- (2) Multi-family buildings shall provide concentrated unit access points. Access balconies and corridors running the length of the exterior of a building are prohibited.
- c. Vertical articulation.
- (1) For all structures three stories or more in height, the base (first 20 feet) of a building shall be distinguished from the remainder of the building by providing a minimum of three of the design elements listed above in subsection b.(1).
 - (2) Multi-family buildings shall be designed to incorporate visually heavier and more massive elements at the building base, and lighter elements above the base. Upper stories shall not appear heavier or demonstrate greater mass than the lower stories of the building.
- d. Building length. The maximum length of any multifamily building shall be 180 feet without offsets to break up the building length.
- e. Transparency. At least 20 percent of all walls facing a public street shall contain windows or doorways.
- f. Design of multiple buildings.
- (1) Developments with multiple buildings shall incorporate a variety of distinct building designs according to the scale of the development.
 - (2) Distinct building designs shall include one or more of the following:
 - (a) A variation in length of 30 percent or more;
 - (b) A variation in the footprint of the building of 30 percent or more;

- (c) A distinct variation in color and use of materials; or
 - (d) A distinct variation in building height and roof form.
- g. Materials. All material shall be durable and long-lasting. The following materials are acceptable for multi-family residential construction:
- (1) Brick, concrete stucco, stone, stone facing, wood, glass in combination with metal, or similar, durable architectural materials as approved by the Planning Commission.
 - (2) Vinyl siding is prohibited and EIFS may only be utilized in a limited portion for detailed architectural elements above the second story.
4. Parking location and layout.



Multi-Family Parking Located Behind Primary Structure

- a. Location and layout.
 - (1) To the maximum extent feasible, garage entries, carports, parking areas, and parking structures shall be internalized in building groupings or oriented away from street frontage.
 - (2) Parking areas and freestanding parking structures (detached garages or carports) shall not occupy more than 30 percent of each perimeter public street frontage of a multi-family development.
 - (3) To the maximum extent practicable, freestanding parking structures that are visible from perimeter public streets shall be sited so that the narrow end of the parking structure is perpendicular to the perimeter street.
 - b. Carports and detached garages.
 - (1) Detached garages and carports shall incorporate compatible materials, scale, colors, architectural details, and roof slopes similar to those of the primary multi-family buildings.
 - (2) Rear walls of detached garages over 40 feet in length that back onto the perimeter street shall be articulated or punctuated through the use of window openings or other similar techniques.
- E. Mixed-use and commercial design standards.
- 1. Applicability. The design standards in this section apply to all mixed-use and commercial (nonresidential) structures.
 - 2. Site layout and building organization.
 - a. Private common spaces.



Private Common Space

- (1) Required private common spaces. Mixed-use, commercial, and office development shall incorporate at least one on-site indoor or outdoor common space per building. Common space shall be visible and accessible and shall be located, where possible, along street frontages. Common spaces shall be connected, to the maximum extent practicable, to pedestrian areas, sidewalks, trails, or public open space in order to create functional pedestrian connectors.
- (2) Features and amenities. The following features may be used to satisfy the private common space standard:
 - (a) Patio or plaza with seating and landscaping;
 - (b) Landscaped mini-parks or square;
 - (c) Rooftop or community garden; or
 - (d) Similar features as approved by the Director.
- (3) Design. Private common spaces shall be constructed of materials that are of a comparable quality and be of a compatible design as the building they are attached to or the public space in which they are placed.

b. Building orientation.



Buildings Arranged to Create Pedestrian-Friendly Spaces

- (1) Individual buildings. In cases where the long axis of a building is perpendicular to the primary street, the portion of the structure facing the primary street shall be configured

with at least one operable entrance and one or more transparent windows as approved by the Director.

(2) Multi-building developments.

(a) Buildings shall be organized to promote a compact pattern of development, pedestrian-friendly spaces, streetscapes, areas of naturalized landscaping, and to screen parking areas.

(b) Buildings shall be arranged and grouped so that their primary orientation complements one another and adjacent, existing development by:

- 1) Framing the corner of an adjacent street intersection or entry point to the development;
- 2) Framing and enclosing a pedestrian and/or vehicle road or access corridor within or adjacent to the development site;
- 3) Framing and enclosing on at least three sides parking areas, public spaces, or other site amenities;
- 4) Framing and/or enclosing outdoor dining or gathering spaces for pedestrians between buildings; or
- 5) Framing one or more areas of natural vegetation.

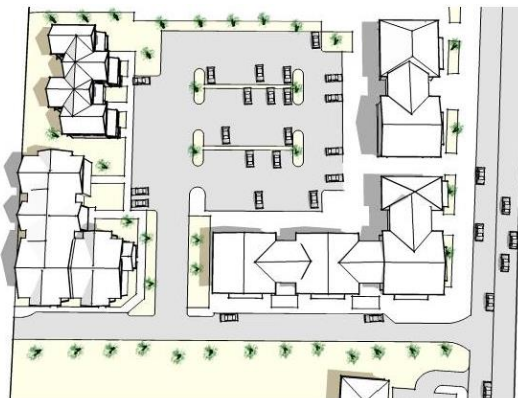
(3) Entrance orientation.

(a) To the maximum extent feasible, the principal building entrance shall face:

- 1) An adjacent public street;
- 2) An adjacent public plaza; or
- 3) An adjacent primary public walkway.

(b) In cases where the principal entrance does not face the principal street, the entrance shall be connected to the street and adjacent parking areas with a sidewalk(s).

c. Outparcel development.



Site Layout of Outparcel Development

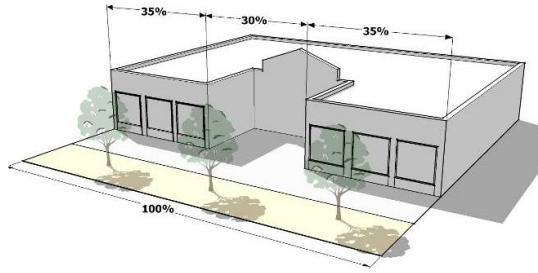
- (1) To the maximum extent practicable, outparcels and their buildings shall be clustered in order to define street edges, entry points, and intimate spaces for gathering or seating between buildings. The even dispersal of outparcel sites in a widely-spaced pattern along streets is strongly discouraged.

- (2) Spaces between buildings on outparcels shall be improved to provide small-scale pedestrian amenities such as plazas, seating areas, pedestrian connections, gathering spaces, or well-landscaped parking areas.
3. Streetscape design and character. The following standards apply in lieu of the standard sidewalk requirements:
- a. Public sidewalks required. In order to create an environment that is supportive of transit and pedestrian mobility, public sidewalks shall be provided along both sides of all streets in the mixed-use districts. Such sidewalks shall be at least ten feet in width and should not be more than 16 feet in width, unless otherwise approved as part of the design review process. The ten-foot minimum requirement shall apply regardless of the available right-of-way. Where required, the sidewalk shall extend onto private property to fulfill the ten-foot minimum requirement, with a sidewalk easement provided.
 - b. Delineation of sidewalk area. Sidewalks shall be organized into two distinct areas: A street tree/furniture area located adjacent to the curb, and a clear area.
 - (1) Street tree/furniture area. The street tree/furniture area shall have a minimum width of six feet (from face-of-curb) and shall be continuous and located adjacent to the curb. The area shall be planted with street trees at an average spacing of 20 to 30 feet on center, based on the mature canopy width of the tree species selected and in accordance with Article 8, Division III. The area also is intended for the placement of street furniture including seating, street lights, waste receptacles, fire hydrants, traffic signs, newspaper vending boxes, bus shelters, bicycle racks, public utility equipment such as electric transformers and water meters, and similar elements designed to city specifications and located in a manner that does not obstruct pedestrian access or motorist visibility, and subject to applicable requirements of this UDO.



Delineation of Sidewalk Area

- (2) Clear area. The clear area shall be a minimum width of six feet, shall be hardscaped, and shall be located adjacent to the street tree/furniture area. The clear area shall be unobstructed by any permanent or nonpermanent element for a minimum width of six feet and a minimum height of eight feet. Additional sidewalk width located between the clear area and the building may be used for outdoor dining or seating areas.



Building Set to Sidewalk Clear Area

- (3) Supplemental zone. A supplemental zone may be provided at the option of the applicant between the street-facing façade or a side-facing facade and the required clear area, to provide additional areas for outdoor dining, porches, terraces, landscape and water features, and plazas. A supplemental zone, if provided, may be a maximum of 20 feet deep and may extend up to 30 percent of the linear frontage of the development. The supplemental zone shall not provide any parking or vehicle circulation areas.
- (4) Improvement district. An improvement district or other long-term oversight board and funding mechanism shall be established to provide for the maintenance of required streetscape.
- c. Building placement. At least 70 percent of the building facade facing a public street shall be brought up to the clear area.
- d. Sidewalk entries.



Secondary Entry

- (1) Spacing. Sidewalk entries shall be provided to all buildings and individual units that front on the sidewalk.
- (2) Sidewalk entry hierarchy. Entrances into residential buildings in mixed-use areas are encouraged to follow a hierarchy of sizes and functions as follows:
 - (a) Carriage way: A centrally located twelve-foot wide entrance at sidewalk level for visual and direct access to a private courtyard.
 - (b) Secondary entry: A six-foot wide entrance with ornamental entrance gate and defined by a stoop with low cheek walls and planters at the sidewalk. Mailboxes,

bike racks, and trash receptacles should be grouped around these secondary entries.

- (c) **Other entries:** Home office and retail storefront entries which are either at grade or stooped shall be sized to accommodate specific requirements of the individual space.
 - e. **Utilities.** Transformers, switchgear, and related utility service equipment shall not be located above-ground in pedestrian access easements. Building service panels are to be located on the inside of all buildings.
 - f. **Paving.** Paving is intended to highlight or accentuate special areas along the ground plane while at the same time complementing the design of adjacent building and streetscape elements.
4. **Mix of uses.** A diverse range of commercial, office, residential, and civic uses is desired within the ADP, zoned Planned Mixed Use (PMIX). The appropriate mix of uses will vary by its location, size, and the surrounding development contexts. Generally, the ADP should be followed to create the appropriate mix of uses.



Active Street-Level Uses and Outdoor Gathering Spaces

- a. **Ground-floor uses.**
 - (1) **Intent.** The incorporation of commercial uses such as retail shops and restaurants at the street level is strongly desired within the mixed-use districts to promote a more active environment for pedestrians and support for residential and office uses located within the same building (on upper floors) or nearby.
 - (2) **Standards.**
 - (a) **Location.** Commercial uses shall be concentrated adjacent to transit stops, major public spaces, and in other areas where a high level of pedestrian activity and visibility is desirable. If a limited portion of a structure's ground level will be devoted to commercial space, such space shall be located along those facades adjacent to or most visible from transit corridors, primary street frontages, or major pedestrian walkways.
 - (b) **Design and use of commercial space.** Ground-floor commercial spaces should not be used for residential units. However, residential unit leasing offices, fitness centers, and related accessory uses are appropriate for commercial ground floor use in a mixed use developments.
- b. **Residential uses.** Residential uses, where included, shall be incorporated within a mixed-use development to be visually and/or physically integrated with commercial

(nonresidential) uses. This shall be achieved by ensuring that residential uses meet at least one of the following:

- (1) Residential uses are vertically located above street-level commercial uses;
- (2) Residential uses are horizontally integrated into site development to provide a transition between the highest intensity uses within the center or development and the adjacent neighborhood; and
- (3) A pedestrian circulation system (i.e., sidewalks, crosswalks, trails, etc.) is provided that reduces conflict between pedestrian and vehicular movements and increases pedestrian activity between residential and nonresidential uses.

5. Parking standards for mixed-use districts. The purpose of parking area requirements is to ensure that the parking areas themselves are not the dominant feature of the mixed-use development. These requirements severely restrict on-site surface parking (other than incidental parking in association with residential development leasing offices, or head-in or parallel spaces to support retail uses) and encourage physical consistency throughout the development, including the appearance of parking garages. In all mixed-use districts, the following standards apply:

a. Allowable parking. On-street parking shall not be designated per individual business or occupancy but may count toward the minimum parking requirements for the entire structure along the adjacent frontage. Parallel parking, head-in parking along streets, and/or minimal surface parking is permitted subject to approval through the site plan or development plan process and approval of a maintenance agreement.

b. Bicycle parking design and location.

(1) Bicycle parking facilities shall include a rack or storage facility (e.g., locker) that enables bicycles to be secured. Where racks are used, they shall meet the following standards:

- (a) The bicycle frame and one wheel can be locked to the rack with a high-security, U-shaped shackle lock if both wheels are left on the bicycle;
- (b) A bicycle six feet long can be securely held with its frame supported so that the bicycle cannot be pushed or fall in a manner that will damage the wheels or components; and
- (c) The rack must be securely anchored.

(2) Bicycle racks and storage facilities shall be accessible without moving another bicycle.

(3) Bicycle racks and storage facilities shall be located in convenient, visible, well-lit areas with easy access and near main entrances of all commercial, residential, and institutional buildings. Such locations shall be clearly noted with signage.

(4) The racks and storage facilities shall be located so they do not interfere with pedestrian traffic and shall be protected from potential damage by motor vehicles.

(5) Bicycle parking shall not be within any required landscape area nor interfere with any pedestrian pathway.

c. Parking lot screening. In all mixed-use districts, all surface parking lots adjacent to a public street shall be screened using one of the following methods below:

(1) An informal hedge at least three feet in height at maturity consisting of a double row of shrubs planted three feet on-center in a triangular pattern; or

(2) Berming of the grade to at least two and one-half feet in height above the finish grade of the parking lot, and with slopes no greater than 2:1. Slopes shall be covered with shrubs spaced a maximum of three feet on center. Trees and flowering plants may be

included in the berm plantings where the Director finds that long-term maintenance will be provided.

- d. Parking structure design. The off-street parking required by mixed-use and non-residential development may be located in a parking structure. Such structure shall be subject to the following standards:

(1) Design.

(a) Parking structures shall be constructed of materials of similar quality and shall be compatible in appearance with adjacent buildings and shall contain lighting sufficient for security as approved by the City.

(b) Ground floor facades of parking structures not occupied by active public uses shall be articulated through the use of three or more of the following architectural features.

- 1) Windows or window-shaped openings with decorative mesh or similar features as approved by the Director;
- 2) Masonry columns;
- 3) Decorative wall insets or projections;
- 4) Awnings;
- 5) Changes in color or texture of materials;
- 6) Approved public art;
- 7) Integrated landscape planters; or
- 8) Other similar features approved by the Director.

(2) Entry design. Vehicle entries to off-street parking structures shall be integrated into the placement and design of adjacent buildings or oriented away from the primary street frontage. At a minimum, parking structures shall have user vehicles access from a location that minimizes conflicts with pedestrian circulation.

(3) Wrapping of parking structure. Where feasible, the ground floor of parking structures in mixed-use or non-residential districts shall be wrapped with active public uses along at least 60 percent of the ground-floor street frontage. Parking structures with ground floors that are not wrapped with active public uses on the sides facing a public street or open to public view shall not:



Parking Structure

- (a) Abut street intersections or public/civic use areas,

- (b) Be adjacent to public squares, or
- (c) Occupy sites that are the terminus of a street vista.

6. Building design.



Franchise Design Consistent With Surrounding Structures

a. Four-sided design.

- (1) All sides of a building shall be architecturally finished with equal levels of materials and detailing. Blank walls void of architectural details or other variation are prohibited.
- (2) Exceptions from the above standard may be granted for those areas of the building envelope that the applicant can demonstrate are not visible from adjacent development and public spaces.
- (3) Corporate or franchise architecture is discouraged in favor of architecturally compatible designs. The Director may require photographic examples of the more minimized corporate architecture in the designs and completed structure by the same company in other communities.

b. Consistent architectural theme.

- (1) The architectural design within a multi-building development of structures (including freestanding outparcel structures) shall be organized around a consistent architectural theme in terms of the character, materials, texture, color, and scale of buildings. Themed restaurants, retail chains, and other franchise-style structures shall adjust their standard architectural model to be consistent with a development's architectural character.
- (2) All buildings in a single development, whether developed at a single time or in phases, shall share at least four architectural features in order to create continuity within the overall development. These features include, but are not limited to, the following:
 - (a) Overhangs,
 - (b) Canopies or porticos,
 - (c) Recesses/projections,
 - (d) Arcades,
 - (e) Raised corniced parapets over the entrance,
 - (f) Peaked roof forms,
 - (g) Arches,

- (h) Outdoor patios,
 - (i) Tower elements (at strategic locations),
 - (j) Display windows,
 - (k) Integral planters that incorporate landscaped areas or seating areas, and
 - (l) Public art/sculptures.
- c. Building materials and colors.
- (1) Permitted materials. Building materials shall consist of brick, stone, precast masonry, and stucco. Pre-authorized use of limited amounts of conditional materials may be approved including architectural metal, CMU's and exterior insulated finishing systems (EIFS).
 - (2) Mix of materials.
 - (a) No single building material shall cover more than 80 percent of the front building façade. Windows and doors shall not be counted as additional building materials.
 - (b) Structures 20,000 square feet or less shall require a minimum of two distinct building materials on all facades to provide architectural detail and interest.
 - (c) Structures over 20,000 square feet shall require a minimum of three distinct building materials on all facades to provide architectural detail and interest.
 - (3) Prohibited Materials. The following materials are prohibited as primary cladding or roofing materials:
 - (a) Aluminum siding or cladding,
 - (b) Plastic or vinyl siding,
 - (c) Exposed aggregate, and
 - (d) Wood shingles.
 - (4) Façade colors.
 - (a) Colors of paint, stains, and other finishes or materials shall complement each other.



Mix of Building Materials

- (b) Generally, no more than four colors per building are permitted.
- (c) Fluorescent colors are prohibited.
- (d) Primary colors are prohibited.
- (e) The use of stark white is discouraged.

- (5) Transparency and glazing.
 - (a) At least 25 percent of all walls facing a public street shall contain windows or doorways.
 - (b) Glazing shall be effectively clear, and shall not exceed 40 percent reflectance. Divided-light windows are encouraged. Materials that create noticeable glare or which restrict the ability of the public to view the inside of a structure from the outside are generally prohibited but may be allowed in limited locations in structures intended for financial or other uses with documentable safety concerns.
 - (c) Energy conserving window films and coatings are permissible within these standards.
- d. Gateways. Buildings located at entrances to a development demarcate a gateway that will create an overall identity, set the tone for the development, and mark arrival or entry.
 - (1) At major entry points of a development with three or more buildings, buildings shall be organized along the street and at the intersection to create a gateway.
 - (2) Architectural features shall be incorporated into the facades of buildings at major entry points to help emphasize arrival or entry points into the development. These features may include, but are not limited to:
 - (a) Eaves,
 - (b) Planters,
 - (c) Mounted signs,
 - (d) Pilasters,
 - (e) Tower elements,
 - (f) Water features, or
 - (g) Arcades.

7. Building massing and form.

- a. Vertical articulation. Buildings greater than two stories or taller than 30 feet shall be designed to reduce apparent mass by including a clearly identifiable base, body, and top, with horizontal elements separating these components. The component described as the body must constitute a minimum of 50 percent of the total building height.



Vertical Articulation

- b. Horizontal articulation. Buildings shall be designed to reduce apparent mass by dividing facades into a series of smaller components. No individual component shall have a length of more than 60 feet. Components shall be distinguished from one another through two or more of the following:
- (1) Variations in roof form and parapet heights;
 - (2) Pronounced recesses and projections;
 - (3) Distinct changes in texture and color of wall surfaces;
 - (4) Ground level arcades and second floor galleries/balconies;
 - (5) Protected and recessed entries; and
 - (6) Vertical accents or focal points.
- c. Relationship to surrounding development. New developments that are significantly larger than adjacent existing development in terms of their height and/or mass shall provide a development transition using an appropriate combination of the following techniques:



Appropriate Transition in Building Height and Mass

- (1) Wrapping the ground floor with a building element or integrated architectural feature (e.g., pedestrian arcade) that is the same height as the adjacent structure;
 - (2) Graduating building height and mass in the form of building step-backs or other techniques so that new structures have a comparable scale with existing structures; or
 - (3) Orienting porches, balconies, and other outdoor living spaces away from the shared property line to protect the privacy of adjacent residents where applicable.
- d. Entrances and pedestrian areas.
- (1) Primary entries and pedestrian frontages shall be clearly visible from the street and accentuated from the overall building façade by:



Entrance Design and Pedestrian Areas

- (a) Differentiated roof, awning, or portico;
 - (b) Covered walkways or arcades;
 - (c) Projecting or recessed entries from the surrounding building facade;
 - (d) Detailed doors and doorways with transoms, sidelights, trim details, and/or framing; and
 - (e) Windows within doorways equivalent in size to 50 percent of door surface area.
- (2) Secondary entrances shall have minor architectural detailing that adds visual interest to that portion of the façade.
- e. Roofs.

- (1) Roofline articulation. Variations in roof lines shall be used to add interest and reduce the scale of large buildings. Roof features shall complement the character of the overall development.
 - (2) Flat roofs. Flat roofs shall include parapets that adhere to articulation requirements for the main face of the structure. The average height of the parapet shall not exceed 15 percent of the height of the supporting wall, unless rooftop equipment cannot be sufficiently screened. A three-dimensional cornice treatment is encouraged for parapets. Parapets shall look complete from all sides if visible at any distance from the ground.
 - (3) Overhanging eaves. Overhanging eaves shall extend no less than three feet past the supporting walls.
 - (4) Roof pitch. Pitched roofs shall have a pitch consistent with the majority of buildings within 1,000 feet. This requirement excludes roofs for entries and dormers.
 - (5) Architectural elements. Architectural elements that add visual interest to the roof, such as dormers and masonry chimneys, are encouraged.
 - (6) Roof materials.
 - (a) Asphalt shingles, industry-approved synthetic shingles, standing seam metal or tile roofs are allowed.
 - (b) Wood shingles are prohibited. Corrugated metal, tar paper, and brightly-colored asphalt shingles may be permitted by the Director where they will not be visible from a roadway, public park, or residential district or use.
- f. Awnings, canopies, arcades, and overhangs. Structural awnings are encouraged at the ground level to enhance the articulation of the building and provide shade.
- (1) The material of awnings and canopies shall complement the building.
 - (2) Awnings shall not be internally illuminated.
 - (3) Canopies shall not exceed 40 linear feet without a break.
 - (4) Awnings shall not extend more than five feet over the sidewalk, unless otherwise approved by the Director, up to a maximum of 10 feet, and are in keeping with the architectural style of the building.
 - (5) Canopies shall respect the placement of street trees and lighting and shall not interfere with them.
 - (6) All large canopies that require structural columns for support shall have a minimum six-foot masonry (or other approved material) finish measured from the finished grade. Materials used on columns and canopies shall be complementary to the building.
8. Compatibility standards.
- a. Applicability. The compatibility standards in this subsection only apply when nonresidential or mixed-use development is proposed adjacent to lots used by or zoned for detached or attached single-family structures in a residential district outside of the ADP.
 - b. Use limitations. Where these compatibility standards apply, the following uses or features shall be prohibited as principal or accessory uses:
 - (1) Public address/loudspeaker systems;
 - (2) Outdoor storage; and
 - (3) Uses providing delivery services via large tractor trailers (not including package delivery services).
 - c. Off-street parking location.

- (1) Off-street parking shall be established in one or more of the locations listed below. The locations are listed in priority order; the applicant shall select the highest feasible location from this list, and shall demonstrate why that application was selected over other alternative locations.
 - (a) Adjacent to off-street parking lots serving nonresidential uses on abutting lots;
 - (b) Adjacent to lot lines abutting nonresidential development;
 - (c) Adjacent to lot lines abutting mixed-use development;
 - (d) Behind the building;
 - (e) In front of the building; or
 - (f) Adjacent to lot lines abutting residential uses.
- (2) In cases where an off-street parking lot serving a nonresidential use is located on an abutting lot, connection between the two parking areas via a cross-accessway with a minimum width of 12 feet and a maximum width of 24 feet is strongly encouraged. A cross-access easement shall be recorded.

d. Relationship to surrounding uses.

- (1) Multi-building developments shall be configured to locate the tallest and largest structures within the core of the site and provide a gradual decrease in building height and mass towards adjacent residential land use.



**Gradual Decrease in Building Height
and Mass Towards Adjacent
Residential Uses**

- (2) Horizontally integrated mixed-use developments shall locate nonresidential uses away from lots in adjacent residential areas.
 - (3) Medium to high density housing shall be incorporated to the maximum extent feasible both within and around the development to facilitate connections between residential and non-residential uses.
- e. Façade configuration.
- (1) Service functions like refuse collection, incidental storage, and similar functions shall be integrated into the architecture of the building unless an alternate location places these functions farther from adjacent residential uses.
 - (2) Windows shall be arranged to avoid direct lines-of-sight into abutting residential uses.

- (3) Multi-story structures with balconies, patios, or other public gathering spaces more than 24 feet above grade shall orient these features to avoid direct views into lots in low- and medium-density residential districts.

f. Landscaping/screening.

- (1) Screening shall not interfere with public sidewalks, vehicular cross-accessways, or improved pedestrian connections.
- (2) Any parking designated for trucks, recreational vehicles and other large vehicles shall be placed in a location which is not adjacent to either any street or to any residentially zoned property.

g. Operation.

- (1) Nonresidential uses with outdoor components (e.g., outdoor dining, performance venues) located adjacent to lots in a residential district shall curtail outdoor activities by 10:00 p.m.
- (2) Loading or unloading activities shall take place only between the hours of 7:00 a.m. and 11:00 p.m.
- (3) Alternate hours of activities may be approved through the conditional use permit process.

9. Green design. To the maximum extent practicable, new buildings are encouraged to incorporate one or more of the following features:



Commercial Building With Solar Panels

- a. Opportunities for the integration of renewable energy features in the design of buildings or sites, such as: Solar, wind, geothermal, biomass, or low-impact hydro sources;
- b. Energy-efficient materials, including recycled materials that meet the requirements of this Code;
- c. Materials that are produced from renewable resources;
- d. A green roof, such as a vegetated roof, or a cool roof;
- e. Materials and design meeting the U.S. Green Building Council's LEED-NC certification requirements; or
- f. A greywater recycling system.

Sec. 5.650. - Area development plan (ADP) permitted uses.

- A. ADP permitted uses. The following uses are permitted throughout the ADP unless further modified in each "Specific Area" below or listed under "E. ADP Prohibited Uses":
1. CP-2 office and retail uses permitted by right (P) in Table 6-1 of the Unified Development Ordinance.
 2. Loft dwellings.
 3. Multi-family residential apartments, market rate, age restricted and senior.
 4. Drug store including drive-up window.
 5. Financial services, including drive-up window and drive-through facility, as a "C" use such as banks and credit unions.
 6. Bars and taverns as a "C" use.
 7. Hotel.
 8. Massage therapy as a "C" use.
 9. Restaurant, general as a "C" use.
 10. Civic or fraternal organization as a "C" use.
 11. Research, design, marketing and production needs of the general business community.
 12. Other uses specifically approved as part of a Preliminary Development Plan or further modified from the "Specific Area Uses" or "Prohibited Uses".
- Uses shown as "C" uses must comply with the conditions established in UDO Article 6, Division II unless further modified through the approval process.
- B. LS Gateway—Specific area uses.
1. Rooftop restaurants.
 2. Medical clinic.
 3. Fitness center.
- C. LS mixed use—Specific area uses.
1. Restaurants/coffee shops including drive-through.
 2. Indoor fitness/recreation center.
 3. Convenience store (C-Store).
 4. Business and vocational schools.
 5. Churches.
- D. LS arts and entertainment center—Specific area uses.
1. Rooftop restaurants.
 2. Restaurants/coffee shops located within a larger building.
 3. Artist studio, video production labs.
 4. Performing arts.
 5. Hospital, medical clinic prohibited.
 6. Restaurant—Drive-up and drive-thru services prohibited.
- E. ADP prohibited uses.
1. Automotive/truck related uses.
 2. Retail—Big box in excess of 80,000 square feet on one level.

3. Call centers.
4. Industrial uses.
5. Outdoor storage.
6. Indoor storage facility.
7. Office warehouse.
8. Pet and animal hospitals.
9. Adult business, entertainment, personal services, bookstores, novelties and similar uses.
10. Title loan, check cashing and unsecured loan businesses.
11. Appliance repair unless accessory to the primary retail business, i.e., servicing what is being sold on the premises.
12. Construction material sales and service.
13. Car wash indoor or outdoor or automated.
14. Equipment rental/lease.
15. Building or ground maintenance.
16. Bus terminal.
17. Day care except as an accessory use located within a larger building complex for a permitted business use.
18. Exterminating service.
19. Martial arts studio except when associated with a fitness center.
20. Pet grooming/pet motel.
21. Plumbing and heating equipment dealers.
22. Radio and TV repair.
23. Repair services non-automotive.
24. Reupholstery or furniture repair.
25. Tattoo parlor, permanent cosmetic services, body piercing studio.
26. Used merchandise sales, including thrift stores, second hand sales, refurbished equipment etc.

Sec. 5.660 - Signage.

Refer to development plan sign package or UDO Article 9, Signs.

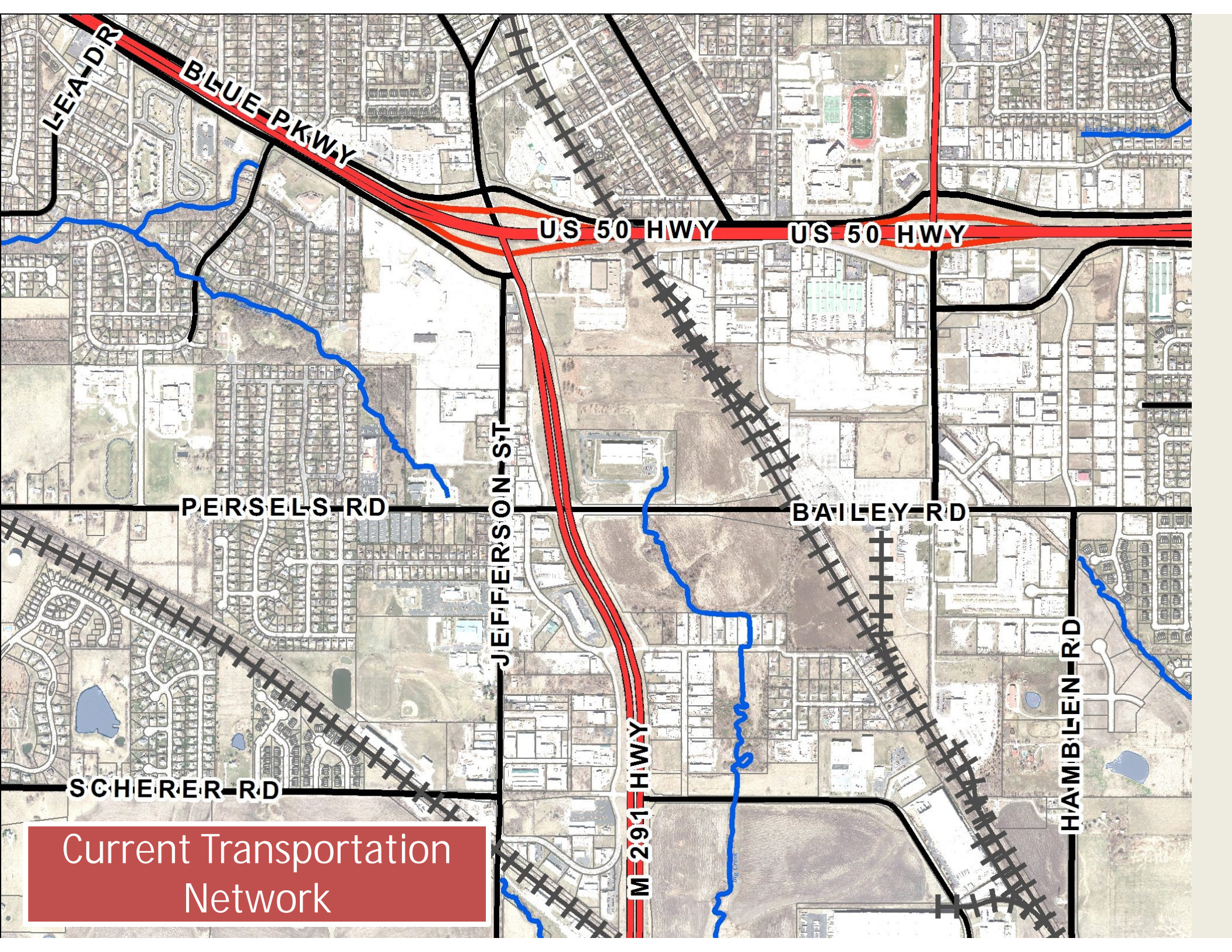
South M-291/US 50 Area Master Development Concept Plan



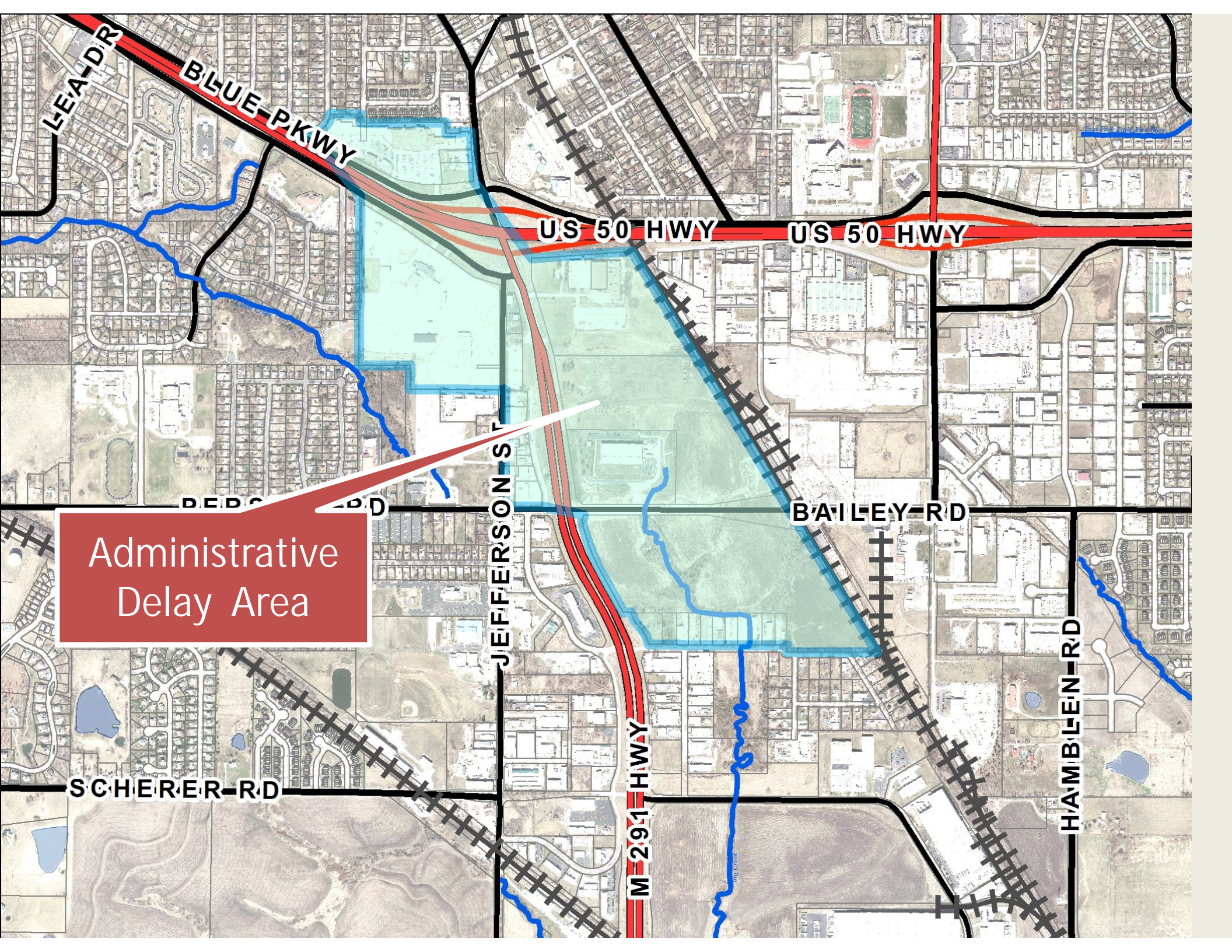
LEE'S SUMMIT
MISSOURI

Yours Truly





Current Transportation Network



LEA DR
BLUE-PKWAY

US 50 HWY US 50 HWY

Administrative
Delay Area

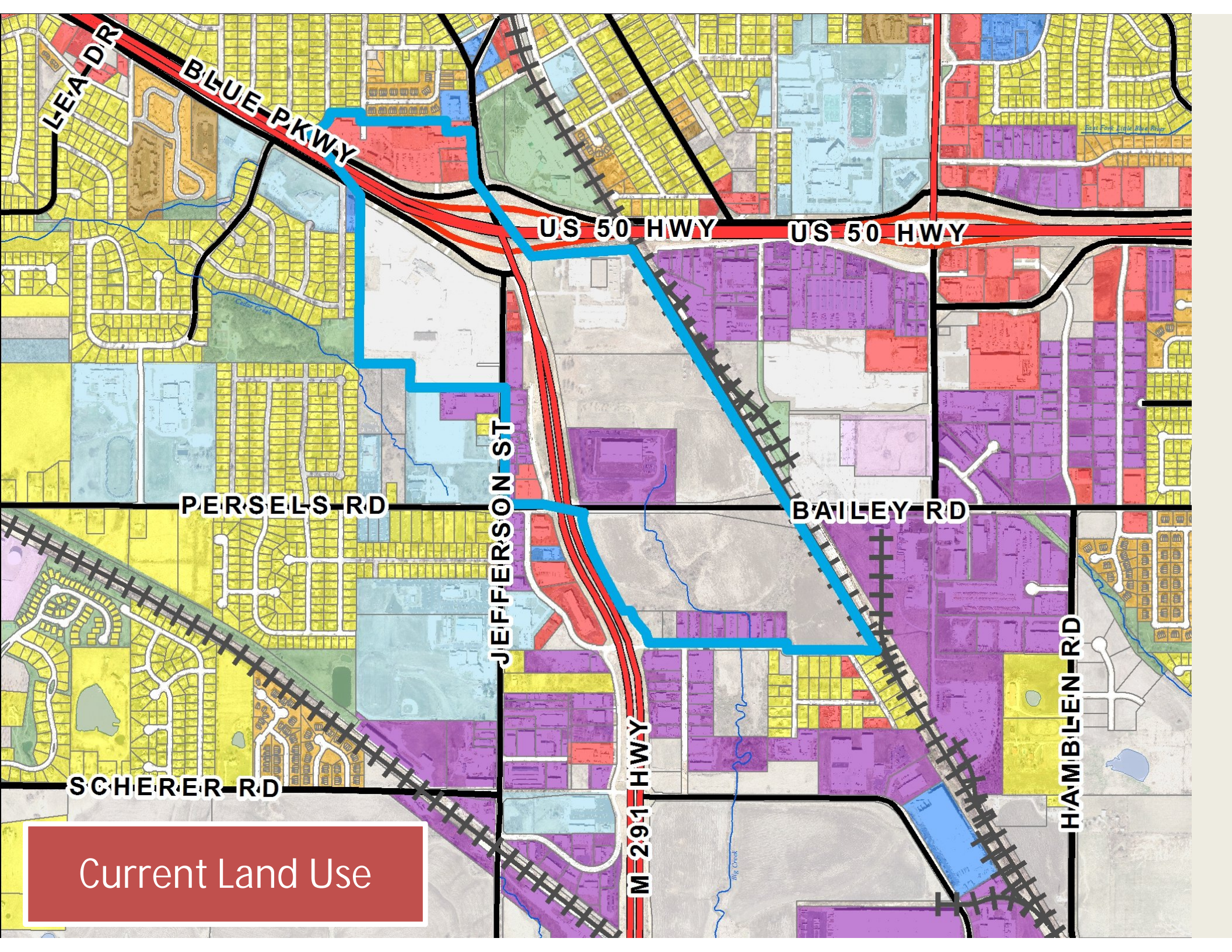
JEFFERSON ST

BAILEY RD

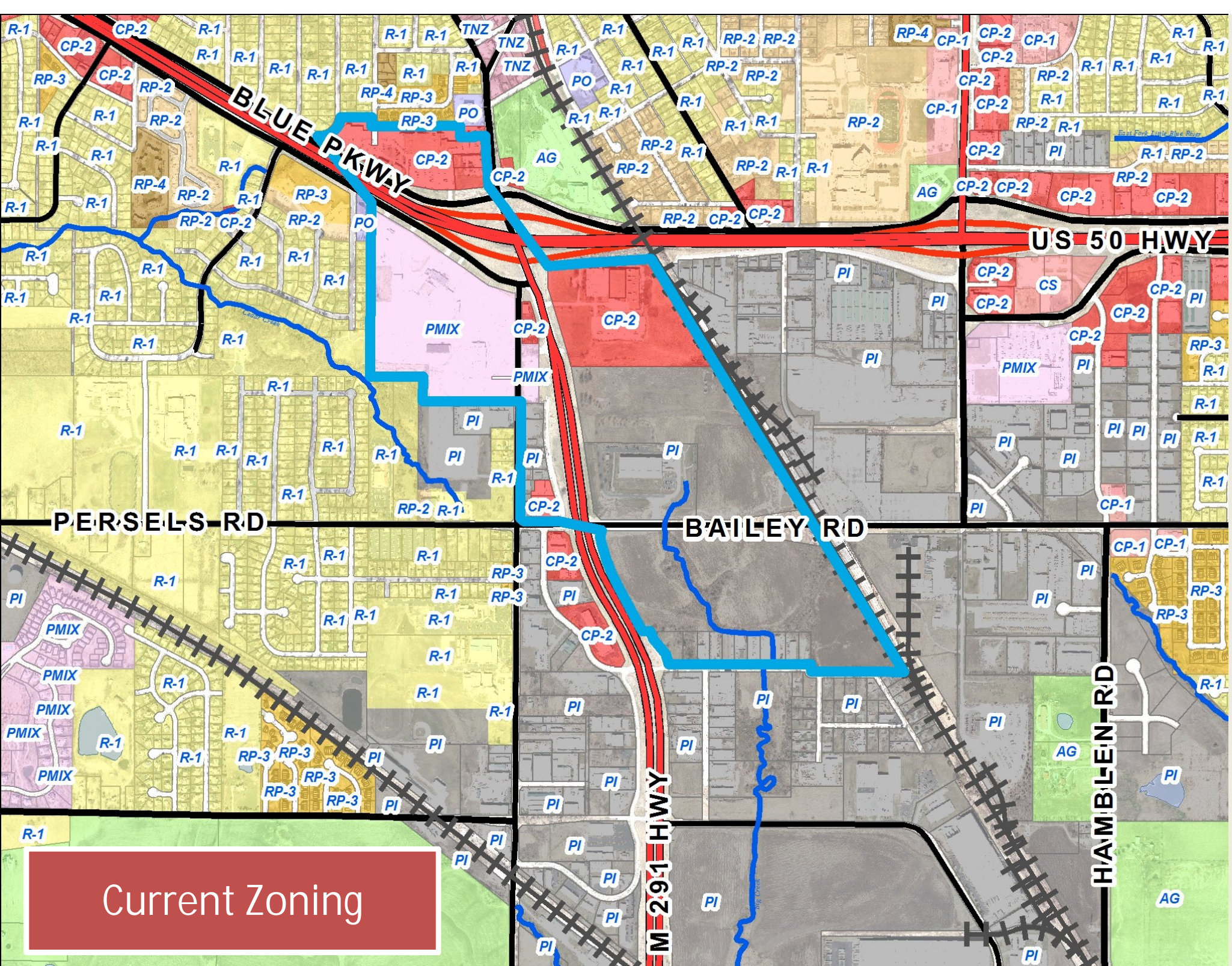
SCHERER RD

M 291 HWY

HAMBLEN RD

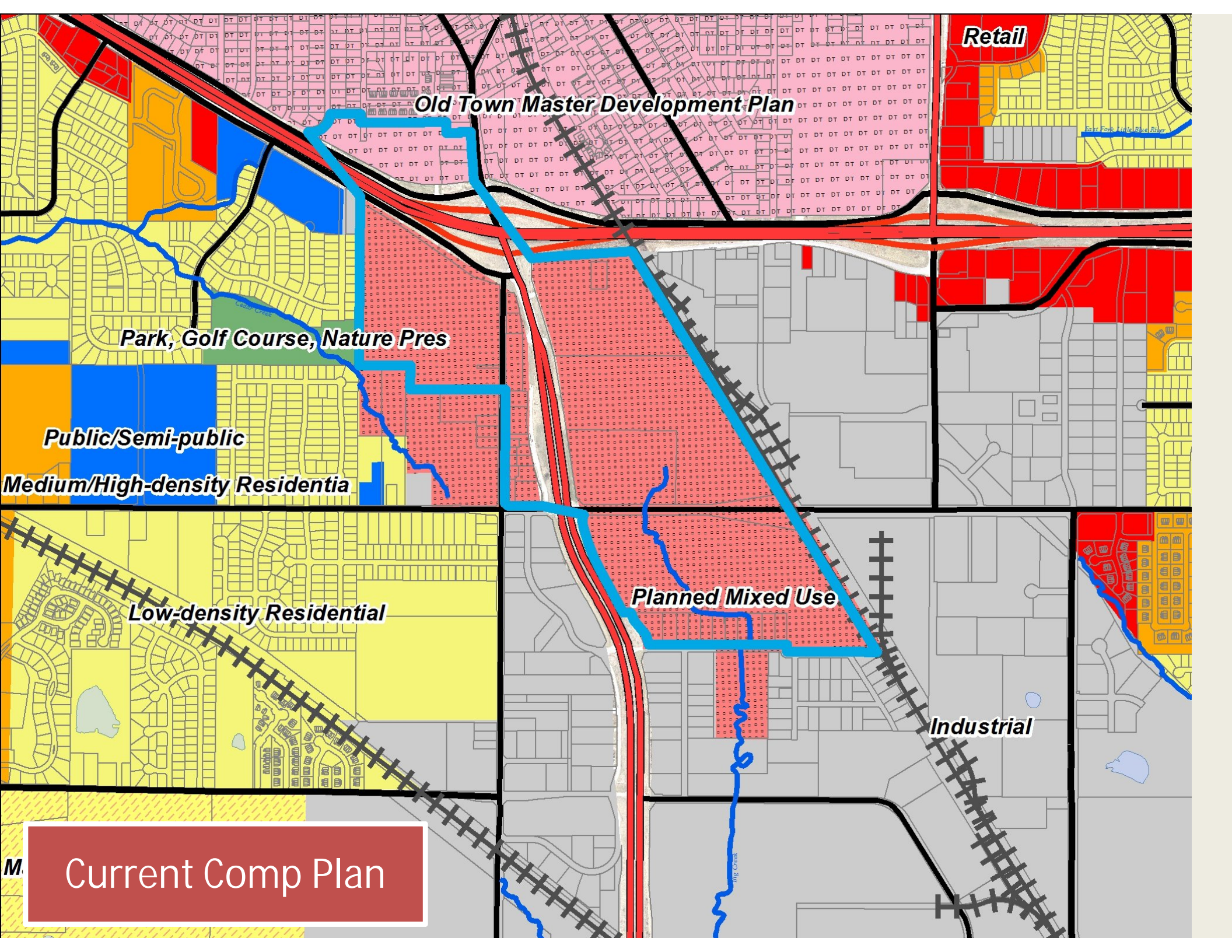


Current Land Use



Current Zoning

Old Town Master Development Plan



Retail

Park, Golf Course, Nature Pres

Public/Semi-public

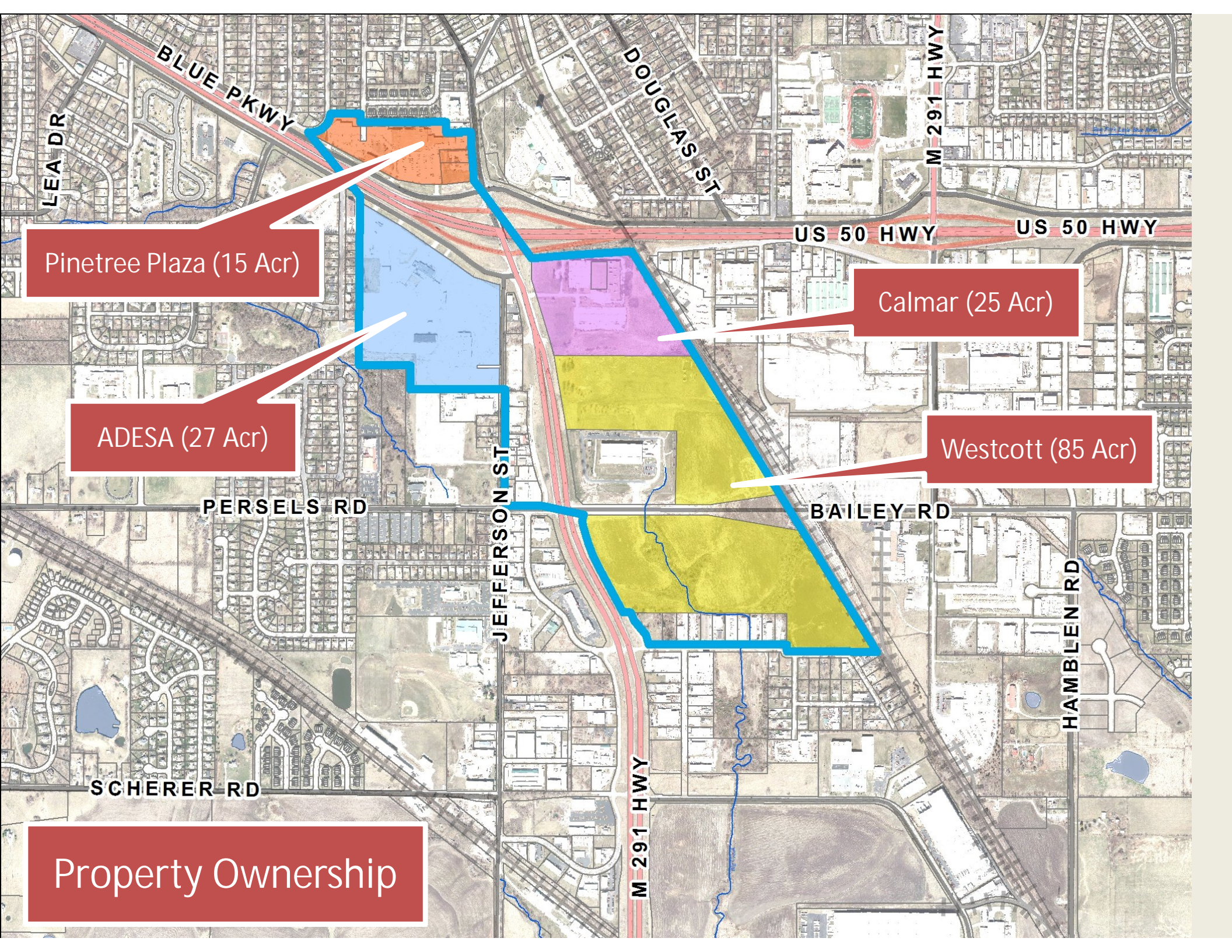
Medium/High-density Residential

Low-density Residential

Planned Mixed Use

Industrial

Current Comp Plan



Pinetree Plaza (15 Acr)

ADESA (27 Acr)

Calmar (25 Acr)

Westcott (85 Acr)

Property Ownership

Area Development Goals



LS

LEE'S SUMMIT
MISSOURI



Yours Truly

- Gateway to Downtown
- Destination point (attractive, friendly, and “sticky”)
- Building community rather than standalone uses
- Increased, concentrated and long-lasting human activities
- Sizable public spaces with attractions (i.e. where more activities occur)
- Place-making and human scale



LEE'S SUMMIT
MISSOURI



Yours Truly

- Mixed uses (for live, work, shop, and play) in one place
- Vertical mix of uses
- Residential tied in and integrated retail/office (not just standalone residential)
- Housing choices



LS

LEE'S SUMMIT
MISSOURI

LS

Yours Truly

- Prominent architecture and height for visual focus and interest from highways
- Buildings brought close to street
- 4-sided architecture and durable, attractive materials
- Themed look (landscaping, color, materials, etc.). One theme for retail area, one for industrial area, overall landscape plan, street trees planted at street construction



LEE'S SUMMIT
MISSOURI

Yours Truly



- Multi-modal, pedestrian/bicycle friendly environment
- Reduced surface/on-street parking
- Reduced speed of motorized vehicle movement
- Can be easily served by transit



LEE'S SUMMIT
MISSOURI

Yours Truly



- Avoid competition for the same businesses from Lee's Summit
- Sustainability elements application – solar, stormwater management combined with features for outdoor activities (not just for holding water), street trees
- Financially workable (financing structure and strategy) for the development of the area



LEE'S SUMMIT
MISSOURI

Yours Truly



Master Development Concept



Yours Truly





Oldham Pkwy

US 50 Hwy

N M-291

S M-291

Union-Pacific-RR

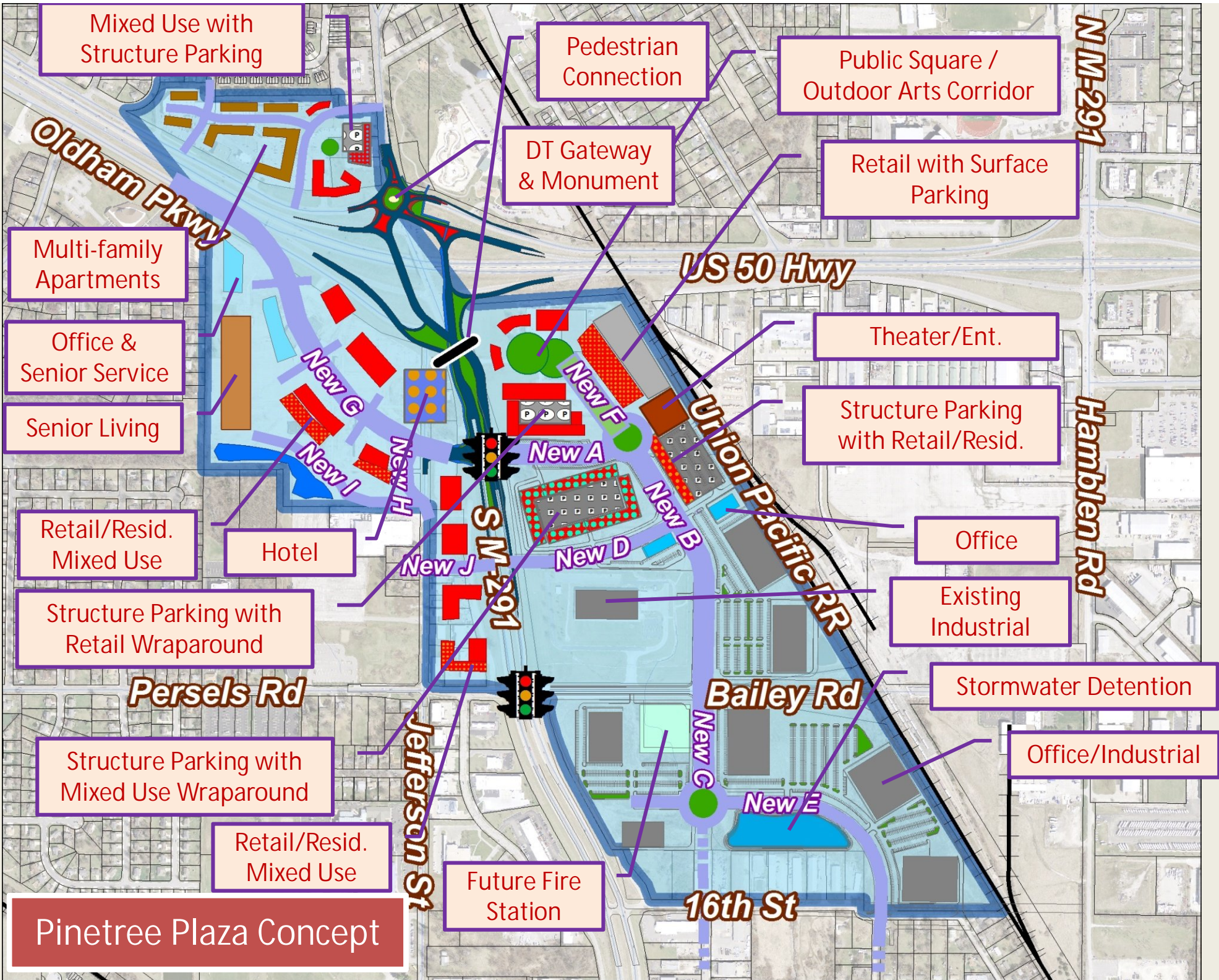
Hamblen Rd

Persels Rd

Bailey Rd

Jefferson St

16th St



Mixed Use with Structure Parking

Pedestrian Connection

Public Square / Outdoor Arts Corridor

DT Gateway & Monument

Retail with Surface Parking

Multi-family Apartments

US 50 Hwy

Office & Senior Service

Theater/Ent.

Senior Living

Structure Parking with Retail/Resid.

Retail/Resid. Mixed Use

Hotel

Office

Structure Parking with Retail Wraparound

Existing Industrial

Persels Rd

Stormwater Detention

Structure Parking with Mixed Use Wraparound

Retail/Resid. Mixed Use

Office/Industrial

Pinetree Plaza Concept

Future Fire Station

16th St

N M-291

Hamblen Rd

Jefferson St

Oldham Pkwy

New G
New I
New H
New J

New A
New D
New B

Union Pacific RR

Bailey Rd

New E

An aerial view of a resort courtyard at dusk. In the center is a large, circular fountain with multiple jets of water, some of which are illuminated from below. To the right of the fountain stands a tall, slender Christmas tree covered in lights. The courtyard is surrounded by multi-story buildings with classical architectural features, including a prominent golden dome on the left. An American flag flies on a tall pole in the background. People are seen walking on the paved paths and sitting on the fountain's edge. The sky is a mix of soft orange and blue, suggesting the time is either dawn or dusk.

visualize

















BARNES & NOBLE

Abercrombie & Fitch

WITCHAM AND SECRET
VICTORIAN'S SECRET

ANN TAYLOR

REAR WINDOW

LOFT
New York

LOFT
New York

LOFT
New York

STOP
STAY TO THE RIGHT

P
2 HOUR PARKING



AMERICAN BAR

PLATS D'APPERTIS
CLASSIQUE
BISSES PRESSON
VINS REGIONAUX

HOSTING AN
EVENT?
-make it
french!
MULTIPLE ROOMS & OFFICE
PRIVATE DINING GREAT FOR
CORPORATE & WEDDINGS
MEET AND GREETING ZONE
A FULL SERVICE RESTAURANT
COURTESY OF 1930'S
COURTESY OF 1930'S
FOR MORE INFO CONTACT
SARAH WILSON @ 953-4224

EST. VOUS PLAIT
PLEASE SEE
MAITRE D'
FOR TERRACE SEATING
MERCII



Table with chairs and people sitting at it.

Discussion



LEE'S SUMMIT
MISSOURI



Yours Truly

Packet Information

File #: BILL NO. 19-136, **Version:** 1

An Ordinance approving Application #PL2019-134 - Unified Development Ordinance (UDO) Amendment #5, Article 5 Overlay Districts - Division VIII Envision LS Area Development Plan (ADP) Design Standards; and Article 15 Rules of Interpretation and Definitions - Division II Definitions - establishment of an appeals process for prohibited uses and amendment to definitions; City of Lee's Summit, applicant

Proposed City Council Motion:

I move for a second reading of an Ordinance approving Application #PL2019-134 - Unified Development Ordinance (UDO) Amendment #5, Article 5 Overlay Districts - Division VIII Envision LS Area Development Plan (ADP) Design Standards; and Article 15 Rules of Interpretation and Definitions - Division II Definitions - establishment of an appeals process for prohibited uses and amendment to definitions; City of Lee's Summit, applicant

Hector Soto Jr., Planning Manager

BILL NO. 19-136

AN ORDINANCE APPROVING APPLICATION #PL2019-134 - UNIFIED DEVELOPMENT ORDINANCE (UDO) AMENDMENT #5, ARTICLE 5 OVERLAY DISTRICTS – DIVISION VIII ENVISION LS AREA DEVELOPMENT PLAN (ADP) DESIGN STANDARDS; AND ARTICLE 15 RULES OF INTERPRETATION AND DEFINITIONS – DIVISION II DEFINITIONS – ESTABLISHMENT OF AN APPEALS PROCESS FOR PROHIBITED USES AND AMENDMENT TO DEFINITIONS; CITY OF LEE'S SUMMIT APPLICANT

WHEREAS, the Unified Development Ordinance (UDO) was originally adopted by the City Council as Ordinance No. 5209 on September 6, 2001, which has been amended numerous times and recodified in its entirety by the adoption of Ordinance No. 8443 and is incorporated into the City's Code of Ordinances through Section 33-1 of the Code; and,

WHEREAS, Application #PL2019-134, proposing amendments to Article 5 Overlay Districts – Division VIII Envision LS Area Development Plan (ADP) Design Standards; and Article 15 Rules of Interpretation and Definitions – Division II Definitions – establishment of an appeals process for prohibited uses and amendment to definitions; and,

WHEREAS, the Community and Economic Development Committee considered the proposed UDO Amendment to Article 5 Overlay Districts – Division VIII Envision LS Area Development Plan (ADP) Design Standards; and Article 15 Rules of Interpretation and Definitions – Division II Definitions on April 10, 2019, and authorized the amendments to be advertised for public hearings; and,

WHEREAS, after due public notice in the manner prescribed by law, the Planning Commission held a public hearing for Application #PL2019-134 on May 9, 2019 and rendered a report to the City Council recommending that the proposed amendment to Article 5 Overlay Districts – Division VIII Envision LS Area Development Plan (ADP) Design Standards; and Article 15 Rules of Interpretation and Definitions – Division II Definitions be approved; and,

WHEREAS, after due public notice in the manner prescribed by law, the City Council held a public hearing on Application #PL2019-134 on June 4, 2019; and,

WHEREAS, the City Council determined that the proposed UDO amendment contained in Application #PL2019-134 would serve the interests of the citizens of Lee's Summit.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEE'S SUMMIT, MISSOURI, as shown on the attached copy, appended hereto and made a part hereof.

SECTION 1. That Article 5 Overlay Districts – Division VIII Envision LS Area Development Plan (ADP) Design Standards; and Article 15 Rules of Interpretation and Definitions – Division II Definitions, are hereby amended in the manner shown on the copy appended hereto as Exhibit "A" and incorporated herein by reference.

SECTION 2. That it is the intention of the City Council and is hereby ordained that the provisions of this Ordinance shall become and be made a part of the UDO, and the sections of this Ordinance and the UDO may be renumbered as appropriate to accomplish such intention.

SECTION 3. That this ordinance shall be in full force and effect from and after the date of its passage, adoption, and approval by the Mayor.

BILL NO. 19-136

PASSED by the City Council of the City of Lee's Summit, Missouri, this _____ day of _____, 2019.

Mayor William A. Baird

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said city this _____ day of _____, 2019.

Mayor William A. Baird

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney Brian Head

UDO Amendments for the EnVision LS Area

Sec. 5.630. - General provisions.

- A. Purpose. The purpose of these development standards is to facilitate the development of all property within the EnVision LS Area Development Plan located adjacent to and in close proximity to the new interchange improvements at South M-291~~f~~ and US 50 Highway with the highest possible levels of community and building design consistent with the Area Development Plan (ADP).

Development standards within the ADP have been established to create a healthy and viable economic development and redevelopment area. The administration, enforcement, and amendment of these standards shall be consistent with the ADP. Amendments to these standards should only be considered when a proposed development plan is providing a higher standard than that reflected in the ADP.

- B. Applicability. These development standards are applicable to all property identified on the map labeled "Planning Subareas for Design Standards" ~~in Section 5.620 on page 4~~, as now or hereafter established. Development standards shall be applicable to ~~all multi-family and commercial (nonresidential) construction, reconstruction, alteration, and expansion, but shall not be applicable to repairs and alterations~~. No land, building, structure, or premises shall be used for any purpose or in any manner other than that which is permitted under the approved uses established for each development as a part of their respective preliminary development plan.

- C. Conflict. These development standards are additive; more than one set of standards may apply to a particular development project. The more restrictive provision, as determined by the Director of Planning and Special Projects (Director), shall control in cases where standards conflict.

- D. Alternative equivalent compliance.

1. Purpose and scope. To encourage creative and unique design, "alternative equivalent compliance" allows development to occur in a manner that meets the intent of these standards yet through an alternative design that does not strictly adhere to these standards. This is not a general waiver of regulations. Rather, this section authorizes a site-specific plan that is equal to or better than the strict application of these adopted standards while still meeting the goals and policies established herein.

2. Decision-making responsibility. Final approval of any alternative compliance proposed under this section shall be the responsibility of the decision-making body responsible for deciding upon the application. Administratively approved projects proposing alternative compliance shall receive written approval of the alternative compliance from the Director.

3. Criteria. Alternative equivalent compliance may be approved if the applicant demonstrates that the following criteria have been met by the proposed alternative:

- a. Achieves the intent of the subject standard to the same or better degree than the subject standard;
- b. Advances the goals and policies of the ADP to the same or better degree than the subject standard;
- c. Results in benefits to the community that are equivalent to or exceed benefits associated with the subject standard; and

For Council meeting packets

d. Imposes no greater impacts on adjacent properties than would occur through compliance with the specific requirements of this article.

4. Effect of approval. Alternative compliance shall apply only to the specific site for which it is requested and shall not establish a precedent for approval of other requests

Sec. 5.650. - Area development plan (ADP) permitted uses.

A. ADP permitted uses. The following uses are permitted throughout the ADP unless further modified in each "Specific Area" below or listed under "E. ADP Prohibited Uses":

1. CP-2 office and retail uses permitted by right (P) in Table 6-1 of the Unified Development Ordinance.
 2. Loft dwellings.
 3. Multi-family residential apartments, market rate, age restricted and senior.
 4. Drug store including drive-up window.
 5. Financial services, including drive-up window and drive-through facility, as a "C" use such as banks and credit unions.
 6. Bars and taverns as a "C" use.
 7. Hotel.
 8. Massage therapy as a "C" use.
 9. Restaurant, general as a "C" use.
 10. Civic or fraternal organization as a "C" use.
 11. Research, design, marketing and production needs of the general business community.
 12. Other uses specifically approved as part of a Preliminary Development Plan or further modified from the "Specific Area Uses" or "Prohibited Uses".
- Uses shown as "C" uses must comply with the conditions established in UDO Article 6, Division II unless further modified through the approval process.

B. LS Gateway—Specific area uses.

1. Rooftop restaurants.
2. Medical clinic.
3. Fitness center.

C. LS mixed use—Specific area uses.

1. Restaurants/coffee shops including drive-through.
2. Indoor fitness/recreation center.
3. Convenience store (C-Store).
4. Business and vocational schools.
5. Churches.

D. LS arts and entertainment center—Specific area uses.

For Council meeting packets

1. Rooftop restaurants.
2. Restaurants/coffee shops located within a larger building.
3. Artist studio, video production labs.
4. Performing arts.
5. Hospital, medical clinic prohibited.
6. Restaurant—Drive-up and drive-thru services prohibited.

E. ADP prohibited uses.

1. Automotive/truck related uses.
2. Retail—Big box in excess of 80,000 square feet on one level.
3. Call centers.
4. Industrial uses.
5. Outdoor storage.
6. Indoor storage facility.
7. Office warehouse.
8. Pet and animal hospitals.
9. Adult business, entertainment, personal services, bookstores, novelties and similar uses.
10. Title loan, check cashing and unsecured loan businesses.
11. Appliance repair unless accessory to the primary retail business, i.e., servicing what is being sold on the premises.
12. Construction material sales and service.
13. Car wash indoor or outdoor or automated.
14. Equipment rental/lease.
15. Building or ground maintenance.
16. Bus terminal.
17. Day care except as an accessory use located within a larger building complex for a permitted business use.
18. Exterminating service.
19. Martial arts studio except when associated with a fitness center.
20. Pet grooming/pet motel.
21. Plumbing and heating equipment dealers.
22. Radio and TV repair.
23. Repair services non-automotive.
24. Reupholstery or furniture repair.
25. Tattoo parlor, permanent cosmetic services, body piercing studio.

For Council meeting packets

26. Used merchandise sales, including thrift stores, second hand sales, refurbished equipment etc.

F. Appeals for Prohibited Uses.

1. Filing with City Clerk. If an applicant seeks relief from the restrictions in part E of this Section (ADP Prohibited Uses), the applicant may file a written appeal with the City Clerk which shall include the following information:
 - a. Date prepared;
 - b. Name, address and telephone number of the applicant and the name, address and telephone number of the landowner if different than the applicant;
 - c. Affidavit testifying to proof of ownership or of authorization of agent pursuant to Section 2.020, if applicable;
 - d. Name, address and telephone number of all persons preparing any technical studies, maps, drawings and documents submitted with the appeal;
 - e. Accurate legal description, accompanied by a legal description closure report for metes and bounds descriptions, of the property for which the application is submitted;
 - f. Description of the proposed use, including size of the propose structure(s), floor area of each use within each structure, a description of the alterations, repairs or improvements that are proposed to existing structures, and any additional information needed to understand the location, extent and character of the proposed development, including whether the proposed development will be one or more new structures or alteration to one or more existing structures;
 - g. a statement setting forth the reasons why relief should be granted and why the prohibited use should be allowed; and
 - h. Any additional information required by City staff in order to evaluate the request.
2. City Council Hearing. The City Clerk shall schedule a hearing before the City Council within thirty (30) days following the date that the appeal is filed, or as soon thereafter as practicable in the normal course of managing Council agendas, at which the applicant shall bear the burden of establishing that the requested relief should be granted.
3. Decision and Standards for Determination. The standard to be applied to the Council's decision on the appeal shall be the same standard that applies to legislative decisions of the City Council. The Council may grant approval to the appeal or deny the appeal by motion, resolution or ordinance. By granting an appeal, such decision will only provide relief from the prohibited use restriction set forth in part E of this Section, in that the proposed use will be considered as a potentially allowable use for the applicant's subject property, but no additional rights shall accrue to the applicant. All other UDO requirements which would apply to development of the property shall be satisfied if an appeal is granted. An appeal granted by the Council shall apply only to the property that is legally described in the written appeal and shall not be transferrable to any other property in the ADP or any other property owned by the applicant.
4. Development Application. If the appeal is granted by the City Council, a subsequent application may be made by the applicant or property owner and such application shall be processed according to all applicable UDO requirements.

For Council meeting packets

Sec. 15.200. - Alteration.

Alteration shall mean any addition, removal, extension or change ~~to in the location of any part exterior surface~~ of a ~~main~~-structure ~~or fixture or accessory structure~~.

Sec. 15.2470. - Repair.

Repair shall mean the reconstruction, rehabilitation or renewal of any part of an existing structure, improvement or fixture for the purpose of maintenance or to bring the structure, improvement or fixture into compliance with any City regulation.

Packet Information

File #: 2019-2693, **Version:** 1

Public Hearing: Application #PL2019-151 - Unified Development Ordinance (UDO) Amendment #6 - Article 8 Site Standards - Division I Design Standards - Subdivision 4 Other Required Design Standards - amendment to trash enclosure and ground-mounted mechanical screening material requirements; City of Lee's Summit, applicant. (NOTE: This item is to be continued to June 18, 2019 per Staff's request.)

Issue/Request:

Developers have requested relief from the prescribed trash enclosure and ground-mounted mechanical screening material requirements of the UDO within the Specified Metal Building Areas zoned PI (Planned Industrial). This amendment proposes the expansion of screening material options to include metal panels for trash enclosures; and metal panels and wood composite materials for ground-mounted mechanical equipment.

Background:

Developers have requested relief from the prescribed trash enclosure and ground-mounted mechanical equipment screening material requirements of the UDO in the Specified Metal Building Areas of the Planned Industrial (PI) District.

Hector Soto Jr., Planning Manager

Recommendation: Staff recommends **APPROVAL** of the UDO amendment to Article 8 as presented.

Committee Recommendation: On a motion by Mr. Funk, seconded by Mr. Sims, the Planning Commission unanimously voted on May 9, 2019, to recommend APPROVAL of Appl. #PL2019-151 - Unified Development Ordinance (UDO) Amendment #6 - Article 8 Site Standards - Division I Design Standards - Subdivision 4 Other Required Design Standards - amendment to trash enclosure and ground-mounted mechanical screening material requirements; City of Lee's Summit, applicant.

The City of Lee's Summit
Action Letter - Draft
Planning Commission

Thursday, May 9, 2019

5:00 PM

City Council Chambers

City Hall

220 SE Green Street

Lee's Summit, MO 64063

Call to Order

Present: 6 - Board Member Jason Norbury
Board Member Don Gustafson
Board Member Donnie Funk
Board Member Jeff Sims
Board Member John Lovell
Board Member Mark Kitchens

Absent: 3 - Board Member Carla Dial
Board Member Dana Arth
Board Member Jake Loveless

Roll Call

Approval of Agenda

A motion was made by Board Member Funk, seconded by Board Member Gustafson, this agenda be approved. The motion carried unanimously.

Public Comments

There were no public comments at the meeting.

Approval of Consent Agenda

[TMP-1216](#) Appl. #PL2019-124 - FINAL PLAT - Summit Orchard, Lot 4A-4E; Townsend Summit, LLC, applicant

A motion was made by Board Member Funk, seconded by Board Member Sims, that this application be recommended for approval to the City Council - Regular Session, due back on 5/21/2019. The motion carried unanimously.

[2019-2740](#) Minutes of the April 25, 2019, Planning Commission meeting

A motion was made by Board Member Funk, seconded by Board Member Sims, that the minutes be approved. The motion carried unanimously.

Public Hearings

[2018-2219](#) Continued Appl. #PL2018-101 - REZONING from PI to PMIX and PRELIMINARY DEVELOPMENT PLAN - Woodland Glen, approximately 24 acres located at the northeast corner of SW Ward Rd and SW Scherer Rd; John Duggan, applicant

Chairperson Norbury opened the hearing at 5:01 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Mr. John Duggan, the applicant, gave his address as 9101 110 Street, Ste. 200 in Overland Park, KS. He stated that this application for a rezoning and preliminary plan was a revision to the Woodland Glen subdivision. Early platting and applications for development were done in 2000, between April 11th (preliminary plat approved) and September 21st (rezoning, preliminary development plan and final plat), with about 36 acres now platted. Mr. Duggan had bought the subject property about a year ago, and had decided that some of the original plan was not well suited to today's market, including the improvements to Scherer Road that would be necessary and the condominiums that were in the development's multi-family part. Tonight's application would be for the last phases.

Mr. Duggan displayed the PDP that Schlager and Associates had done, pointing out the single family component. The previous plan had been for cul-de-sacs extending down into a wooded area with a creek, which would not have been practical; and this part was now divided into two large wooded lots, lots 11 and 12, running adjacent to Ward Road. Other single family residential lots would be along a future extension of Heartwood Road. The attached villas would be accessed by the entryway off Ward Road; but mostly conformed to the previous plan. The rezoning request substantially reduced the level of density that was previously approved, by about one unit per acre. The planned development would be in addition to what was already in place in the subdivision. That would include building out some of the existing lots. Two spec homes that were planned would meet all the same architectural requirements in the single family and villa areas. The 24 acres had a total density reduction of 34 units.

Mr. Duggan summarized that these changes had created the two large wooded lots along Ward Road, eliminated the cul-de-sacs, keeping the planned lots along Heartwood and extending it to run adjacent and parallel to Ward. That created the space for the twin villas that would replace the previously planned condominiums. The single family area was kept distinct and separate, with its own homeowners association, which would not include the twin villa neighborhood. He had emphasized this last month, in talking with the neighboring homeowners.

Following Mr. Duggan's presentation, Chairperson Norbury asked for staff comments.

Mr. Soto entered Exhibit (A), list of exhibits 1-19 into the record. He gave some background for the original plan, and explained how it compared with the PDP the applicant was proposing. He displayed slides of aerial and zoning maps, noting that the yellow-dashed border identified the two areas pertaining to the plan. The single family component was generally south of Winthrop, extending a little north on the east side; with the attached multi-family ('twin') villas. Another five acres, outlined in red on the map, were to be rezoned from PI (Planned Industrial) and PMIX to all PMIX. The southern part of this property, plus a narrow piece off the far east edge, were also zoned PI.

In 2000 Mr. Larry Barcus, the original developer, came forward with a plan for Woodland Glen. He was in control of all the property, as shown in lavender on one of the maps, but not the gray portion shown at the north end. At that time the planned zoning designation was PUD (Planned Unit Development). At present, the applicant did have control over that area and the plan included its development. In 2000 the zoning in the original plan was R-1. The development would be a total 194 dwelling units, including single family estate lots, more standard sized single family lots, attached villas and multi-family development ranging from duplexes to 'five-plexes' as well as apartments at the far northern end. Two buildings had 16 units and other two had 12 units each. To date, 87 home sites had been platted, mostly off Hedgewood Lane. Mr. Soto pointed out the location of the detached single family residential portion. The properties extending out just east of Heartwood were detached single family

villas, which had turned out to sell better than the multi-family options. Of the 87 lots platted to date, 69 of them had been developed. The original plan showed 17 acres of single family estate lots, 7 acres of detached single family lots, and a total 19 acres of attached villas, with apartments to the north. The average was 3.25 units per acre.

Tonight's application involved mostly 24 acres on the west side. The 63 units would include 17 single family lots and 23 two-family villas, for an average density of 2.62 units per acre. The displayed site plan showed the single family lots mostly south of Winthrop Drive, and the multi-family lots north of Winthrop and along Ward Road. The sample elevations shown on the next slide used stone and stucco with composition roofs.

Woodland Glen residents had submitted protest petitions to the City. These petitions had been received before the applicant had hosted the neighborhood meeting; so some of the concerns had been addressed. They'd had traffic safety concerns about the SW Scherer Road and SW Heartwood Drive intersection. Some were protesting the proposed lot sizes relative to existing developed lots, as well as what would be done with lots 11 and 12 along Ward Road. The new plan eliminated the apartments and had added mostly single family lots and attached villa units. This was consistent with a planned mix of residential types, including multi-family components. The total number of units had been reduced, and the overall density reduced from 3.25 units per acre to 2.34 units per acre.

Staff found the proposed rezoning and plan consistent with the existing development and with the Comprehensive Plan's recommended land use. They recommended approval of the proposed rezoning and PDP, subject to two conditions. One required that development to be consistent with the preliminary plans submitted to the City between September 2018 and February 2019; with development standards such as lot area and setbacks consistent with what the plan showed. The second condition required the development to be "subject to the recommended road improvements outlined in the Transportation Impact Analysis prepared by Michael Park, dated October 3, 2018." One of these improvements addressed the concerns residents had brought up about the Scherer/ Heartwood intersection. It was a three-way stop, with limited sight distance across. The TIA recommended improvements to these sight distance problems before the City issued any building permits. The required improvements would also include an eastbound left-turn lane.

Following Mr. Soto's comments, Chairperson Norbury asked if there was anyone present wishing to give testimony, either in support for or opposition to the application.

Mr. George Owen gave his address as 1631 SW Heartwood Drive. He and Mrs. Sharon Owen had purchased their home in 2005. He observed that the neighbors who had wanted to speak out about their concerns had experienced more than one continuance of this application, one of them on the day of the Commission meeting. They did appreciate the City requiring the developer to meet with the homeowners and he did not believe that the developer would have met with them otherwise. They were concerned about increase of traffic into the development from Scherer Road. The main entryway off Ward was the other concern. By covenant the homeowners were responsible for maintenance of the paver entryway, although the road itself was public. They did not want this part of the entry to be damaged by heavy equipment during the construction phase; and wanted to know who would be responsible for repairs if this happened. Additionally, the entry road itself was called "Winthrop" but the entry to the attached villa area was called "Winthrop Circle." To access it, a driver had to come through the main entry and then turn north; and the residents asked that the Winthrop Circle entry be closed during the construction phase. Equipment could be brought in via 14th Street as well as two other existing entry points on Ward where homes had formerly been. Mr. Owen acknowledged that the barrier should conform to accessibility for emergency vehicles.

Mr. James Green gave his address as 1433 SW Heartwood Terrace, stating that he had Mrs. Tonya Green had been Woodland Glen residents for 14 years. He wanted some information

about maintenance of the new buildings. Over the past year or 18 months, the developer had not been negligent about mowing the undeveloped property and the lots for sale. Quite often, mowing was not done until a resident contacted the City with a complaint. The first mowing of the season had been done only yesterday, and the properties had been seriously overgrown. Additionally, one 'estate' lot behind his home had a large pile of downed tree limbs, paint cans and other trash such as gravel and plastic. About ten years ago he had contacted the previous developer, and eventually the City, about another, similar pile that was mostly construction debris and had generated a serious problem with rats. He wondered why a developer would allow this kind of nuisance on a lot he planned to eventually sell and develop.

Ms. Cynthia Hernandez gave her address as 1376 SW Heartwood Drive. She wanted to know if the TIA included the increased traffic that the attached villas would create at the Ward/Persels intersection. This was actually two signaled intersections back-to-back; and she had learned from a Lee's Summit police officer that high traffic was an issue there. Three weeks ago, her boyfriend had been in an accident at that intersection that had totaled his car. Drivers turning onto 14th Street would have to deal with increased congestion unless they had a separate left-turn lane. At present, drivers turning left had only about 6 seconds of a green light. Ms. Hernandez also wanted to know why the zoning would be changed to PMIX when the development was a residential one. She was concerned about this zoning designation allowing non-residential uses, and she noted that the development across the road at Ward and Persels was zoned R-1. Concerning lots 11 and 12, the developer had just called them 'wooded lots'; but the PDP did not give any information about what would eventually be built there and she wanted to see some indication that these would be residential development only. Ms. Hernandez also asked about the attached villas having a separate homeowners association, raising concerns about the separate HOAs having inconsistencies with property maintenance and restrictions. There would be a shared entrance and she wanted to know how the two HOAs would share the cost of maintaining the entrances and landscape islands. She had heard that the different HOAs would have the same restrictions. She asked that the plan for the attached villas to include some type of fence or landscaping buffer in the back, down to 14th Street. A wrought iron fence at the corner of Ward and Scherer Road that ran on the east side of Ward, and she was asking for some consistency of both sides of Winthrop.

Mr. Buddy Hendricks gave his address as 1604 SW Hedgewood Lane. Concerning lots 11 and 12, he asked that the entries to these lots along Heartland Drive be replaced. He pointed out their location on a displayed map, noting that the adjacent lots had been reduced in size. These would reduce the width of any house that could be placed on these lots, and asked that the original sizes be restored. He noted that the HOA currently required a minimum square foot area for the first level of houses on these lots. Mr. Hendricks also wanted some assurance that the attached villas would follow the HOA requirements, including construction and building materials. He also asked that dues for both HOAs be used for maintenance of common ground and that dues included a common trash disposal company. If the new developer did decide to deed the residents some of that common ground to maintain and clean up, they wanted to be sure that the ground was in good condition when they assumed responsibility. At present, there was a lot of debris, especially from trees downed over the winter.

Mr. Gary Sears gave his address as 1512 SW Hedgewood Lane. Referring to Mr. Owen's suggestion to temporarily block off Winthrop Circle, he asked that once it was re-opened, traffic into the other proposed new lots come through 14th Street and Winthrop Terrace instead of the entryways on Scherer and Ward. Concerning the reference to brush piles, Mr. Sears stated that this was not a minor cleanup. Some very large trees were down and needed to be removed. He also wanted some details on what facades would be on the front and sides of the attached villas, explaining that the residents had heard conflicting information as to whether the villas would have four-sided architecture or stucco on the front sides only. He also wanted to see cost sharing if there were to be two separate HOAs, and a definite choice

of just one trash hauler.

Chairperson Norbury then asked if the Commission had questions for the applicant or staff.

Mr. Funk asked what the price range would be, specifically for the villas. Mr. Duggan answered that the design was for about 1,100-1,200 square feet for a main level of a 2-bedroom unit, with a finished basement. On today's market he doubted they could be sold for anything less than \$300,000 to \$325,000. He added that he would probably eventually sell these lots to a builder, so he did not plan to put restrictions on rents if the market dictated going to rentals. He added that he had made it clear to the homeowners that these would not have stucco on all four sides. A mix of stucco and stone would be on the front with regular siding on the other three sides.

Mr. Funk then asked for some details about the required improvements to the Heartwood/Scherer intersection. Mr. Duggan responded that according to City staff, that intersection needed to be lowered. The preliminary plat that he had submitted did not show Heartwood going all the way through the project. Several discussions had focused on the intersection at Winthrop, and he believed the plan was to finish this intersection, and there would actually be four lots in the area next to Tract A, three lots on the corner plus lot 11. The road would stop there and not be extended through until such time as Scherer was improved.

Chairperson Norbury remarked that it did not look like the road could go anywhere else. Mr. Duggan stated that he did not have any access rights from lots 11 or 12. That meant the Winthrop would be the only access onto lot 11. Access to lot 12 was likely to be a future driveway from Heartwood. Chairperson Norbury asked if these lots would be developed eventually and if the plan allowed for their development in any way. Mr. Duggan replied that it did not. If they were developed, each lot would be for a single house. When the rezoning was done and he came back for a final plat, lot 11 would be for sale as a single family lot with access to Heartwood. When the Scherer Road improvements were done and Heartwood was extended, lot 12 could have a driveway onto Heartwood and could also be developed.

Mr. Kitchens asked if the villas on lots 6, 7 and 8 would have a back fence, as they were near the detention area. Mr. Duggan replied that fences tended to deteriorate after the first 4 or 5 years. He would prefer to use landscaping. Mr. Kitchens noted that the dropoff was about 10 feet and appeared to be very steep. He asked if there were any City regulations about fences on property that steep. Mr. Soto answered that there were none that he knew of.

Chairperson Norbury asked Mr. Soto for an answer to the earlier question about why the PMIX zoning was chosen. Mr. Soto answered that the PMIX zoning allowed for a wide range of uses; however, when a property was requested for a PMIX rezoning that was tied to the land uses designated on the plan adopted as part of that rezoning request. This specific plan had 17 single family residential lots plus 23 two-unit villa lots. Accordingly, the PMIX zoning would be applicable only to these uses. If someone did want to use another zoning designation in the future, a new plan would be required. In this case, the PMIX zoning would apply to the variety of residential uses only.

Noting that on this plan the referenced 'villas' were duplexes, Mr. Lovell asked if the references to the density being reduced took into account that the duplex villas were two dwelling units, not one. Mr. Soto answered that they did. Chairperson Norbury asked if a developer could have purchased this land with the existing platting could have built according to that plat even though it was significantly dated; or if this would have required a new preliminary development plan. Mr. Soto answered that a builder could build off the 2000 plan; however, the City did have a 'sunset' option for a plat. The builder would be able to build the apartments and condos shown on the original plan.

Chairperson Norbury asked if there were further questions for the applicant or staff. Hearing

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none, he closed the public hearing at 6:00 p.m. and asked for discussion among the Commission members. He acknowledged the concerns that were raised, many of which had to do with code enforcement. At Mr. Gustafson's request, he re-opened the hearing.

Mr. Gustafson noted what appeared to be a cul-de-sac near lot 11, and asked if it was a temporary one. Mr. Soto explained that staff had asked for the plan to show a cul-de-sac for the benefit of a developer who might want to subdivide the lot into smaller ones. It was a temporary one, and the lot would not be developable until the cul-de-sac was removed. He confirmed for Mr. Gustafson that the applicant did not own the adjacent property to the north; and the aerial photograph showed a single family residence built on it.

Mr. Lovell asked for clarification of the elevations included in his packet. One sheet showed the ones the applicant had displayed but the packet included other elevations that looked like apartments. Mr. Soto clarified that one of them was a preliminary elevation; but another that Mr. Lovell had just shown was part of the older plan. Details of the current elevations would be addressed in the final development plan. A larger, more detailed elevation in the packet was an example of materials to be used.

Mr. Lovell stated that he tended to reference his own experiences in Lee's Summit, as did some of the citizens attending and wanting concerns addressed. During the economic downturn, many developments, including New Longview, were not finished the way that was intended. At this point, the Commission would have to look at today's plan rather than the 2000 one; and in the idea of duplexes was his first concern. This was influenced by the challenges with some developments that had gone through. He was not opposed to duplexes but he did not think that the design of the elevation in his packet met the standards the City and the Commission were looking for. However, there was enough separation and the applicant had said that the prices for them was \$300,000 and up for about 1,100 square feet. He liked the separation in the plan, as these were different housing products and might have different property values. He did not have any problem with rezoning to PMIX, as this would provide for a variety of housing approaches.

Mr. Funk commented that the Commission had a straightforward task with the rezoning. He emphasized to both the developer and the citizens present that this was a preliminary plan, not a final one. Concerning the villas in particular, he recommended that in the final plan the developer would show a more distinctive housing product for the \$300,000 price range.

Concerning the issue of HOAs, Chairperson Norbury remarked that the discussion suggested wanting a lot of control over the product, such as contributing to the common entry without giving access to a pool; and this was not how it worked. He encouraged the participants to work together in deciding how maintenance would be handled.

As there was no further discussion, Chairperson Norbury again closed the hearing at 6:11 p.m. and called for a motion.

Mr. Funk made a motion to recommend approval of continued Application PL2018-101, Rezoning from PI to PMIX and Preliminary Development Plan: Woodland Glen, approximately 24 acres located at the northeast corner of SW Ward Rd and SW Scherer Rd; John Duggan, applicant; subject to staff's letter of May 3, 2019, specifically Recommendation Items 1 and 2. Mr. Gustafson seconded.

Chairperson Norbury asked if there was any discussion of the motion. Hearing none, he called for a vote.

A motion was made by Board Member Funk, seconded by Board Member Gustafson, that this application be recommended for approval to the City Council - Regular Session, due back on 6/4/2019. The motion carried unanimously.

[2019-2753](#) Appl. #PL2019-097 - REZONING from AG to RLL - Sanko Acres, 5220 NE Maybrook Rd; Nathan Sanko, applicant

Chairperson Norbury opened the hearing at 5:13 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Mr. McGuire entered Exhibit (A), list of exhibits 1-12 into the record, and stated that this application was to rezone .52 acres of a 15.6 acre tract from AG to RLL. It was bordered by large-lot single family homes on all sides. The property to the north had AG and RLL zoning, with those on the south, east and west having only AG. The .52 acres was developed with a single family home; and the applicant wanted to rezone the property and then subdivide it into two tracts: the .52 acres with the home and the remaining 16 acres. No development was planned at this time. The requested rezoning was consistent with the 2005 Comprehensive Plan, which identified this area as low-density residential use. Staff recommended approval, stipulating that the rezoning would become effective only after a minor plat was submitted and approved.

Chairperson Norbury asked if there was anyone present wishing to give testimony, either in support for or opposition to the application.

Ms. Teresa Vollenweider gave her address as 5201 NE Maybrook Road. She asserted that the smallest lot in the neighborhood was the one with the baseball diamond, at 4.82 acres. Her property was zoned AG, and she was currently planting a fruit tree orchard in the area north of the subject property a use that was permitted in AG zoning. Her first concern was that if the City approved the .52 lot, others would follow; with the potential volume of wastewater being a more immediate issue.

Currently some stagnant water existed from the subject property's address to just south of its driveway. The water would travel all the way down the east side of Maybrook Road; and one corner of the subject property, as well as her own property, was swampy. From 2003 to 2007, she was able to mow in that area but could not know because the area always had standing water except during droughts. Stagnant water generated public health problems, especially as a breeding ground for mosquitoes. She had a video from last spring of the volume of larvae. According the reading from the CDC that she had done, the danger of disease from mosquitoes and ticks was something that cities would have to start taking seriously. She currently had a pasture that her horses could not use due to the danger of West Nile disease; which human beings could also get. People moving into this neighborhood needed to be aware of this hazard; but to date the City was doing nothing to address it although the residents had been told that the standing water problem would be fixed. It would only get worse if this tract was eventually developed with half-acre lots.

Chairperson Norbury noted that if any other portion of this tract was developed, it would involve an application, or applications, that would have to come through the approval process separately. That would include any issues concerning storm water, traffic or infrastructure. Ms. Vollenweider answered that her major concern was the neighborhood starting to undergo a drastic change, in view of a lot size so out of character being approved.

Chairperson Norbury then asked if the Commission had questions for the applicant or staff.

Mr. Elam confirmed the statement that any future development of this tract, other than a single family home being built on the remaining 15 acres, would have to go through the City's approval process.

Chairperson Norbury asked if there were further questions for the applicant or staff. Hearing none, he closed the public hearing at 6:25 p.m. and asked for discussion among the Commission members, or for a motion.

Mr. Funk made a motion to recommend approval of Application PL2019-097, Rezoning from AG to RLL: Sanko Acres, 5220 NE Maybrook Rd; Nathan Sanko, applicant; subject to staff's letter of May 3, 2019, specifically Recommendation Item 1. Mr. Sims seconded.

Chairperson Norbury asked if there was any discussion of the motion. Hearing none, he called for a vote.

A motion was made by Board Member Funk, seconded by Board Member Sims, that this application be recommended for approval to the City Council - Regular Session, due back on 6/4/2019. The motion carried unanimously.

[2019-2695](#)

Appl. #PL2019-071 - Preliminary Development Plan - Paragon Star Village, approximately 36 acres generally located at the northeast corner of I-470 and NW View High Dr; Paragon Star, LLC, applicant

Mr. Elam announced that on Tuesday evening, the applicant had requested a continuance to a date certain of May 23, 2019.

Chairperson Norbury noted that this application had been continued at least twice before, and asked what the problem was. Mr. Elam answered that the project had several pieces with schedules that had to be reconciled; and they also had another application in Kansas City, being heard on May 21st. Chairperson Norbury stated the applicants needed to be present on the 23rd, especially if they intended to request yet another continuance PL2019-071 applied specifically to Lee's Summit.

Mr. Gustafson asked if this application would involve the city of Kansas City. Mr. Elam responded that it was not likely. The Kansas City application involved property north of the soccer complex so it was part of a larger project. Mr. Gustafson asked if View High was a Kansas City road, and Mr. Elam said it went through both Kansas City and Lee's Summit. The previously approved preliminary development plan was associated with the soccer complex.

Noting that this was a fairly sizable development bordering Kansas City on two sides, Mr. Gustafson remarked that it would be helpful to have more information about what was going on with the city of Kansas City. He asked if there had been any response from the highway department to the traffic analysis. Mr. Park related that throughout the Paragon Star project, the sports complex and village component phase were coordinating with Jackson County, MoDOT and Kansas City. It was a complex project with multiple jurisdictions involved. Kansas City and MoDOT had read the traffic impact study for this particular portion and agreed with the conclusions and the study's scope. Staff had given Kansas City the opportunity to add their own conditions for staff's report; so the report would more consistently reflect Lee's Summit, Kansas City and MoDOT. View High did pass through a number of jurisdictions.

Mr. Lovell commented that his development had a lot of 'moving parts', and hopefully when they did participate, that would help resolve some of the lingering issues. It would be an advantage to have more complete representation. Mr. Elam added that staff was coordinating with the Paragon development team almost daily. The City was also communicating with officials from both Kansas City and Jackson County.

Hearing no further discussion, Chairperson Norbury called for a motion to continue.

Mr. Funk made a motion to continue Application PL2019-071, Preliminary Development Plan: Paragon Star Village, approximately 36 acres generally located at the northeast corner of I-470 and NW View High Dr; Paragon Star, LLC, applicant, to a date certain of May 23, 2019. Mr. Sims seconded.

Chairperson Norbury asked if there was any discussion of the motion. Hearing none, he called

for a vote.

A motion was made by Board Member Funk, seconded by Board Member Sims, that this application be continued to the Planning Commission, due back on 5/23/2019. The motion carried unanimously.

[2019-2746](#)

Appl. #PL2019-058 - Unified Development Ordinance (UDO) Amendment #4 - Article 6 Use Standards - Division III Special Use Permits - Subdivision 2 Specified Special Uses - amendment to the regulations for telecommunication towers/antennas; City of Lee's Summit, applicant

Chairperson Norbury opened the hearing at 6:30 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Mr. Soto entered Exhibit (A), list of exhibits 1-6 into the record. He explained that this was the first of three UDO amendments, with mostly minor changes. Staff had revisited regulations regarding telecommunications in response to changes in State law. These mostly affected amateur radio regulations, co-locations and insurance requirements. Staff had also made some improvements to publication requirements as well. The amateur radio regulations had previously referred readers to "page 4", and since page numbers could change this was changed to the more specific "Section 6.1200." Another change established "minimum setback requirements from structures on the same property and adjacent property equal to tower height." Amateur radio towers rarely exceeded 70 feet in height. A reference to receive-only antennas was deleted.

No significant changes were made regarding co-locations, but re-titled the subsection reference from "Administratively Approved Uses" to, more simply, "Co-locations." In addition to the requirement for general liability insurance, a requirement was added for the insurance policy to include "a waiver of subrogation against the City" as part of the proof of liability insurance. Staff recommended approval of the UDO amendment to Article 6, as amended."

Chairperson Norbury asked if there was any public comment regarding this particular UDO amendment. Seeing none, he opened the hearing for questions for the applicant or staff.

Mr. Kitchens asked if anything would be 'grandfathered' in, specifically towers on private property. Mr. Soto replied that anything that was lawfully permitted previously would be; and Mr. Kitchens noted that amateur towers were not uncommon and were often next to houses.

Chairperson Norbury asked if there were further questions for the applicant or staff. Hearing none, he closed the public hearing at 6:39 p.m. and asked for discussion among the Commission members, or for a motion.

Mr. Funk made a motion to recommend approval of Application PL2019-058, Unified Development Ordinance (UDO) Amendment #4: Article 6 Use Standards; Division III Special Use Permits; Subdivision 2; Specified Special Uses: amendment to the regulations for telecommunication towers/antennas; City of Lee's Summit, applicant . Mr. Sims seconded.

Chairperson Norbury asked if there was any discussion of the motion. Hearing none, he called for a vote.

A motion was made by Board Member Funk, seconded by Board Member Sims, that this application be recommended for approval to the City Council - Regular Session, due back on 6/4/2019. The motion carried unanimously.

[2019-2744](#)

Appl. #PL2019-134 - Unified Development Ordinance Amendment #5 - Article 5 Overlay Districts - Division VIII EnVision LS Area Development Plan (ADP)

Design Standards; and Article 15 Rules of Interpretation and Definitions - Division II Definitions - establishment of an appeals process for prohibited uses and amendment to definitions; City of Lee's Summit, applicant

Chairperson Norbury opened the hearing at 6:42 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Mr. Soto entered Exhibit (A), list of exhibits 1-6 into the record. He displayed a map of the EnVision LS area development plan adopted in 2017. The yellow part indicated the northwest/southwest/southeast corner of US 50 and Jefferson Street/M-291 South. The blue part was the boundary of the Grove project. When EnVision LS was adopted, the idea was that Lee's Summit had a significant amount of currently unused or underutilized property near the US 50/M-291 intersection: the Adessa site, the Calmar site and some redevelopment potential with the existing Pinetree Plaza. The 'Vision' in the name was for a "desired aesthetic" and a certain type of desired development as opportunities for redevelopment occurred and a high quality community at a prime commercial location." Minimum design standards were part of, and established by, the plan; as well as processes for future development and redevelopment. "Development" could refer to existing structures as well as any future ones.

In the past few months, the City had seen increased interest from developers and existing property owners for projects they wanted to occur. Some lists of allowed uses were established as part of EnVision's plan. Other lists focused on uses that were prohibited, or restricted uses in some cases. The latter would require an appeal process initiated by a developer or owner/ occupant. Staff had received inquiries about some of the prohibited uses, and the appeal process was essentially like the preliminary development plan process, which usually took at least three months and involved public hearings with the Planning Commission and the City Council. Staff had developed a UDO amendment that would make this appeal process more realistic and less cumbersome. When the matter went to the CEDC, the suggestion was to establish an appeals process that would go directly to the City Council. If an appeal got an approval from the Council, that would not preclude the applicant coming back through the usual preliminary development plan process for a new project or significant change. Some applicants had gone through this process and then discovered that a use was not workable for some particular site.

Another request that had been made had to do with maintenance and work on existing buildings. The current wording required the preliminary development plan process for any changes to a building. This would apply to many owners of existing properties who wanted to update and maintain a structure, such as re-doing stucco or removing cladding that covered another material. Some changes to definitions clarified the differing definitions of "alterations" and "repair". "Repair" would now include rehabilitation work that might be intended to bring the structure into compliance with other City codes. Many changes to exteriors could be approved administratively.

One of the changes was to the applicability of the design standards for the EnVision LS area. Currently the design standards applied to a multi-family and to commercial/non-residential uses; and the proposed change was to make them applicable to all uses. Staff recommended approval of the UDO amendment to Articles 5 and 15 as presented.

Mr. Johnson informed Chairperson Norbury that the packets might have the wrong version of the ordinance. Alterations were allowed to buildings. The displayed draft ordinance version of the "Applicability" (B.) paragraph provided language for a motion. Chairperson Norbury and staff agreed that the motion should be to amend the draft ordinance to include the amended language in the application.

Chairperson Norbury asked if there was anyone present wishing to give testimony, either in support for or opposition to the application. Seeing none, he then asked if the Commission

had any questions for the applicant or staff. There were no questions, he closed the public hearing at 6:45 p.m. and asked for discussion among the Commission members, or for a motion.

Mr. Lovell made a motion to amend the language in the Unified Development Ordinance (UDO) to reflect the proposed amendments and changes as presented. Mr. Funk seconded. As there was no further discussion, Chairperson Norbury called for a vote.

On the motion of Mr. Lovell, seconded by Mr. Funk, the Planning Commission members voted unanimously by voice vote to amend the language in the Unified Development Ordinance (UDO) to reflect the proposed amendments and changes as presented.

Chairperson Norbury then called for a motion to recommend approval for the application as amended.

Hearing no further discussion, Chairperson Norbury called for a motion.

Mr. Funk made a motion to recommend approval of Application PL2019-134, Unified Development Ordinance (UDO) Amendment #5: Article 5, Overlay Districts: Division VIII EnVision LS Area Development Plan (ADP) Design Standards; and Article 15, Rules of Interpretation and Definitions, Division II Definitions: establishment of an appeals process for prohibited uses and amendment to definitions, as amended, City of Lee's Summit, applicant. Mr. Sims seconded.

Chairperson Norbury asked if there was any discussion of the motion. Hearing none, he called for a vote.

A motion was made by Board Member Funk, seconded by Board Member Sims, that this application be recommended for approval as amended to the City Council - Regular Session, due back on 6/4/2019. The motion carried unanimously.

[2019-2693](#)

Appl. #PL2019-151 - Unified Development Ordinance (UDO) Amendment #6 - Article 8 Site Standards - Division I Design Standards - Subdivision 4 Other Required Design Standards - amendment to trash enclosure and ground-mounted mechanical screening material requirements; City of Lee's Summit, applicant

Chairperson Norbury opened the hearing at 6:50 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Mr. Soto entered Exhibit (A), list of exhibits 1-6 into the record. He stated that this amendment was essentially to expand options for screening ground-mounted mechanical units and trash dumpsters. This amendment would impact only the city's three specified metal building areas. They were shown on the displayed map in lavender, as was the Hamblen Road area to the south. The Airport property was to the north. Currently the ground-mounted screening options were either masonry walls or evergreen landscaping up to the units' height. The amendment would add two more options: (1) "structural steel tube frame construction clad in wood composite material" or (2) "structural steel tube frame construction clad in the same metal siding as the building located on the same site.". Mr. Soto observed that many materials now available were more durable than when the original ordinance requirement was approved. Masonry walls in particular were more costly. The amendment would not only expand the options but also allow for more continuity in appearance.

Regarding trash enclosures, the existing requirement was for masonry walls. The amendment did not specify wood composite material, but allowed for structural steel tube frame construction with metal siding. It also required "the installation of 4-inch bollards along the

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interior side of the trash enclosure rear wall." Durability was always a concern with these enclosures, which were serviced by heavy trucks.

Staff recommended approval of the UDO amendment to Article 8, as presented.

Chairperson Norbury asked if there was any public comment on the application. Seeing none, he then asked if the Commission had questions for staff.

Chairperson Norbury commented that an issue about screening had come up, specifically some rooftop units. Mr. Soto recalled that some of these issues concerned QuikTrip's rooftop screening and the material for the gates to the trash enclosures. QT did have a maintenance schedule and policy about these materials that included replacing and repairing them.

Chairperson Norbury asked if there were further questions for the applicant or staff. Hearing none, he closed the public hearing at 7:00 p.m. and asked for discussion among the Commission members, or for a motion.

Mr. Funk made a motion to recommend approval of Application PL2019-151 Unified Development Ordinance (UDO) Amendment #6: Article 8, Site Standards, Division I Design Standards; Subdivision 4, Other Required Design Standards; amendment of trash enclosure and ground-mounted mechanical screening material requirements; City of Lee's Summit, applicant. Mr. Sims seconded.

Chairperson Norbury asked if there was any discussion of the motion. Hearing none, he called for a vote.

A motion was made by Board Member Funk, seconded by Board Member Sims, that this application be recommended for approval to the City Council - Regular Session, due back on 6/4/2019. The motion carried unanimously.

Other Agenda Items

There were no other agenda items at the meeting.

Roundtable

Mr. Elam reminded that the joint Planning Commission/City Council meeting was scheduled for 6:00 p.m. next Tuesday, May 14th. Staff wanted to review some action steps to get feedback. Chairperson Norbury requested Ms. Beck to send out a reminder email.

Adjournment

There being no further business, Chairperson Norbury adjourned the meeting @ 6:59 PM.

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LEE'S SUMMIT
MISSOURI
Development Services Department

Application Information

Appl. #PL2019-151 – Unified Development Ordinance (UDO) Amendment #6 – Article 8 Site Standards – Division I Design Standards – Subdivision 4 Other Required Design Standards – amendment to trash enclosure and mechanical screening material requirements; City of Lee's Summit, applicant

Overview of Amendment

The screening options for ground-mounted mechanical equipment and exterior trash storage containers in the PI (Planned Industrial) District are expanded to include steel-framed screen walls clad in the same metal siding as the building located on the same site.

Background

Developers have requested relief from the prescribed trash and mechanical screening material requirements of the UDO in the Planned Industrial (PI) District.

Effective Date

Pending approval

Affected UDO Section(s)

Article 8, Section 8.180 Architectural Characteristics

	Previous Standard(s)	New Standard(s) <i>(changes shown below in bold)</i>
Ground Mounted Equipment Screening	Ground mounted equipment shall be totally screened from view by landscaping or masonry wall up to a height of the units to be screened. (Section 8.180.F)	Ground mounted equipment shall be totally screened from view by landscaping or masonry wall up to a height of the units to be screened. Developments in a Planning Industrial (PI) zoning district located within a Specified Metal Building Area, as depicted in Section 8.170, may use: <ul style="list-style-type: none">• The screening methods of Section 1.180.F.1 listed above;• Screening consisting of structural steel tube frame construction clad in wood composite material; or

		<ul style="list-style-type: none"> • Screening consisting of structural steel tube frame construction clad in the same metal siding as the building located on the same site. (Section 8.180.F)
<p>Trash Enclosures</p>	<p>All exterior trash storage containers shall be screened so that they are not visible from off the property. Each trash enclosure shall be constructed of masonry walls or steel architecturally designed walls with either a solid steel opaque gate painted to be compatible with the color of the masonry or steel walls and building it is to serve or a steel framed semi-opaque gate with a screen mesh material approved by the Director that provides an appropriate visual barrier. (Section 8.180.G)</p>	<p>All exterior trash storage containers shall be screened so that they are not visible from off the property.</p> <p>Each trash enclosure shall be constructed of masonry walls or steel architecturally designed walls with either a solid steel opaque gate painted to be compatible with the color of the masonry or steel walls and building it is to serve or a steel framed semi-opaque gate with a screen mesh material approved by the Director that provides an appropriate visual barrier.</p> <p>Developments in a Planned Industrial (PI) zoning district located within a Specified Metal Building Area, as depicted in Section 8.170, may use:</p> <ul style="list-style-type: none"> • The screening methods of Section 8.180.G.1 listed above; or • Screening consisting of structural steel tube frame construction clad in the same metal siding as the building located on the same site. <p>Each trash enclosure shall be protected through the installation of 4-inch bollards along the interior side of the trash enclosure rear wall. (Section 8.180.G)</p>

Comprehensive Plan	
Focus Area(s)	Goals, Objectives and Policies
Industrial Development	Objective 5.2 <ul style="list-style-type: none">• Policy B• Policy C

Recommendation
Staff recommends APPROVAL of the UDO amendment to Article 8 as presented.

Sec. 8.180. - Architectural characteristics.

A. Offsets.

1. Horizontal breaks shall be provided on all sides of buildings to provide architectural relief and may include bands of accent color, brick course variances in color or placement, i.e., soldier course bricks for bands of different texture, windows, cornices, wall protrusions, horizontal belt courses, etc.
2. Vertical breaks shall be provided on all sides of buildings to provide architectural relief as in Subsection 1. above.

B. Four-sided architecture. All sides of a building shall include similar architectural details materials and colors to avoid a back side or at least to minimize a back side presentation to other buildings or residential neighborhoods.

C. Roofs.

1. Pitched roofs. Pitched roofs shall be used on buildings in lieu of flat roofs to the extent feasible. If pitched roofs are not feasible or practical in a given situation, then, at a minimum, a pitched roof architectural feature shall be required as a detail element, i.e., entry way or tower element to break the horizontal façade. Buildings located adjacent to residential districts shall incorporate the use of pitched roofs for the entire structure.
2. Flat roofs. Buildings using flat roofs with a pitch of two inches vertical to 12 inches horizontal or less shall incorporate detailed parapets or exaggerated cornice lines to provide architectural relief.
3. Roof penetrations. All roof penetrations shall be placed in architecturally designed appurtenances. Small vent pipes may be painted to blend in with a roof to disguise their presence. Roof penetrations shall be shown on the preliminary and final plans to the extent possible.

D. Color. Colors of all exteriors including walls, trim, accents, roofs, mechanical equipment, etc., shall be indicated on the preliminary and final development plans and, when required, shall be approved by the Planning Commission and/or by the City Council following recommendation by the Planning Commission.

E. Roof mounted equipment. All roof-mounted equipment shall be screened entirely from view by using parapet walls at the same height as the mechanical units. For additions to existing buildings that do not meet this standard, individual screens will be permitted, with the design subject to approval by the Director.

F. Ground mounted equipment.

1. Ground mounted equipment shall be totally screened from view by landscaping or masonry wall up to a height of the units to be screened.

2. Developments in a Planned Industrial (PI) zoning district located within a Specified Metal Building Area, as depicted in Section 8.170, may use:

- a. the screening methods of Section 8.180.F.1 listed above;
- b. screening consisting of structural steel tube frame construction clad in wood composite material; or
- c. screening consisting of structural steel tube frame construction clad in the same metal siding as the building located on the same site.

G. Trash enclosures. All exterior trash storage containers shall be screened so that they are not visible from off the property.

1. Each trash enclosure shall be constructed of masonry walls or steel architecturally designed walls with either a solid steel opaque gate painted to be compatible with the color of the masonry or steel walls and building it is to serve or a steel framed semi-opaque gate with a screen mesh material approved by the Director that provides an appropriate visual barrier.

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2. Developments in a Planned Industrial (PI) zoning district located within a Specified Metal Building Area, as depicted in Section 8.170, may use:

a. the screening methods of Section 8.180.G.1 listed above; or

b. screening consisting of structural steel tube frame construction clad in the same metal siding as the building located on the same site.

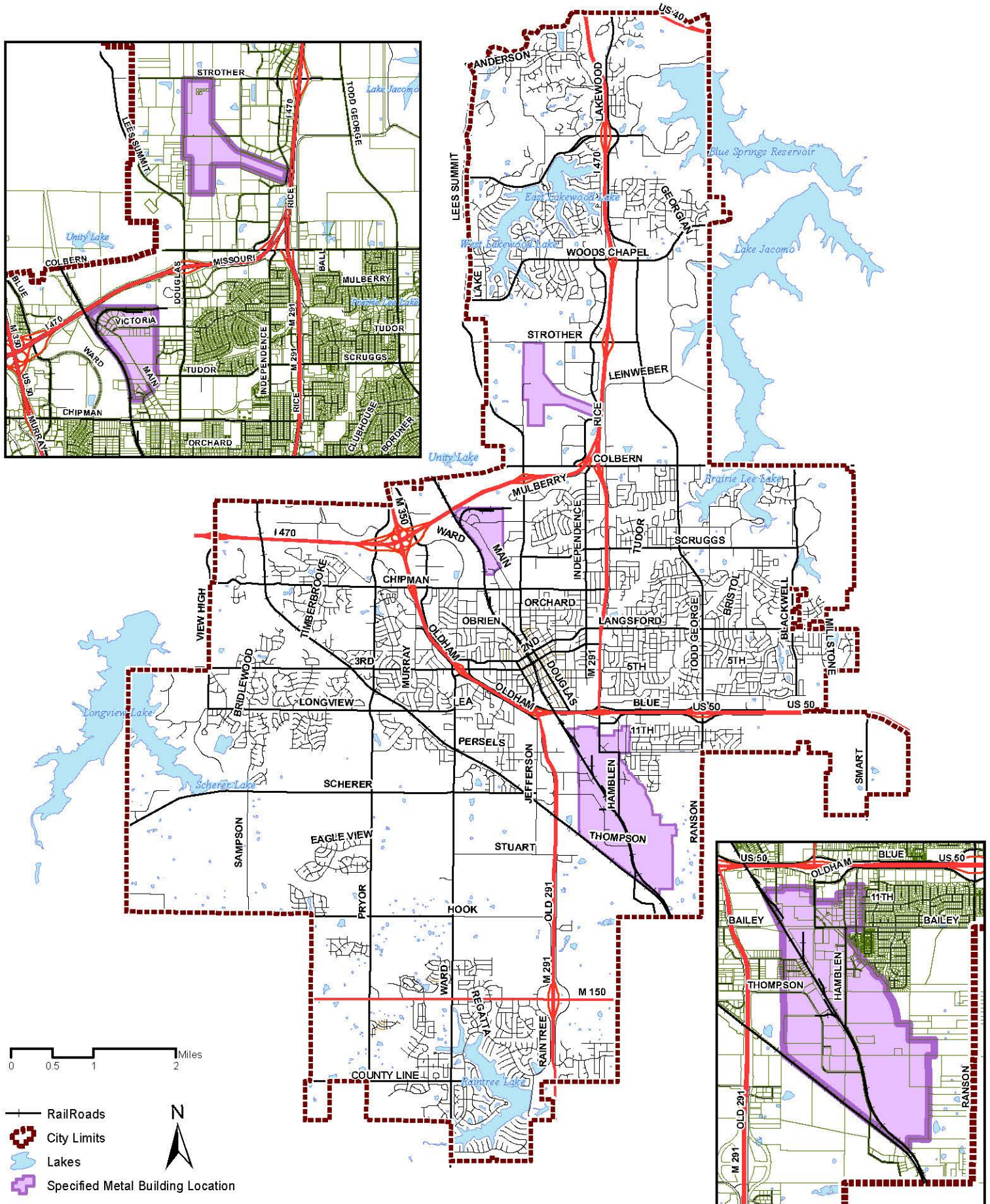
3. Each trash enclosure shall be protected through the installation of 4-inch bollards along the rear wall of the trash enclosure.

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Specified Metal Building Locations



Packet Information

File #: BILL NO. 19-137, **Version:** 1

An Ordinance approving Application #PL2019-151 - Unified Development Ordinance (UDO) Amendment #6 - Article 8 Site Standards - Division I Design Standards - Subdivision 4 Other Required Design Standards - amendment to trash enclosure and ground-mounted mechanical screening material requirements; City of Lee's Summit, applicant.

Proposed City Council Motion:

I move for a second reading of an Ordinance approving Application #PL2019-151 - Unified Development Ordinance (UDO) Amendment #6 - Article 8 Site Standards - Division I Design Standards - Subdivision 4 Other Required Design Standards - amendment to trash enclosure and ground-mounted mechanical screening material requirements; City of Lee's Summit, applicant.

Hector Soto Jr., Planning Manager

BILL NO. 19-137

AN ORDINANCE APPROVING APPLICATION #PL2019-151 – UNIFIED DEVELOPMENT ORDINANCE (UDO) AMENDMENT #6 – ARTICLE 8 SITE STANDARDS – DIVISION I DESIGN STANDARDS – SUBDIVISION 4 OTHER REQUIRED DESIGN STANDARDS – AMENDMENT TO TRASH ENCLOSURE AND GROUND-MOUNTED MECHANICAL SCREENING MATERIAL REQUIREMENTS; CITY OF LEE'S SUMMIT, APPLICANT

WHEREAS, the Unified Development Ordinance (UDO) was originally adopted by the City Council as Ordinance No. 5209 on September 6, 2001, which has been amended numerous times and recodified in its entirety by the adoption of Ordinance No. 8443 and is incorporated into the City's Code of Ordinances through Section 33-1 of the Code; and,

WHEREAS, Application #PL2019-151 proposing amendments to Article 8 Site Standards – Division I Design Standards – Subdivision 4 Other Required Design Standards – amendment to trash enclosure and ground-mounted mechanical screening material requirements; and

WHEREAS, the Community and Economic Development Committee considered the proposed UDO Amendment to Article 8 Site Standards – Division I Design Standards – Subdivision 4 Other Required Design Standards on April 10, 2019, and authorized the amendments to be advertised for public hearings; and,

WHEREAS, after due public notice in the manner prescribed by law, the Planning Commission held a public hearing for Application #PL2019-151 on May 9, 2019 and rendered a report to the City Council recommending that the proposed amendment to Article 8 Site Standards – Division I Design Standards – Subdivision 4 Other Required Design Standards be approved; and,

WHEREAS, after due public notice in the manner prescribed by law, the City Council held a public hearing on Application #PL2019-151 on June 4, 2019; and,

WHEREAS, the City Council determined that the proposed UDO amendment contained in Application #PL2019-151 would serve the interests of the citizens of Lee's Summit.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEE'S SUMMIT, MISSOURI, as shown on the attached copy, appended hereto and made a part hereof.

SECTION 1. That Article 8 Site Standards – Division I Design Standards – Subdivision 4 Other Required Design Standards, are hereby amended in the manner shown on the copy appended hereto as Exhibit "A" and incorporated herein by reference.

SECTION 2. That it is the intention of the City Council and is hereby ordained that the provisions of this Ordinance shall become and be made a part of the UDO, and the sections of this Ordinance and the UDO may be renumbered as appropriate to accomplish such intention.

SECTION 3. That this ordinance shall be in full force and effect from and after the date of its passage, adoption, and approval by the Mayor.

BILL NO. 19-137

PASSED by the City Council of the City of Lee's Summit, Missouri, this _____ day of _____, 2019.

Mayor William A. Baird

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said city this _____ day of _____, 2019.

Mayor William A. Baird

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney Brian Head

Sec. 8.180. - Architectural characteristics.

A. Offsets.

1. Horizontal breaks shall be provided on all sides of buildings to provide architectural relief and may include bands of accent color, brick course variances in color or placement, i.e., soldier course bricks for bands of different texture, windows, cornices, wall protrusions, horizontal belt courses, etc.
2. Vertical breaks shall be provided on all sides of buildings to provide architectural relief as in Subsection 1. above.

B. Four-sided architecture. All sides of a building shall include similar architectural details materials and colors to avoid a back side or at least to minimize a back side presentation to other buildings or residential neighborhoods.

C. Roofs.

1. Pitched roofs. Pitched roofs shall be used on buildings in lieu of flat roofs to the extent feasible. If pitched roofs are not feasible or practical in a given situation, then, at a minimum, a pitched roof architectural feature shall be required as a detail element, i.e., entry way or tower element to break the horizontal façade. Buildings located adjacent to residential districts shall incorporate the use of pitched roofs for the entire structure.
2. Flat roofs. Buildings using flat roofs with a pitch of two inches vertical to 12 inches horizontal or less shall incorporate detailed parapets or exaggerated cornice lines to provide architectural relief.
3. Roof penetrations. All roof penetrations shall be placed in architecturally designed appurtenances. Small vent pipes may be painted to blend in with a roof to disguise their presence. Roof penetrations shall be shown on the preliminary and final plans to the extent possible.

D. Color. Colors of all exteriors including walls, trim, accents, roofs, mechanical equipment, etc., shall be indicated on the preliminary and final development plans and, when required, shall be approved by the Planning Commission and/or by the City Council following recommendation by the Planning Commission.

E. Roof mounted equipment. All roof-mounted equipment shall be screened entirely from view by using parapet walls at the same height as the mechanical units. For additions to existing buildings that do not meet this standard, individual screens will be permitted, with the design subject to approval by the Director.

F. Ground mounted equipment.

1. Ground mounted equipment shall be totally screened from view by landscaping or masonry wall up to a height of the units to be screened.

2. Developments in a Planned Industrial (PI) zoning district located within a Specified Metal Building Area, as depicted in Section 8.170, may use:

- a. the screening methods of Section 8.180.F.1 listed above;
- b. screening consisting of structural steel tube frame construction clad in wood composite material; or
- c. screening consisting of structural steel tube frame construction clad in the same metal siding as the building located on the same site.

G. Trash enclosures. All exterior trash storage containers shall be screened so that they are not visible from off the property.

1. Each trash enclosure shall be constructed of masonry walls or steel architecturally designed walls with either a solid steel opaque gate painted to be compatible with the color of the masonry or steel walls and building it is to serve or a steel framed semi-opaque gate with a screen mesh material approved by the Director that provides an appropriate visual barrier.

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2. Developments in a Planned Industrial (PI) zoning district located within a Specified Metal Building Area, as depicted in Section 8.170, may use:

a. the screening methods of Section 8.180.G.1 listed above; or

b. screening consisting of structural steel tube frame construction clad in the same metal siding as the building located on the same site.

3. Each trash enclosure shall be protected through the installation of 4-inch bollards along the rear wall of the trash enclosure.

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Packet Information

File #: BILL NO. 19-138, **Version:** 1

An Ordinance authorizing the City's use of the Cooperative Purchasing Contracts, set forth in Exhibit A and on file with the City Clerk, for the acquisition of supplies and materials that have an estimated annual spend at or exceeding \$50,000.00, and authorizing the City Manager to execute the same by and on behalf of the City.

Issue/Request:

An Ordinance authorizing the City's use of the Cooperative Purchasing Contracts, set forth in Exhibit A and on file with the City Clerk, for the acquisition of supplies and materials that have an estimated annual spend at or exceeding \$50,000.00, and authorizing the City Manager to execute the same by and on behalf of the City.

Key Issues:

The Procurement and Contract Services Division is requesting approval of an ordinance authorizing the City of Lee's Summit to utilize cooperative contracts for supplies and materials that have an annual spend of \$50,000 or more ("the Approved List").

The City Council on an annual basis authorizes the participation and use of cooperative contracts by the City. Cooperative contracts with an actual or estimated annual spend that is equal to or exceeds \$50,000.00 require City Council approval per Sections 5.4 and 5.5 of the Procurement Policy.

Proposed City Council Motion:

I move for a second reading of An Ordinance authorizing the City's use of the Cooperative Purchasing Contracts, set forth in Exhibit A and on file with the City Clerk, for the acquisition of supplies and materials that have an estimated annual spend at or exceeding \$50,000.00, and authorizing the City Manager to execute the same by and on behalf of the City.

Background:

Pursuant to the City of Lee's Summit Procurement Policy, adopted by the City Council on October 5, 2017, via Ordinance No. 8253, the City may participate in and use cooperative purchase contract. Sections 5.4. and 5.5 of the Procurement Policy authorize the City Manager to execute a cooperative contract so long as the estimated annual spend of such contract is less than \$50,000.00. If the estimated annual spend of the contract is \$50,000.00 or more, however, the contract must be approved by the City Council.

The Procurement and Contract Services Division reviews the amounts the City spends on cooperative contracts at least annually to identify any contracts that were originally estimated to spend less than \$50,000.00 annually, but now exceed \$50,000.00. As a result of such review, the City has identified that estimated annual spend of the cooperative contracts for supplies and materials set forth in Exhibit A, attached, is \$50,000.00 or more and therefore such contracts must be approved by the City Council before the City may use them in the future.

As with each cooperative contract the City uses, the contracts listed in Exhibit A were reviewed to ensure they were competitively awarded and that they were in the best interests of the City. A full copy of each contract listed in Exhibit A is on file in the office of the City Clerk.

Impact/Analysis:

Approval of this Ordinance would allow the City of Lee's Summit to continue to use cooperative contracts on the Approved List for Contracts with an estimated annual spend at or exceeding \$50,000 and continue to take advantage of economies of scale and reduction in administration costs which exemplifies the conscientiousness and cost effective use of tax payer dollars.

Rick Gentry, Procurement and Contract Services Manager

Staff recommends approval of an Ordinance authorizing the City of Lee's Summit to utilize cooperative purchasing contracts for supplies and materials, per the attached Approved List for Contracts over \$50,000, and authorizing the City Manager to execute the same by and on behalf of the City.

The June 10, 2019 Finance and Budget Committee meeting was cancelled so this item was sent directly to City Council.

BILL NO. 19-138

AN ORDINANCE AUTHORIZING THE CITY'S USE OF THE COOPERATIVE PURCHASING CONTRACTS, SET FORTH IN EXHIBIT A AND ON FILE WITH THE CITY CLERK, FOR THE ACQUISITION OF SUPPLIES AND MATERIALS THAT HAVE AN ESTIMATED ANNUAL SPEND AT OR EXCEEDING \$50,000.00, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE SAME BY AND ON BEHALF OF THE CITY.

WHEREAS, in October 2017, the current Procurement Policy of the City of Lee's Summit ("City") was adopted by the City Council pursuant to Ordinance 8253; and,

WHEREAS, Sections 5.4. and 5.5 of the Procurement Policy authorize the City Manager to execute an cooperative contract so long as the estimated annual spend of such contract is less than \$50,000.00; if the estimated annual spend of the contract is \$50,000.00 or more, the contract must be approved by the City Council; and,

WHEREAS, the Procurement and Contract Services Division reviews the amounts the City spends on cooperative contracts at least annually to identify any contracts that were originally estimated to spend less than \$50,000.00 annually, but now exceed \$50,000.00; and,

WHEREAS, as a result of such review, the City has identified that estimated annual spend of the cooperative contracts set forth in Exhibit A, attached, is \$50,000.00 or more and therefore such contracts must be approved by the City Council before the City may use them in the future; and,

WHEREAS, a copy of each contract listed in Exhibit A is on file in the office of the City Clerk.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LEE'S SUMMIT, MISSOURI, as follows:

SECTION 1. The City Council of the City of Lee's Summit, Missouri hereby approves and authorizes the City to use the cooperative contracts set forth in the list titled "Coop Over \$50,000", attached as Exhibit A and incorporated herein by reference, for the acquisition of supplies and materials on an as-needed basis, for the remainder of the terms set forth in such contracts, and further authorizes the City Manager to execute contracts.

SECTION 2. This Ordinance shall be in full force and effect from and after the date of its passage and adoption, and approval by the Mayor.

SECTION 3. Should any section, sentence, or clause of this Ordinance be declared invalid or unconstitutional, such declaration shall not affect the validity of the remaining sections, sentences or clauses.

PASSED by the City Council of the City of Lee's Summit, Missouri, this _____ day of _____, 2019.

ATTEST:

Mayor *William A. Baird*

City Clerk *Trisha Fowler Arcuri*

BILL NO. 19-138

APPROVED by the Mayor of said City this _____ day of _____, 2019.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*

Cooperative Contracts for Supplies and Materials that exceed \$50,000.00

Commodity-Supplies and Materials	Company	Originating Coop-PB Entity	LS Contract #
Bunker Gear and Accessories	Sentinel Emergency Solutions	NPP	2018-049
Electrical, Lighting, Data & Communications	GrayBar Electric	Omnia Partners	2018-072
Emergency Medical Supplies	Bound Tree Medical	Fairfax County, VA	2017-011
Emergency Medical Supplies	Moore Medical	MARC-KCRPC	2016-136
Food Service Supplies	US Foods	State of MO	2018-085
Janitorial Supplies	Royal Paper	BuyBoard	2018-092
Maintenance, Repair & Operations Supplies	Grainger	State of MO	2019-005
Maintenance, Repair & Operations Supplies	Fastenal	State of MO	2019-005
Office Seating	Office Depot	NCPA	2015-065/2R
Road Salt and Deicer	Central Salt	MARC-KCRPC	2019-074
Water & Sewer Supplies	Core and Main LP- (was HD Supply)	City of St. Petersburg, FL	2016-113/2R

5.4 Piggyback (Piggyback Cooperatives). A form of intergovernmental cooperative procurement in which an entity will be extended the pricing and terms of a contract entered into by another entity. Generally an entity will competitively bid and award a contract that will include language allowing for other entities to utilize the contract which may be to their advantage in terms of pricing, thereby gaining economies of scale that they normally would not receive if they competed on their own. In this type of contract the City is not necessarily a party to the contract.

The City Manager shall have the authority to approve the City's participation in any piggyback contract(s) if estimated annual spend is less than \$49,999.99. City Council approval shall be required if the estimated annual spend exceeds \$50,000.00.

5.5 Cooperative Contracts. Contracts established when two or more entities combine their requirements to obtain advantages of volume purchases including administrative savings and other benefits. In this type of contract the City would be a party to the contract. The City Manager shall have the authority to approve the City's participation in any cooperative contract(s) if estimated annual spend is less than \$49,999.99. City Council approval shall be required if the estimated annual spend exceeds \$50,000.00.

Packet Information

File #: BILL NO. 19-139, **Version:** 1

An Ordinance authorizing the City's use of the Cooperative Purchasing Contracts, set forth in Exhibit A and on file with the City Clerk, for the acquisition of services that have an estimated annual spend at or exceeding \$50,000.00, and authorizing the City Manager to execute the same by and on behalf of the City.

Issue/Request:

An Ordinance authorizing the City's use of the Cooperative Purchasing Contracts, set forth in Exhibit A and on file with the City Clerk, for the acquisition of services that have an estimated annual spend at or exceeding \$50,000.00, and authorizing the City Manager to execute the same by and on behalf of the City.

Key Issues:

The Procurement and Contract Services Division is requesting approval of an ordinance authorizing the City of Lee's Summit to utilize cooperative contracts for services that have an annual spend of \$50,000 or more ("the Approved List").

The City Council on an annual basis authorizes the participation and use of cooperative contracts by the City. Cooperative contracts with an actual or estimated annual spend that is equal to or exceeds \$50,000.00 require City Council approval per Sections 5.4 and 5.5 of the Procurement Policy.

Proposed City Council Motion:

I move for a second reading of an Ordinance authorizing the City's use of the Cooperative Purchasing Contracts, set forth in Exhibit A and on file with the City Clerk, for the acquisition of services that have an estimated annual spend at or exceeding \$50,000.00, and authorizing the City Manager to execute the same by and on behalf of the City.

Background:

Pursuant to the City of Lee's Summit Procurement Policy, adopted by the City Council on October 5, 2017, via Ordinance No. 8253, the City may participate in and use cooperative purchase contracts. Sections 5.4. and 5.5 of the Procurement Policy authorize the City Manager to execute an cooperative contract so long as the estimated annual spend of such contract is less than \$50,000.00. If the estimated annual spend of the contract is \$50,000.00 or more, however, the contract must be approved by the City Council.

The Procurement and Contract Services Division reviews the amounts the City spends on cooperative contracts at least annually to identify any contracts that were originally estimated to spend less than \$50,000.00 annually, but now exceed \$50,000.00. As a result of such review, the City has identified that estimated annual spend of the cooperative contracts for services set forth in Exhibit A, attached, is \$50,000.00 or more and therefore such contracts must be approved by the City Council before the City may use them in the future.

As with each cooperative contract the City uses, the contracts listed in Exhibit A were reviewed to ensure they were competitively awarded and that they were in the best interests of the City. A full copy of each contract listed in Exhibit A is on file in the office of the City Clerk.

Impact/Analysis:

Approval of this Ordinance would allow the City of Lee's Summit to continue to use cooperative contracts on

the Approved List with an estimated annual spend at or exceeding \$50,000 and continue to take advantage of economies of scale and reduction in administration costs which exemplifies the conscientiousness and cost effective use of tax payer dollars.

Rick Gentry, Procurement and Contract Services Manager

Staff recommends approval.

The June 10, 2019 Finance and Budget Committee meeting was cancelled so this item was sent directly to City Council.

BILL NO. 19-139

AN ORDINANCE AUTHORIZING THE CITY'S USE OF THE COOPERATIVE PURCHASING CONTRACTS, SET FORTH IN EXHIBIT A AND ON FILE WITH THE CITY CLERK, FOR THE ACQUISITION OF SERVICES THAT HAVE AN ESTIMATED ANNUAL SPEND AT OR EXCEEDING \$50,000.00, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE SAME BY AND ON BEHALF OF THE CITY.

WHEREAS, in October 2017, the current Procurement Policy of the City of Lee's Summit ("City") was adopted by the City Council pursuant to Ordinance 8253; and,

WHEREAS, Sections 5.4. and 5.5 of the Procurement Policy authorize the City Manager to execute an cooperative contract so long as the estimated annual spend of such contract is less than \$50,000.00; if the estimated annual spend of the contract is \$50,000.00 or more, the contract must be approved by the City Council; and,

WHEREAS, the Procurement and Contract Services Division reviews the amounts the City spends on cooperative contracts at least annually to identify any contracts that were originally estimated to spend less than \$50,000.00 annually, but now exceed \$50,000.00; and,

WHEREAS, as a result of such review, the City has identified that estimated annual spend of the cooperative contracts set forth in Exhibit A, attached, is \$50,000.00 or more and therefore such contracts must be approved by the City Council before the City may use them in the future; and,

WHEREAS, a copy of each contract listed in Exhibit A is on file in the office of the City Clerk.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LEE'S SUMMIT, MISSOURI, as follows:

SECTION 1. The City Council of the City of Lee's Summit, Missouri hereby approves and authorizes the City to use the cooperative contracts set forth in the list titled "Coop Over \$50,000", attached as Exhibit A and incorporated herein by reference, for the acquisition of services on an as-needed basis, for the remainder of the terms set forth in such contracts, and further authorizes the City Manager to execute contracts.

SECTION 2. This Ordinance shall be in full force and effect from and after the date of its passage and adoption, and approval by the Mayor.

SECTION 3. Should any section, sentence, or clause of this Ordinance be declared invalid or unconstitutional, such declaration shall not affect the validity of the remaining sections, sentences or clauses.

BILL NO. 19-139

PASSED by the City Council of the City of Lee's Summit, Missouri, this _____ day of _____, 2019.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said City this _____ day of _____, 2019.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*

Cooperative Contracts for Services exceeding \$50,000.00

Commodity-Service	Company	Originating Coop-PB Entity	LS Contract #
Electrical Services & Repairs	Jackson County Electric	City of Independence, MO	2019-080
ESRI GIS Software Maintenance	ESRI	State of MO	2015-055/4R
Fence Materials and Installation	Guier Fence Company	City of Independence, MO	2018-086/1R
IT Products and Prof. Services	Alexander Open Systems (AOS)	KCMO School Dist.	2019-031
Medical Billing Services	Digitech Computer, Inc	Johnson County, KS	2015-012/2R
Offsite Records Storage Services	Iron Mountain	Sourcwell	2015-065
Painting Services	Dayco Painting	KCMO	2017-043
Public Safety Communications System & Maint.	Commenco, Inc.	MARC-KCRPC	2017-108/1R
Public Safety, Emergency Services	Safeware, Inc.	Omnia Partners	2019-019
Recreation & Aquatic Products/Services	Vortex, Inc.	NPP	2016-088/1R
Roofing Services	Delta Innovative	Jackson County Circuit Court	2015-105
Sewer System Maint & Sludge Hauling	Ace Pipe Cleaning, Inc.	KCMO	2018-097
Small Construction Projects	The Wilson Group	Sourcwell	2017-123
Wireless Communication	AT & T,T-Mobile, Sprint,Verizon	State of MO	2017-116

5.4 Piggyback (Piggyback Cooperatives). A form of intergovernmental cooperative procurement in which an entity will be extended the pricing and terms of a contract entered into by another entity. Generally an entity will competitively bid and award a contract that will include language allowing for other entities to utilize the contract which may be to their advantage in terms of pricing, thereby gaining economies of scale that they normally would not receive if they competed on their own. In this type of contract the City is not necessarily a party to the contract.

The City Manager shall have the authority to approve the City's participation in any piggyback contract(s) if estimated annual spend is less than \$49,999.99. City Council approval shall be required if the estimated annual spend exceeds \$50,000.00.

5.5 Cooperative Contracts. Contracts established when two or more entities combine their requirements to obtain advantages of volume purchases including administrative savings and other benefits. In this type of contract the City would be a party to the contract. The City Manager shall have the authority to approve the City's participation in any cooperative contract(s) if estimated annual spend is less than \$49,999.99. City Council approval shall be required if the estimated annual spend exceeds \$50,000.00.

Packet Information

File #: BILL NO. 19-140, **Version:** 1

An Ordinance authorizing the City's use of the Cooperative Purchasing Contracts, set forth in Exhibit A and on file with the City Clerk, for the acquisition of equipment that have an estimated annual spend at or exceeding \$50,000.00, and authorizing the City Manager to execute the same by and on behalf of the City.

Issue/Request:

An Ordinance authorizing the City's use of the Cooperative Purchasing Contracts, set forth in Exhibit A and on file with the City Clerk, for the acquisition of equipment that have an estimated annual spend at or exceeding \$50,000.00, and authorizing the City Manager to execute the same by and on behalf of the City.

Key Issues:

The Procurement and Contract Services Division is requesting approval of an ordinance authorizing the City of Lee's Summit to utilize cooperative contracts for equipment that have an annual spend of \$50,000 or more ("the Approved List").

The City Council on an annual basis authorizes the participation and use of cooperative contracts by the City. Cooperative contracts with an actual or estimated annual spend that is equal to or exceeds \$50,000.00 require City Council approval per Sections 5.4 and 5.5 of the Procurement Policy.

Proposed City Council Motion:

I move for a second reading of an Ordinance authorizing the City's use of the Cooperative Purchasing Contracts, set forth in Exhibit A and on file with the City Clerk, for the acquisition of equipment that have an estimated annual spend at or exceeding \$50,000.00, and authorizing the City Manager to execute the same by and on behalf of the City.

Background:

Pursuant to the City of Lee's Summit Procurement Policy, adopted by the City Council on October 5, 2017, via Ordinance No. 8253, the City may participate in and use cooperative purchase contracts. Sections 5.4. and 5.5 of the Procurement Policy authorize the City Manager to execute an cooperative contract so long as the estimated annual spend of such contract is less than \$50,000.00. If the estimated annual spend of the contract is \$50,000.00 or more, however, the contract must be approved by the City Council.

The Procurement and Contract Services Division reviews the amounts the City spends on cooperative contracts at least annually to identify any contracts that were originally estimated to spend less than \$50,000.00 annually, but now exceed \$50,000.00. As a result of such review, the City has identified that estimated annual spend of the cooperative contracts for equipment set forth in Exhibit A, attached, is \$50,000.00 or more and therefore such contracts must be approved by the City Council before the City may use them in the future.

As with each cooperative contract the City uses, the contracts listed in Exhibit A were reviewed to ensure they were competitively awarded and that they were in the best interests of the City. A full copy of each contract listed in Exhibit A is on file in the office of the City Clerk.

Impact/Analysis:

Approval of this Ordinance would allow the City of Lee's Summit to continue to use cooperative contracts for the purchase of equipment with an estimated annual spend of \$50,000 or more and continue to take advantage of economies of scale and reduction in administration costs which exemplifies the conscientiousness and cost effective use of tax payer dollars.

Rick Gentry, Procurement and Contract Services Manager

Staff recommends approval.

The June 10, 2019 Finance and Budget Committee meeting was cancelled so this item was sent directly to City Council.

BILL NO. 19-140

AN ORDINANCE AUTHORIZING THE CITY'S USE OF THE COOPERATIVE PURCHASING CONTRACTS, SET FORTH IN EXHIBIT A AND ON FILE WITH THE CITY CLERK, FOR THE ACQUISITION OF EQUIPMENT THAT HAVE AN ESTIMATED ANNUAL SPEND AT OR EXCEEDING \$50,000.00, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE SAME BY AND ON BEHALF OF THE CITY.

WHEREAS, in October 2017, the current Procurement Policy of the City of Lee's Summit ("City") was adopted by the City Council pursuant to Ordinance 8253; and,

WHEREAS, Sections 5.4. and 5.5 of the Procurement Policy authorize the City Manager to execute an cooperative contract so long as the estimated annual spend of such contract is less than \$50,000.00; if the estimated annual spend of the contract is \$50,000.00 or more, the contract must be approved by the City Council; and,

WHEREAS, the Procurement and Contract Services Division reviews the amounts the City spends on cooperative contracts at least annually to identify any contracts that were originally estimated to spend less than \$50,000.00 annually, but now exceed \$50,000.00; and,

WHEREAS, as a result of such review, the City has identified that estimated annual spend of the cooperative contracts set forth in Exhibit A, attached, is \$50,000.00 or more and therefore such contracts must be approved by the City Council before the City may use them in the future; and,

WHEREAS, a copy of each contract listed in Exhibit A is on file in the office of the City Clerk.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LEE'S SUMMIT, MISSOURI, as follows:

SECTION 1. The City Council of the City of Lee's Summit, Missouri hereby approves and authorizes the City to use the cooperative contracts set forth in the list titled "Coop Over \$50,000", attached as Exhibit A and incorporated herein by reference, for the acquisition of equipment on an as-needed basis, for the remainder of the terms set forth in such contracts, and further authorizes the City Manager to execute contracts.

SECTION 2. This Ordinance shall be in full force and effect from and after the date of its passage and adoption, and approval by the Mayor.

SECTION 3. Should any section, sentence, or clause of this Ordinance be declared invalid or unconstitutional, such declaration shall not affect the validity of the remaining sections, sentences or clauses.

PASSED by the City Council of the City of Lee's Summit, Missouri, this _____ day of _____, 2019.

ATTEST:

Mayor *William A. Baird*

City Clerk *Trisha Fowler Arcuri*

BILL NO. 19-140

APPROVED by the Mayor of said City this _____ day of _____, 2019.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*

Cooperative Contracts for Equipment exceeding \$50,000.00

Commodity-Equipment	Company	Originating Coop-PB Entity	LS Contract #
Audio Equipment & Software	AVI Systems	GSA	2018-011
Computer Equipment	SHI International Corp	State of MO	2018-088
Construction and Agricultural Equipment	Deere and Company (John Deere)	Sourcwell	2018-023
Fab, Install & Repair of Trucks/Equipment	American Equipment	KCMO	2017-044/2R
Fitness Equipment	Push Pedal Pull (P3)	Sourcwell	2016-106
Joint Vehicle Bid	Shawnee Mission Ford	MACPP	2014-044/3R
Joint Vehicle Bid	Dick Smith Ford	MACPP	2014-044/2R
Joint Vehicle Bid	KC Freightliner	MACPP	2014-044/3R
Landscape & Grounds Equipment	Kansas Golf and Turf	Sourcwell	2018-052
Playground Equipment	AB Creative	Sourcwell	2018-068
Playground Equipment & Structures	Athco, LLC	Sourcwell	2017-077
Police Vehicle Equipment	Turn-Key Mobile	Jasper County Sheriff Office	2018-101
Recreation & Playground Equipment	PlayPower(LT Farmington)	Sourcwell	2017-133
SCBA (self-contained breathing apparatus) Equipment	Feld Fire	City of Olathe, KS	2017-115/2R
Sewer TV Truck Equipment	Key Equipment	Sourcwell	2016-016
Skid Steers and Bobcats	Bobcat/KC Bobcat	MODOT	2018-040
Sports Lighting	Musco Sports Lighting Co.	Sourcwell	2018-006
Systems Office Furniture & Filing Systems	BA Designs/Kimball	Sourcwell	2017-084

5.4 Piggyback (Piggyback Cooperatives). A form of intergovernmental cooperative procurement in which an entity will be extended the pricing and terms of a contract entered into by another entity. Generally an entity will competitively bid and award a contract that will include language allowing for other entities to utilize the contract which may be to their advantage in terms of pricing, thereby gaining economies of scale that they normally would not receive if they competed on their own. In this type of contract the City is not necessarily a party to the contract.

The City Manager shall have the authority to approve the City's participation in any piggyback contract(s) if estimated annual spend is less than \$49,999.99. City Council approval shall be required if the estimated annual spend exceeds \$50,000.00.

5.5 Cooperative Contracts. Contracts established when two or more entities combine their requirements to obtain advantages of volume purchases including administrative savings and other benefits. In this type of contract the City would be a party to the contract. The City Manager shall have the authority to approve the City's participation in any cooperative contract(s) if estimated annual spend is less than \$49,999.99. City Council approval shall be required if the estimated annual spend exceeds \$50,000.00.

Packet Information

File #: BILL NO. 19-141, **Version:** 1

An Ordinance approving Amendment No. 2 to the Budget for the Fiscal Year Ending June 30, 2020, by revising the Authorized Expenditures for the City of Lee's Summit to Fund Water Utilities Expansion Requests, revising the authorized amount of Full Time Equivalents for the City of Lee's Summit Water Utilities Department, and establishing a New Pay and Classification Plan.

Issue/Request:

An Ordinance approving Amendment No. 2 to the Budget for the Fiscal Year Ending June 30, 2020, by revising the Authorized Expenditures for the City of Lee's Summit to Fund Water Utilities Expansion Requests, revising the authorized amount of Full Time Equivalents for the City of Lee's Summit Water Utilities Department, and establishing a New Pay and Classification Plan.

Key Issues:

As part of the annual budget planning process departments determine the need to fund expansion requests in order to meet service needs. The Water Utilities Department has identified a list of expansion requests for consideration of approval by the City Council, which consists of a Meter Test Bench (\$84,372), Ford F-150 Work Truck (\$24,000), Senior Staff Engineer (\$114,243), and Inventory Maintenance Technician (\$60,990). The fiscal impact to the FY2020 Budget would be to revise and increase the authorized expenditures for the Water Utilities by \$283,605, which would bring the amended total budget for the Water Utilities Department to \$50,080,335. It is important to mention that the Water Utilities Department is an enterprise fund and the items can be funded using separate and distinct revenue sources that do not impact the General Fund.

In addition to the fiscal impact, passage of the ordinance would create and authorize a new position titled Inventory Maintenance Technician and establish a new Pay and Classification Plan. The ordinance would also increase the number of authorized full time equivalents for the Water Utilities Department by two full time equivalents.

Proposed City Council Motion:

I move for a second reading of an Ordinance approving Amendment No. 2 to the Budget for the Fiscal Year Ending June 30, 2020, by revising the Authorized Expenditures for the City of Lee's Summit to Fund Water Utilities Expansion Requests, revising the authorized amount of Full Time Equivalents for the City of Lee's Summit Water Utilities Department, and establishing a New Pay and Classification Plan.

Background:

N/A

Other Information/Unique Characteristics:

If the motion is passed by the Finance and Budget Committee, then this ordinance will need to appear on the June 18, 2019, City Council Regular Session meeting agenda.

Nick Edwards, Assistant City Manager
Chris Clubine, Management Analyst

Recommendation: Staff recommends approval of the ordinance.

The June 10, 2019 Finance and Budget Committee meeting was cancelled so this item was sent directly to City Council.

BILL NO. 19-141

AN ORDINANCE APPROVING AMENDMENT NO. 2 TO THE BUDGET FOR THE FISCAL YEAR ENDING JUNE 30, 2020, BY REVISING THE AUTHORIZED EXPENDITURES FOR THE CITY OF LEE'S SUMMIT TO FUND WATER UTILITIES EXPANSION REQUESTS, REVISING THE AUTHORIZED AMOUNT OF FULL TIME EQUIVALENTS FOR THE CITY OF LEE'S SUMMIT WATER UTILITIES DEPARTMENT, AND ESTABLISHING A NEW PAY AND CLASSIFICATION PLAN.

WHEREAS, as part of the annual budget planning process departments may determine the need for expansion requests; and,

WHEREAS, it is necessary to fund expansion requests in order to meet service needs; and,

WHEREAS, the Water Utilities Department is an enterprise fund and the items can be funded using separate and distinct revenue sources that do not impact the General Fund; and,

WHEREAS, approval of this amendment will create and authorize a new position titled Inventory Maintenance Technician and increase the number of full time equivalents funded in the Water Utilities Department by two full time equivalents; and,

WHEREAS, additional expansion requests remain unfunded and may be presented to the Mayor and Council for funding consideration at a future date.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LEE'S SUMMIT, MISSOURI, as follows:

SECTION 1. That the authorized expenditures for the Fiscal Year 2019-2020 of the City of Lee's Summit, Missouri, are amended in the manner shown as follows:

Amended Fund	Amended Department	Added/ (Reduced)	New Amended budget
F500 Water/ Sewer Fund	Water Utilities	\$283,605	\$50,080,335
	1. Meter Test Bench (\$84,372)		
	2. Ford F-150 Work Truck (\$24,000)		
	3. Senior Staff Engineer (\$114,243)		
	4. Inventory Maintenance Technician (\$60,990)		

SECTION 2. The Fiscal Year 2019-2020 Pay and Classification Plan, as adopted by Ordinance No. ____, is hereby repealed and replaced by the pay and classification plan, attached hereto as Exhibit A and incorporated herein by reference.

SECTION 3. All other provisions of Ordinance No. ____ shall remain in full force and effect, subject to Amendment No. (Ordinance No. ____),

BILL NO. 19-141

SECTION 4. This Ordinance shall be in full force and effect from and after the date of its passage and adoption, and approval by the Mayor.

SECTION 5. Should any section, sentence, or clause of this Ordinance be declared invalid or unconstitutional, such declaration shall not affect the validity of the remaining sections, sentences or clauses.

PASSED by the City Council of the City of Lee's Summit, Missouri, this ____day of _____, 2019.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said city this _____ day of _____, 2019.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

Daniel R. White
Chief Counsel of Management and Operations

Pay and Classification Plan

	Hourly Rate		
	Minimum	Midpoint	Maximum
Administrative Specialists			
Band AS1			
Deputy Court Clerk Police Records Clerk Service Representative I	\$15.3475	\$19.1844	\$23.0213
Band AS2			
Administrative Assistant Airport Service Attendant Bond Clerk Cash Receipts Clerk Evidence & Property Tech. Parking Control Officer Procurement Officer I Records Management Clerk Shelter Attendant Warrant Clerk	\$16.6821	\$20.8526	\$25.0231
Band AS3			
Account Technician Accounting Clerk Business Services Rep - Dev Ctr Contract/Records Administrator Customer Service Rep. EMS Billing Specialist Human Resources Coordinator Office Coordinator Purchasing and Supply Officer Treasury Cashier	\$18.1327	\$22.6659	\$27.1990
Band AS4			
Deputy City Clerk Inventory And Records Specialist Legal Assistant Payroll Specialist	\$19.5159	\$24.3949	\$29.2738
Band AS5			
Data Analyst Executive Assistant	\$21.0772	\$26.3465	\$31.6158

Seasonal/Part-time			
Band SP1			
	\$8.6000	\$10.7500	\$12.9000
Band SP2			
Fire Hydrant Painter (seasonal)	\$10.0000	\$12.5000	\$15.0000
Band SP3			
Recycling Center Attendant - PTR	\$11.4000	\$14.2500	\$17.1000

	Hourly Rate		
	Minimum	Midpoint	Maximum
Technical			
Band T1			
Audiovisual Technician (Evening) Facilities Maintenance Worker I	\$16.0986	\$20.1232	\$24.1478
Band T2			
Airport Attendant Facilities Maintenance Worker II Inventory Maintenance Technician Traffic Operations Technician	\$18.1405	\$22.6756	\$27.2107
Band T3			
Community Standards Officer Development Technician Engineering Technician Facility Technician Neighborhood Services Officer Permit Technician Utility Technician	\$19.0096	\$23.7621	\$28.5145
Band T4			
Crime Scene Technician Equipment Technician Help Desk Support Specialist Operations Technician Right of Way Inspector Web Specialist	\$20.6739	\$25.8424	\$31.0109
Skilled Technical			
Band ST1			
Building Inspector Field Engineering Inspector GIS Technician System Support Analyst	\$20.6739	\$25.8424	\$31.0109
Band ST2			
CIP Resident Inspector Senior GIS Technician Utility Management Analyst	\$22.3279	\$27.9098	\$33.4918
Band ST3			
Construction Project Manager Project Manger Right-of-Way Agent System Support Specialist Technical Services Specialist (ITS)	\$24.2374	\$30.2968	\$36.3561
Advanced Technical			
Band AT1			
Senior Engineering Technician Senior Traffic Operations Tech Water Utilities Analyst	\$23.0742	\$28.8428	\$34.6113
Band AT2			
Environmental Specialist Instrumentation & Controls Tech Media Services Supervisor Plans Examiner Staff Engineer	\$25.3862	\$31.7327	\$38.0792
Band AT3			
Applications Analyst Systems Administrator Web Administrator	\$27.5392	\$34.4240	\$41.3088
Band AT4			
Applications Administrator Database Administrator GIS Coordinator	\$28.6052	\$35.7565	\$42.9078
Band AT5			
Network Administrator Senior Staff Engineer	\$32.1996	\$40.2495	\$48.2994

	Hourly Rate		
	Minimum	Midpoint	Maximum
Professional Nonmanagement			
Band PN1			
Contract Compliance Coord./Para Probation/Compliance Officer	\$20.5896	\$25.7370	\$30.8844
Band PN2			
Accountant Benefits Specialist CDBG Administrator Marketing Specialist Procurement Officer II Recruitment Specialist	\$22.2525	\$27.8156	\$33.3788
Band PN3			
Community Relations Specialist Office Manager/Paralegal Compensation & Classification Specialist Planner Senior Procurement Officer	\$24.2374	\$30.2968	\$36.3561
Band PN4			
Financial Analyst Risk Management Officer Workforce Development Analyst	\$26.1764	\$32.7205	\$39.2646
Band PN5			
Cultural Arts Manager ITS Project Manager Management Analyst III Project Manager - Dev. Ctr. Public Communications Coordinator Senior Planner	\$27.8923	\$34.8654	\$41.8385
Band PN7			
Asst. Prosecuting Attorney PTR Solid Waste Superintendent	\$33.9215	\$42.4019	\$50.8823
Band PN9			
Chief Counsel of Infrastructure and Planning Chief Counsel of Management and Operations Chief Counsel of Public Safety - Civil Rights Specialist Chief Counsel of Economic Development & Planning Chief of Litigation	\$41.0396	\$51.2995	\$61.5594
Law			
Band 23 Law			
Chief Prosecuting Attorney	\$32.1173	\$44.1204	\$56.1236
Band 24 Law			
City Attorney	\$43.2692	\$69.7115	\$98.0769

	Minimum	Hourly Rate Midpoint	Maximum
Operational Supervision			
Band OS1			
Court Clerk Supervisor	\$19.2990	\$24.1238	\$28.9485
Band OS3			
Accounts Payable Supervisor Administrative Supervisor Customer Service Supervisor Maintenance Shop Supervisor Metered Services Supervisor	\$22.8013	\$28.5016	\$34.2019
Band OS4			
Lead Traffic Operations Technician Streets Operations Supervisor	\$25.2430	\$31.5538	\$37.8645
Band OS5			
Cash Management Officer Central Building Services Supv City Clerk Lead Engineering Technician Utility System Supervisor	\$27.4381	\$34.2976	\$41.1571
Band OS6			
Animal Control Manager	\$29.6331	\$37.0414	\$44.4497
Band OS7			
Account Services Manager Control System Supervisor Systems Analyst	\$32.0038	\$40.0047	\$48.0057
Management and Supervision			
Band MS1			
Administration Manager-Dev. Administration Manager-PW Assistant Airport Manager Assistant Utility Manager Engineering Inspections Manager Mgr., Accreditation/Info Mgmt Procurement & Contract Svc Mgr.	\$28.3871	\$35.4838	\$42.5806
Band MS2			
Building Inspections Manager Codes Administration Manager IT Support Services Manager Planning Manager Public Works Operations Mgr.	\$30.8555	\$38.5694	\$46.2833
Band MS3			
Construction Manager Creative Services Manager IT Operations Manager Operations and Maintenance Manager Supervisory Engineer Utility System Manager	\$33.5386	\$41.9233	\$50.3079
Band MS4			
City Traffic Engineer Manager, Entprs. Tech. Svcs.	\$36.4550	\$45.5688	\$54.6825

	Hourly Rate		
	Minimum	Midpoint	Maximum
Asst Director/Division Head			
Band AD1			
Airport Manager Court Administrator Facilities Manager Fleet Manager	\$31.2104	\$39.0130	\$46.8156
Band AD2			
Asst. Dir. of Planning and Special Projects Asst. Director of P. Wks. Oper	\$34.1117	\$42.6397	\$51.1676
Band AD3			
Asst. Dir. of Field Services Asst. Dir. of Finance-Cash and Debt Asst. Dir. of Finance-Controller Asst. Dir. of Plan Services	\$38.3454	\$47.9317	\$57.5181
Band AD4			
Asst. Dir. of Business Services Asst. Dir. of Engineering Svcs Asst. Director of App Mgmt Svcs Asst. Director of Operations	\$41.2331	\$51.5413	\$61.8496
Band AD5			
Deputy Dir. of P.Wks./City Eng Deputy Dir. of P.Wrks./Admin.	\$42.6146	\$53.2683	\$63.9219

Executive			
Band E1			
Chief Technology Officer Director of Development Svcs. Director of Human Resources Director of Public Works Director of Water Utilities Finance Director Fire Chief Police Chief	\$49.7468	\$62.1835	\$74.6202
Band E2			
Asst. City Mgr., Administrative Services Asst. City Mgr., Dev Svcs/Comm Asst. City Mgr., Operations	\$52.1100	\$65.1375	\$78.1650

	Hourly Rate		
	Minimum	Midpoint	Maximum
Protective Services			
Band R1			
Police Recruit	\$19.2308		\$19.2308
Band PS1			
Police Services Officer	\$15.7263	\$19.6579	\$23.5895
Band PS2			
Animal Control Officer	\$17.0938	\$21.3673	\$25.6407
Band PS3			
Communications Specialist-Pol Court Security Officer Detention Officer	\$19.6579	\$24.5724	\$29.4868
Band PS4			
Animal Control Field Supvr. Lead Comm Specialist-Police Lead Detention Officer	\$22.6066	\$28.2582	\$33.9098
Band PS5			
Communications Supvr-Police	\$25.9976	\$32.4969	\$38.9963
Band PS7			
Police Captain	\$36.7819	\$45.9774	\$55.1729
Band PS8			
Battalion Chief	\$37.7573	\$47.1966	\$56.6360
Band PS9			
Police Major I Police Major II	\$40.9285	\$50.5596	\$60.6715
Band PS10 (PSX in Lawson - 3 character limit on grade)			
Asst. Fire Chief Deputy Police Chief	\$42.4223	\$53.0279	\$63.6335

	Hourly Rate	
	Minimum	Maximum
Police - Union		
Police Officer	\$21.5385	\$35.6798
Sergeant	\$32.8067	\$42.8548
Fire - Union		
Fire Fighter	\$14.0797	\$22.1587
Fire Fighter - Paramedic	\$16.1401	\$24.2191
Fire Engineer	\$18.0632	\$24.0388
Fire Engineer - Paramedic	\$20.1236	\$26.0993
Fire Captain	\$24.7600	\$29.8942
Fire Captain - Paramedic	\$26.8204	\$31.9547
Communication Specialist	\$18.3118	\$30.1904
Lead Communication Specialist	\$19.2274	\$31.6999
IAM - Union		
Custodian	\$14.5000	\$19.5629
Meter Tech	\$14.7500	\$21.0000
Meter Specialist	\$17.0000	\$22.5000
Mechanic	\$19.0000	\$27.0000
Utility Worker Trainee	\$16.0000	\$16.0000
Utility Worker	\$18.0000	\$25.2500
Utility Specialist I	\$22.0000	\$28.5000
Utility Specialist II	\$24.0000	\$31.2500
Apprentice Operator	\$16.0000	\$16.0000
Operator	\$18.0000	\$25.2500
Skilled Operator	\$22.0000	\$28.5000
Senior Operator	\$24.0000	\$31.2500

Packet Information

File #: BILL NO. 19-142, **Version:** 1

An Ordinance approving the first amendments to the Software and Service contracts with Questica Ltd. and authorizing the City Manager to execute the same by and on behalf of the City.

Issue/Request:

The current renewal date of both agreements April 2 does not work well with the budget calendar. ITS is working to move all software renewals to take place prior to the submission of budget projections. This request resolved the issue by moving the renewal date to July 20th of each year.

Key Issues:

The initial contract with Questica Ltd was signed on April 2, 2019, which resulted a renewal of April 2nd each subsequent year the contract is in place.

The Amendment changes the renewal date to July 20th each year to align with the end of the City's fiscal year.

No other terms of the Agreement change.

Proposed City Council Motion:

I move for a second reading of an Ordinance approving the first amendments to the Software and Service contracts with Questica Ltd. and authorizing the City Manager to execute the same by and on behalf of the City.

Background:

Several years ago, the City made an effort to ensure software contract renewals did not fall in the second half of the fiscal years. This move was initiated to make sure that the City had the most accurate estimates for upcoming software contracts. Software vendors do not generally provide cost estimates for maintenance 18 months out, which is required for maintenance contracts that renew in the second half of the fiscal year.

The City Council, pursuant to Ordinance 8585, authorized the City of Lee's Summit's ("City") to enter into a software license and service agreement and a software subscription agreement with Questica Ltd ("Questica"), and such agreements were executed on April 2, 2019.

The Agreements have an initial one-year term, with up to four automatic one-year renewal terms unless cancelled by either party in accordance with the terms of the Agreements. The initial term of the Agreement expires on April 2, 2020 and each renewal term thereafter expires on April 2 of each respective year. The City wants to amend the expiration date and renewal date of each agreement to better align with the end of the City's fiscal year.

Impact/Analysis:

There is no fiscal impact, the amount of maintenance paid will be identical to the initial agreement.

Nick Edwards, Assistant City Manager/Administrative Services

Staff recommends approval of the contract adjustment.

The June 10, 2019 Finance and Budget Committee meeting was cancelled so this item was sent directly to City Council.

BILL NO. 19-142

AN ORDINANCE APPROVING THE FIRST AMENDMENTS TO THE SOFTWARE AND SERVICE CONTRACTS WITH QUESTICA LTD. AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE SAME BY AND ON BEHALF OF THE CITY.

WHEREAS, the City Council, pursuant to Ordinance 8585, authorized the City of Lee's Summit's ("City") to enter into a software license and service agreement and a software subscription agreement (the "Agreements") with Questica Ltd ("Questica"), and such agreements were executed on April 2, 2019; and,

WHEREAS, the Agreements have an initial one-year term, with up to four automatic one-year renewal terms unless cancelled by either party in accordance with the terms of the Agreements. The initial terms of each Agreement expires on April 2, 2020 and each renewal term thereafter expires on April 2 of each respective year; and,

WHEREAS, the City desires to amend the expiration date and renewal date of each Agreement to better align with the end of the City's fiscal year; and,

WHEREAS, Questica is willing to modify the expiration dates of the terms in accordance with the terms and conditions set forth in the proposed amendments attached herein.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LEE'S SUMMIT, MISSOURI, as follows:

SECTION 1. The City Council of the City of Lee's Summit, Missouri hereby authorizes the First Amendments of the Software and Service Agreements.

SECTION 2. The City Council hereby approves and authorizes the City Manager, by and on behalf of the City of Lee's Summit, Missouri, to execute the First Amendments to the Software and Service Agreements (collectively the "Questica Agreements") between Questica Ltd. and the City of Lee's Summit, Missouri, each amendment attached as "Exhibit A" and "Exhibit B" respectively and incorporated herein by reference, for the purpose of acquiring budgeting software and receiving maintenance and support services to adjust the agreements renewal dates.

SECTION 3. This Ordinance shall be in full force and effect from and after the date of its passage and adoption, and approval by the Mayor.

SECTION 4. Should any section, sentence, or clause of this ordinance be declared invalid or unconstitutional, such declaration shall not affect the validity of the remaining sections, sentences or clauses.

BILL NO. 19-142

PASSED by the City Council of the City of Lee's Summit, Missouri, this ____ day of _____, 2019.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said city this _____ day of _____, 2019.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

Chief Counsel of Operations and Management
Daniel R. White

FIRST AMENDMENT TO AGREEMENT

This First Amendment to the Agreement, as defined below, (“Amendment”) is made and entered on _____, 2019 (the “Effective Date”) by and between the City of Lee’s Summit, Missouri (the “City”), and Questica, Ltd., (the “Contractor”).

RECITALS:

WHEREAS, the City and Contractor entered into a License and Service Agreement with an effective date on April 2, 2019 (“Agreement”); and

WHEREAS, the Agreement has an initial one-year term, with automatic one-year renewal terms unless cancelled by either party in accordance with the terms of the Agreement. The initial term of the Agreement expires on April 2, 2019 and each renewal term thereafter expires on April 2nd of each respective year; and

WHEREAS, the City desires to amend the expiration date of the initial term and the renewal terms to better align with the end of the City’s fiscal year; and

WHEREAS, Contractor is willing to modify the expiration date of the terms set forth in Appendix A of the Agreement in accordance with the terms and conditions set forth herein.

NOW THEREFORE, for good and valuable consideration, the parties agree as follows:

1. Modification to Agreement Term. The Subsection titled “Annual Maintenance & Support” in the Section titled “Terms of Payment” of Appendix A of the Agreement is amended as follows:

Annual Maintenance & Support:

- Year 2 fee of \$22,563.15 due on July 20, 2020
- For future years \$17,338.00 to be due annually on July 20th of each year
- 3% increase to be applied annually beginning in Year 5

2. Nature of Amendment.

Except for the modifications set forth in this Amendment, the Agreement remains in full force and effect. This Amendment shall be deemed a contract in accordance with the laws of the State of Missouri and is subject to the general terms and conditions set forth in the Agreement.

[signatures on the following page]

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed as of the Effective Date written above.

City of Lee's Summit

Questica, Ltd.

Stephen A. Arbo, City Manager

Allan Booth, Director

Date: _____

Date: _____

ATTEST

Trisha Fowler Arcuri, City Clerk

APPROVED AS TO FORM

Daniel R. White,
Chief Counsel of Management and Operations

FIRST AMENDMENT TO AGREEMENT

This First Amendment to the Agreement, as defined below, (“Amendment”) is made and entered on _____, 2019 (the “Effective Date”) by and between the City of Lee’s Summit, Missouri (the “City”), and Questica, Ltd., (the “Contractor”).

RECITALS:

WHEREAS, the City and Contractor entered into a Software Subscription Agreement with an effective date on April 2, 2019 (“Agreement”); and

WHEREAS, the Agreement has an initial one-year term, with automatic one-year renewal terms unless cancelled by either party in accordance with the terms of the Agreement. The initial term of the Agreement expires on April 2, 2019 and each renewal term thereafter expires on April 2nd of each respective year; and

WHEREAS, the City desires to amend the expiration date of the initial term and the renewal terms to better align with the end of the City’s fiscal year; and

WHEREAS, Contractor is willing to modify the expiration date of the terms set forth in Appendix A of the Agreement in accordance with the terms and conditions set forth herein.

NOW THEREFORE, for good and valuable consideration, the parties agree as follows:

1. Modification to Agreement Term. The Subsection titled “Terms of Payment” within the Section titled “Payment Terms” of Appendix A of the Agreement is amended as follows:

- \$9,785 on October 2, 2019 (Net 30)
- The annual subscription fee (\$10,000) is payable annually in advance, beginning July 20, 2020 and due July 20th each year thereafter
- Fees paid are non-refundable if cancellation occurs mid-period and is not a result of a default on the part of Questica
- Beginning in Year 5, an annual increase of 3% will be applied to the Subscription Fee

2. Nature of Amendment.

Except for the modifications set forth in this Amendment, the Agreement remains in full force and effect. This Amendment shall be deemed a contract in accordance with the laws of the State of Missouri and is subject to the general terms and conditions set forth in the Agreement.

[signatures on the following page]

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed as of the Effective Date written above.

City of Lee's Summit

Questica, Ltd.

Stephen A. Arbo, City Manager

Allan Booth, Director

Date: _____

Date: _____

ATTEST

Trisha Fowler Arcuri, City Clerk

APPROVED AS TO FORM

Daniel R. White,
Chief Counsel of Management and Operations