



**The City of Lee's Summit**  
**Final Agenda**  
**Community and Economic Development Committee**

Wednesday, August 9, 2017

4:30 PM

City Council Chambers

City Hall

220 SE Green Street

Lee's Summit, MO 64063

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1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF AGENDA
4. APPROVAL OF ACTION LETTER
  - A. [2017-1438](#) Approval of the July 12, 2017 Community and Economic Committee Minutes.
5. PUBLIC COMMENTS
6. ITEMS FOR DISCUSSION
  - A. [2017-1422](#) Short Term Rental Discussion
  - B. [2017-1437](#) Presentation/Review and Discussion of Adopted Economic Development Incentive Policy
  - C. [2017-1425](#) Discussion over Residential Rental Property Regulations
7. BUSINESS
  - A. [2017-1120](#) UDO Amendment #63 Article 5 Zoning Districts and Article 6 Overlay Districts - M-150 Corridor Overlay District Zoning and Development Standards
8. ROUNDTABLE
9. ADJOURNMENT

For your convenience, City Council agendas, as well as videos of City Council and Council Committee meetings, may be viewed on the City's Internet site at "www.cityofls.net".



## Packet Information

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**File #:** 2017-1438, **Version:** 1

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Approval of the July 12, 2017 Community and Economic Committee Minutes.



## The City of Lee's Summit Action Letter

### Community and Economic Development Committee

Wednesday, July 12, 2017

4:30 PM

City Council Chambers

City Hall

220 SE Green Street

Lee's Summit, MO 64063

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1. CALL TO ORDER

2. ROLL CALL

**Present:** 5 - Chairperson Diane Forte  
Vice Chair Diane Seif  
Councilmember Trish Carlyle  
Councilmember Fred DeMoro  
Liaison Donnie Funk

**Absent:** 1 - Alternate Craig Faith

3. APPROVAL OF AGENDA

**A motion was made by Vice Chair Seif, seconded by Councilmember DeMoro, to approve the July 12, 2017 agenda. The motion carried unanimously.**

4. APPROVAL OF ACTION LETTER

A. [2017-1324](#) Approval of the June 14, 2017 Community and Economic Development Committee Action Letter

**A motion was made by Vice Chair Seif, seconded by Councilmember DeMoro, to approve the June 14, 2017 CEDC Action Letter. The motion carried unanimously.**

5. PUBLIC COMMENTS

6. BUSINESS

A. [2017-1364](#) Economic Impact Analysis of the Kansas City Region's 65+ Population

**No action taken - informational only.**

7. ROUNDTABLE

8. ADJOURNMENT

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## Packet Information

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**File #:** 2017-1422, **Version:** 1

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Short Term Rental Discussion

Issue/Request:

The City has received code violations involving Air BnB style short term rentals.

Key Issues:

Regulation and Enforcement of a Short Term Rental Ordinance

Presenter: Josh Johnson

# City of Lee's Summit

## Development Services

August 9, 2017

TO: Community and Economic Development Committee  
FROM: Josh Johnson, AICP – Assistant Director of Plan Services, Development Services  
RE: **Short Term Rental (STR) Regulation**

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### **Staff Research and Commentary**

Recently, the City processed two enforcement cases for Short Term Rentals (STRs) listed under the website Air BnB. These two cases brought to light the issue of STRs. Lee's Summit has some regulations related to traditional Bed and Breakfasts. Like most communities, our ordinance did not contemplate day to day rentals of individual rooms in homes throughout the City. STRs have become a nationwide issue and are by their nature difficult to regulate. Communities typically enact an ordinance to deal with STR's effect on housing shortages, affordability, neighborhood character, tax collection, and to address safety concerns. What City values would a Short Term Rental ordinance seek to preserve? The answer to this question will inform how an ordinance is crafted. This paper will address what data might be useful before crafting an ordinance, lessons learned from other communities with respect to enforcement, and possible regulations.

Before regulating STRs the City needs to gather some data about STRs in the community. Relevant metrics include location, rent amount, and availability/frequency. Air Bnb's website states the average rental price per night in Lee's Summit is \$82. The City needs to study what level of rent is being allowed by the market for two reasons. First, any permit requirement needs to be affordable so operators are not financially discouraged from voluntary participation. Currently a Special Use Permit for a Bed and Breakfast costs \$1,230. Second, any fines must not be cost-effective for a non-compliant operator. There is also the decision about collecting hotel taxes from these units, the driving force for some jurisdictions facing the issue of STRs. Collecting taxes on these units would require more coordination between different departments, a limiting factor in other communities. For instance, noise complaints are enforced by the police. Taxes would likely be collected by the finance department and development services would administer the ordinance and applications for operators. After some of this basic data on STRs in Lee's Summit is collected, the City will need to conduct some public engagement. Concerned neighbors need to drive the discussion about what community values an ordinance would protect. Operators of STRs can help provide comment on how the City can make any new rules easy to understand and create an application process that makes them want to voluntarily apply.

The current standards in the UDO only address traditional Bed and Breakfasts. We have two defined uses called Bed and Breakfast Homestay and Bed and Breakfast Inn.

Both require Special Use Permits, limit a guest's stay to no more than 14 days, compliance with building and fire code, require fire inspections, require health department approval for food preparation, require screened parking, and approval criteria related to general compatibility with surrounding uses and the Comprehensive Plan. The Homestay allows up to three rooms while the Inn allows 12.

There are a variety of approaches to regulating STRs. Preserving neighborhood character can be achieved through a variety of requirements, mostly based on locational criteria. Staff can explore limiting STRs to our historic districts as classically bed and breakfasts tend to occur in historic homes. Larger rural properties could also be candidates if the community is worried about compatibility. Large lots tend to have greater separation between homes and parcel size limits the affected properties. STRs can be limited to a set distance from a collector or arterial roadway to limit traffic within a neighborhood.

Homes being rented for party events tend to drive discussions about neighborhood compatibility. Requiring a 24/7 contact person for the City and neighbors is one measure used in other communities to curtail party house style rentals. The City can also require the operator post City noise ordinance rules so renters are aware. The prospect of limiting rooms, number of days, and total occupancy is difficult to verify without photo evidence from neighbors of a violation. Achieving a high rate of voluntary compliance is important when a City wants to regulate hard to enforce provisions. Other cities have found, the key to getting buy-in from landlords is an easy-to-understand process and an appropriate fee structure. Communities with high demand have encountered wholesale rental of apartment buildings on a per bedroom basis. The ordinance solution to this issue is a limit on the number of dwelling units available for STRs in the same structure.

As mentioned earlier, the City's current regulations for Bed and Breakfasts require conformance with building and fire codes while needing a regular inspection like other commercial businesses. If a similar approach is sought for STRs then there would need to be a determination about the level of parity with building and fire codes. Communities around the country vary in the level of compliance for STRs. If regular inspections are needed to address fire safety, more fees will be imposed on operators. Like other associated costs, this could affect voluntary compliance. Some City's require operators to get insurance while operating an STR.

Any ordinance addressing short term rentals will only be successful if it can be enforced. There are over 100 different websites used to put renters in contacts with properties for short term rental. Where STR ordinances have been attempted, the compliance rate has typically been low. Sometimes the address to the unit is not given until the stay is booked so the City has to catch a landlord in the act of renting out their home, do research through Google Street View or conduct a site visit to verify the location of a rental. This is an important factor as some communities have made advertising an unpermitted rental illegal.

Tracking down what property to cite can be a time consuming exercise if staff is expected to search websites and issue violations based upon listings. Third party vendors have emerged to verify and pin down addresses of short term rentals. Like other code enforcement cases, jurisdictions have a variety of initial approaches. Some Cities issue a fine upon finding an advertisement for an illegal unit while others seek compliance. Lee's Summit has traditionally sought compliance for code violations. Some communities have engaged in sting operations. These require a non-city credit card and staff time. There is a certain level of controversy associated with having City employees purchase rental rooms to investigate illegal activity.

With the correct approach, STRs could be properly located within the City. Lessons learned from other communities can assist Lee's Summit in regulating and monitoring short term rentals.

## Packet Information

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**File #:** 2017-1437, **Version:** 1

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Presentation/Review and Discussion of Adopted Economic Development Incentive Policy

Issue/Request:

Presentation/Review and Discussion of Adopted Economic Development Incentive Policy

Key Issues:

Since the adoption of the City's Economic Development Incentive Policy, the City has experienced substantial economic development and investment within the community. Within the Policy 9 Targeted Areas for Development/Redevelopment were created to provide focus and highlight opportunities as well as challenges for economic development within them, and staff would periodically update the Community and Economic Development Committee (CEDC) on activity within each area.

This will be the first time since October of 2015 to revisit the Policy to review and discuss any proposed revisions with regard to use of incentives, guidelines or procedures contained within the Policy.

Staff will be presenting an overview of the Policy and manner in which staff and the development community have facilitated economic development and will be prepared to discuss any suggested or proposed revisions or amendments with the CEDC.

Proposed City Council Motion:

No motion necessary - review and discussion purposes for feedback and input only at this time.

Background:

In February 2015 the City Council adopted Ordinance #7588 creating the Economic Development Incentive Policy

In October 2015 the City amended the Policy by adoption of Ordinance #7725.

Since that time staff has administratively updated the policy as changes in City Council as needed.

Other Information/Unique Characteristics:

With the adoption of the Economic Development Incentive Policy staff is better equipped to provide direction and guidance to the development and investment community at very early stages of conceptual developments which is of great benefit to all parties involved.

Presenter:

Mark Dunning, Assistant City Manager





Economic Development  
Incentive Policy

**LS** **LEE'S SUMMIT**  
MISSOURI

**Adopted by ordinance #7588 on;**

**February 19, 2015**

**Amended on;**

**October 1, 2015**

**Administrative Updates;**

**June 21, 2016**

**June 26, 2017**

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## ECONOMIC DEVELOPMENT VISION

The purpose of every vision statement is to describe a desired future outcome. This vision guides our decision making to allow for a consistent review and discussion of economic development and the use of incentives. It is the intent of the Mayor and City Council, City staff, and community partners to help align and direct resources to obtain this vision. In 2013, the Mayor and City Council, with input from our community partners, adopted the following vision;

**Economic Development Vision Statement of the Lee's Summit City Council:**

*Lee's Summit will build upon and promote its unique downtown, educational excellence and cultural heritage to create and nurture a business environment which fosters entrepreneurship, commercial and neighborhood redevelopment, and the attraction and retention of high quality jobs in targeted businesses. In doing so, the tax base will grow ensuring the City's continued ability to deliver an outstanding quality of life and services to both businesses and residents.*

The Economic Development Vision emphasizes five areas of focus: Downtown, Entrepreneurship, Redevelopment, Attraction and Retention, and Targeted Businesses. The areas of focus represent a strategic need that is part of a broader economic development strategy. **These areas of focus inform us as to 'how' the community should develop; through investment in Downtown Lee's Summit, entrepreneurship, redevelopment, and the attraction and retention of targeted jobs and businesses.**

## USE OF INCENTIVES

The City of Lee's Summit is prepared to strategically and responsibly consider the use of incentive programs to meet our economic development goals and outcomes. It is the City's philosophy to be accommodating to targeted businesses that support our vision that has been outlined by the City Council. In accordance with our areas of focus and targeted outcomes, the City of Lee's Summit may provide a level of incentive as outlined in the following matrix.

Availability of Incentives								
	Areas of Focus					Guidelines		
	Downtown	Entrepreneurship	Redevelopment	Attraction/Retention	Targeted Businesses	Minimum Investment	*Incentive	
Incentives	TIF	X		X	X	X	\$5m New / \$3m Existing	**25%
	CID	X		X	X	X	Public Improvement Required	up to 1 cent
	NID	X		X	X	X	Public Improvement Required	Special Assessment
	TDD	X		X	X	X	Public Improvement Required	up to 1 cent
	Chapter 100	X		X	X	X	\$5m New / \$3m Existing	50% - 10 yrs
	Chapter 353	X		X	X	X	\$5m New / \$3m Existing	50% - 10 yrs
	LCRA	X		X	X	X	\$500k	50% - 10 yrs
	Sales Tax Reimbursement			X	X	X	\$250k (Public Improvements)	up to 1/2 cent
	Site Specific Incentives	X	X	X	X	X	TBD	TBD

\* If request is below the listed amount City staff may proceed with review and presentation to Council. If request exceeds listed amount a conceptual presentation shall first be made to the City Council before proceeding with request.

\*\* The value of the incentive is calculated by multiplying the cap amount and the total private development cost. Private development costs and activities are items that will not have public ownership.

## STRATEGIC DIRECTION

The Mayor, City Council, and community partners have worked to clearly identify targeted development outcomes and targeted areas for development to communicate the City's economic development goals. **These outcomes, or goals, have been created to inform prospective investors of 'what' is desired by development that may make use of incentives.**

### Targeted Outcomes

The City is seeking investment that supports or benefits;

- **The development and maintenance of infrastructure**

*Development projects are encouraged to exhibit a public benefit through improvement, creation, or expansion of public infrastructure. In particular there is an interest for opportunities where the expansion of public infrastructure may create new economic development areas. This can include the development of bridges, streets, signals, stormwater facilities, removal of blight, water and sewer utilities.*

- **Attracts or retains targeted businesses**

*The City of Lee's Summit currently enjoys a residential base comprised of highly educated and highly skilled individuals. Creating employment opportunities that allow these individuals to advance their careers within the City of Lee's Summit is a priority. We seek employers that will leverage our existing strengths and workforce resources. We also seek economic sectors that have strong growth potential in the future. The City strives to be a regional hub that provides a fertile environment for the development of technology and healthcare industries, manufacturing, and entrepreneurship.*

*To be considered a targeted business, the business shall help create an environment where work opportunities exist to support family households. A quality life is a combination of good income, health, family, and leisure activities. These life experiences are more likely to occur when the workplace is in Lee's Summit. A common measurement of quality jobs is income. Indexes such as compensation that equals or exceeds the average pay for Jackson County, Missouri workers, is often used as a standard.*

- **Preserves or enhances residential developments**

*The City of Lee's Summit strives to provide a high quality of life for its residents. Residential development projects should provide an environment that attracts residents by incorporating quality design standards. We are seeking future residential communities that offer housing choices to attract next generations as well as supporting today's lifestyles. Residential developments that are incentivized should improve livability by enhancing the accessibility to needs and services. Careful consideration will be given to the impact on other taxing jurisdictions.*

- **Allows for business retention or expansion**

*Retaining our existing economic base is vital to providing reliable municipal services. The City of Lee's Summit seeks to promote an environment that will encourage growth and sustainability of the existing economic base. This can be accomplished through partnership opportunities with those looking to grow their business.*

- **Helps generate a positive community image**

*The City of Lee's Summit seeks to be recognized as a community that possesses high quality commercial and residential development that is well planned, meets diverse needs, and exceeds community expectations. This approach has helped identify Lee's Summit as a vibrant city with a dynamic spirit of cooperation among its diverse citizens, businesses, organizations, education systems, and local government.*

## TARGETED AREAS FOR DEVELOPMENT

The Mayor and City Council has established targeted areas for development. **These targeted areas were defined to help inform investors of 'where' development and redevelopment is most desired.** Summaries of each geographic area and map can be found in the following section.

### **Douglas/Tudor Rd. Targeted Planning Area:**

Boundary description: NE Douglas St. on the east, US 50 Highway on the west, Chipman Rd. to the south and Colbern Rd. to the north

General overview: This area includes multiple large acreage - undeveloped tracts currently zoned for Planned Mixed Use, Planned Industrial and Planned Office uses. The Union Pacific rail line bisects the targeted planning area. Infrastructure improvements within this area include the re-alignment of NW Blue Parkway near Unity Village along with associated water and sewer line relocations, construction of the Tudor Road bridge which will connect NE Douglas Street to NW Ward Rd. Phase I of the road and bridge project is completed with Phase II (bridge and Tudor Rd. west of railroad) scheduled to begin late fall of 2015 and be completed by the end of 2016. Sewer and water infrastructure exists to serve the general area. The Summit Place shopping center Preliminary Development Plan has been approved and efforts are underway to continue to develop in and around the Summit Technology Campus with the Summit Innovation Center/Missouri Innovation Campus projects receiving approval. Many of the properties are served by major roads providing excellent frontage to the properties, including Douglas Street, Chipman Road, Ward Road, Blue Parkway and Colbern Road. Highway frontage exists along both sides of the I-470 corridor. One rail spur exists to undeveloped property immediately south of I-470. The NW Main Street area is currently a 'metal building area' and much of the property is owned by a single property owner (Lowenstein).

**I-470 North Targeted Planning Area:**

Boundary description: I-470 Corridor north of Colbern Road to the north City limits

General overview: This area is largely undeveloped primarily due to the approximate 1,100 acres owned by Property Reserve, Inc. on the east side of I-470. Some undeveloped acreage exists on the north side of Colbern Rd. however development of this area would likely require significant sewer and traffic improvements. Within the Ralph Powell Rd. corridor various new development opportunities exist and infrastructure is available to these undeveloped parcels. The Wilshire Care Center continues to expand its footprint with additional residential independent living units currently under construction on the north side of Strother Rd. Some undeveloped lots exist within the Lakewood Business Park and commercial growth could occur on the NE corner of I-470 & Bowlin Rd (Captain's Wharf). Approximately 102 acres currently zoned Agricultural exists at the east end of Bowlin Rd. (Comprehensive Plan identifies this area for commercial and medium density residential). Currently the City is considering a 68 acre, 160 lot residential subdivision for this area. Other undeveloped areas in this corridor would prove to be challenging to develop due primarily to topography.

**Airport Targeted Planning Area:**

Boundary description: I-470 on the east and south, Lee's Summit Road on the west, Strother Road and Lakewood Residential subdivision on the north

General overview: The City owns a significant portion of the Targeted Planning Area for the Airport and related improvements or protection areas. Parcels along the I-470 corridor, east of the Airport are prepared for new development with infrastructure in place. Undeveloped parcels exist on the north and west sides of the Airport, however infrastructure to these areas would be necessary. Large lot residential developments exists along much Lee's Summit Road. A preliminary development plan has been approved for the development of St. Michael the Archangel Catholic High School located south of Strother Rd and east of Lee's Summit Road.

**I-470 Chipman/Colbern Targeted Planning Area:**

Boundary description: Colbern Rd/City Limits on the north, US 50 Highway on the east, Chipman Rd. on the south and View High/City Limits on the west.

General overview: West of US 50 Highway and north of I-470 land reclamation is occurring and much of the undeveloped area is undermined. South of I-470 opportunities for development exist along the west side of Pryor Rd. however relocation of transmission electrical lines would be necessary, and a fair amount of this area is undermined further west of Pryor Rd. The target planning area is bisected by the inactive Rock Island rail line and Cedar Creek. Planning efforts are continuing with the Paragon Star project (soccer complex/mixed use development at the View High/I-470 interchange).

**View High Corridor Targeted Planning Area:**

Boundary description: City limits on north, railroad and residential subdivisions to the east, Longview Road on the south and View High on the west.

General overview: Planning efforts continue with the Paragon Star proposed project at View High & I-470. The Lee's Summit United Methodist Church is preparing to begin construction of a new Church at View High and Chipman Rd. Large lot residential and undeveloped parcels exist along View High Drive with interest in mixed use development all along the View High corridor from I-470 to Longview Farm.

Longview Farm continues to see development and redevelopment with the overall vision to rehabilitate many of the historic structures of Longview Farm.

**Downtown Core Targeted Planning Area:**

Boundary description: City's Downtown Core as generally defined within the boundaries of Chipman Road, 291 North, and US 50 Hwy.

General overview: The Lee's Summit United Methodist Church continues to be marketed for sale, Grider Orthodontics at 3rd & Market is under construction, Hartley's Block / Vogue Condos / Parking Garage project continue to progress, planning continues on Market Center for Ideas, WPA Post office renovation to Historic Museum underway, Arnold Hall property is out for RFP.

**M-291 North Corridor Targeted Planning Area:**

Boundary description: North M-291 Commercial corridor from US 50 Hwy to Colbern Rd.

General overview: The corridor is mostly developed with redevelopment opportunities present. The old Sears building has been redeveloped into an At-Home furnishings store, Hy-Vee Gas & convenience store has recently opened, development interest in undeveloped parcel at Mulberry & 291, Old Fire Station #2 property sold for re-use, Party City constructing a new facility within the Ritter Plaza area. The former Deal's discount store has been redeveloped into Ted's Café Escondido and the former Sheridan's Custard is being renovated to accommodate Andy's Frozen Custard.

**US 50 Hwy Corridor Targeted Planning Area:**

Boundary description: US 50 Hwy Commercial corridor from Chipman Rd south and east to City limits.

General overview: This area contains many opportunities for redevelopment as well as new development. Planned and funded interchange improvements forthcoming for South M-291 & US 50 Hwy interchange as well as Blackwell Rd. & US 50 Hwy interchange. Redevelopment opportunities include: Old Lee's Summit Hospital, former Adesa & Calmar sites, Oldham Court (near Home Depot). With regard to new development, Todd George Marketplace is under construction with Price Chopper forthcoming, a planned Cooperative residential project east of LS Medical Center. With the Blackwell interchange and frontage road improvements there is great potential for new development in the eastern portion of US 50 Hwy however water and sewer infrastructure will likely be challenging south of US 50 towards Smart Road. A lift station would be necessary to sewer the annexed property referenced above.

**South M-291 Targeted Planning Area:**

Boundary description: M-291 South corridor (south of Us 50 Hwy) to the railroad tracks on the east, south to the southern City limits.

General overview: Potential redevelopment projects include Pine Tree Plaza shopping center, Adesa, Calmar, Pfizer, Market to Jefferson corridor (metal buildings). Wal-Mart pursuing development north of M-150. A significant portion of this planning area lacks sewer, transportation and water infrastructure to support development, specifically towards southern Lee's Summit. Bailey Road bridge scheduled to open by the end of 2015.

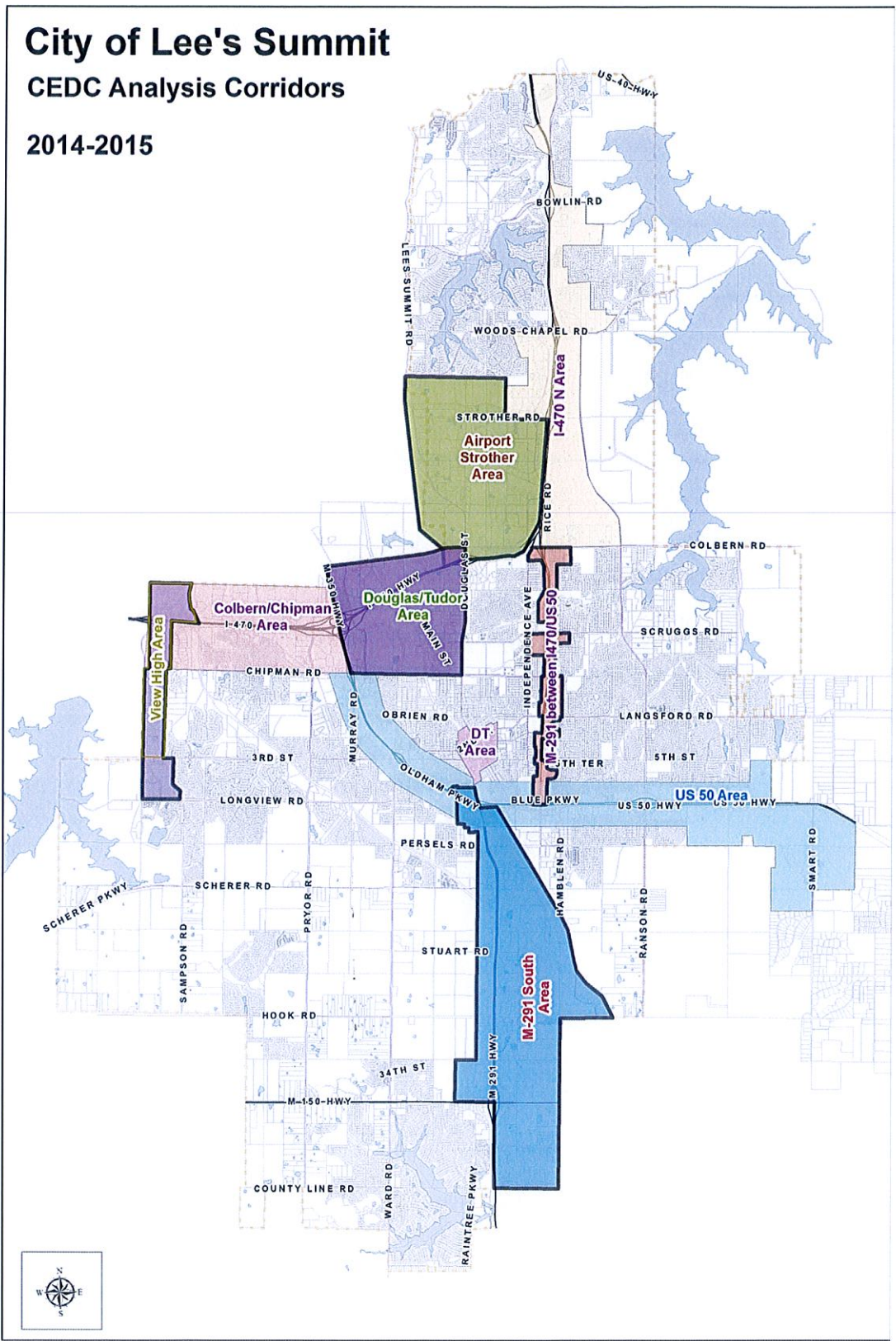


### TARGETED AREAS FOR DEVELOPMENT

## City of Lee's Summit

### CEDC Analysis Corridors

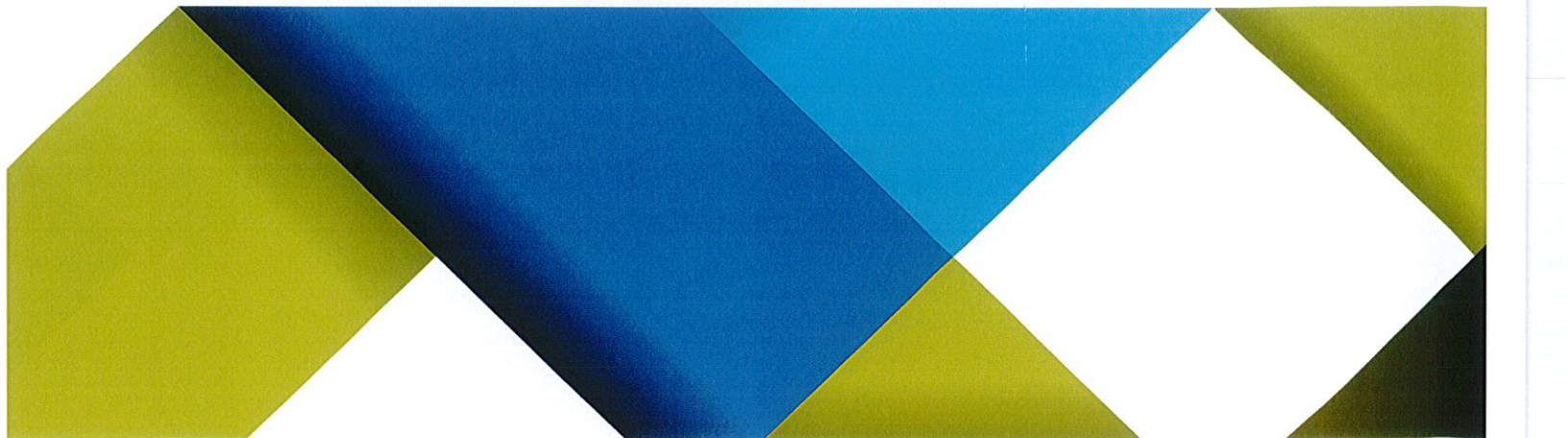
2014-2015





# APPENDIX

## Guidelines & Resources



## COMMUNITY PROFILE

Lee's Summit has celebrated its 150th anniversary. The sesquicentennial marks the founding of the 11-block area that was the Town of Strother back in 1865. Decades and decades later, Lee's Summit finds itself a booming suburb, just miles southwest of Kansas City.

A town of 93,000-plus that stretches over 65-square-miles, Lee's Summit's proximity to Interstate 470, U.S. 50, Missouri 291 and Missouri 150 make it a regional destination for residents, businesses and tourists; hefty population growth in the last 30 years has been met with a thriving business environment – more than 3,200 businesses call Lee's Summit home – as well as a youthful edge with 17,000-plus students attending the Lee's Summit R-7 School District and a thriving parks and recreation system featuring dozens of areas to stay healthy.

The City of Lee's Summit, along with vital partners from the Lee's Summit Economic Development Council, Chamber of Commerce and Downtown Lee's Summit Main Street have worked in tandem to market a message that would differentiate Lee's Summit. Our community is our DNA.

Lee's Summit's community spirit approach to business represents a collaborative, pro-business atmosphere, which we (and our business partners) have found to be conducive in attracting and retaining business investment and job creation. We believe this is how it's supposed to be.

### Demographics

Like many suburban communities across the United States, Lee's Summit began to experience its transformation from a rural, mostly agrarian community to a suburban community in the decades after the Second World War. As the city grew, its population nearly doubled every decade. In 1980, the population was approximately 28,000. By 1990 the population had reached 46,500. From 1990 to 2000, the city experienced a 53 percent increase in population, and another 29 percent increase from 2000 to 2010. Today, the population is approximately 93,000. The median age is 36. The median household income is \$76,179. And, 42% of the residents have a Bachelor's degree or higher.

### Transportation Corridors

The City is well served by several interstate, federal and state highways. Interstate 470, which rings the southeastern portion of the metropolitan area connecting Interstate 70 to Interstate 435, dissects Lee's Summit. U.S. Highway 50, and Missouri Routes 291 and 150 also go through Lee's Summit providing access to Kansas City and the surrounding area. Significant road improvements throughout the community over the past 10 years have enhanced safety, alleviated traffic congestion, and opened areas for development. The railroad still plays a role in the city's transportation access and development.

### Employment and Economy

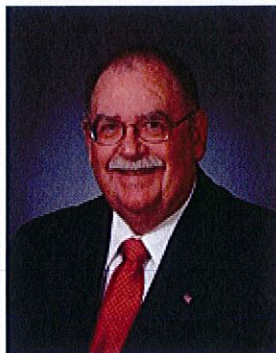
The City has a broad spectrum of employers including companies that manufacture everything from plastic containers to tools to electronic components. In addition to manufacturing, there is a wide variety of services such as customer service centers for pharmaceuticals and telecommunications firms, data management and processing centers, and educational institutions. There are 16 businesses in Lee's Summit with 250 employees or more, with eight of these businesses employing over 500.

The health sector has become a major component of the Lee's Summit economy with two regional hospitals having been built within the last nine years. Saint Luke's East Hospital, built in 2005, is a state-of-the-art, 171-bed facility situated on a 40-acre campus on the corner of Interstate 470 and Douglas. Lee's Summit Medical Center, built in 2007, is a full-service acute care facility with 64 beds located at U.S. Highway 50 and Todd George Parkway. In addition to these hospitals, there are numerous physician

offices and clinics that have made Lee’s Summit one of the regional hubs for advanced medical care in western Missouri.

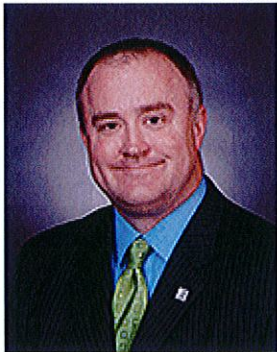
The City has seen its retail base increase significantly over the past decade. Summit Woods Crossing, an 800,000 square foot power center, opened in 2001 at the southwestern corner of the Interstate 470 and U.S. Highway 50 interchange. Tenants include Lowe’s, Kohl’s, Best Buy, Target, and Dick’s Sporting Goods, as well as specialty stores and restaurants. Summit Fair, a 486,000 square foot open-air life style center, opened in 2009. Anchored by a Macy’s and JCPenney, the center also includes several nationally known junior tenants. Approval was recently given to a third shopping center that will provide an additional 366,000 square feet of retail space.

### CITY OF LEE’S SUMMIT MAYOR AND CITY COUNCIL

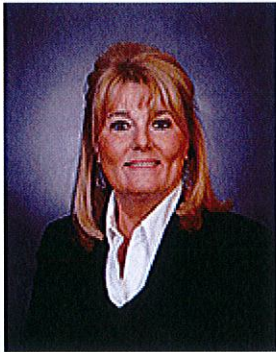


Mayor Randy Rhoads

#### District 1



Rob Binney



Diane Forte

#### District 2



Trish Carlyle



Allan S. Gray II

#### District 3



Diane Seif

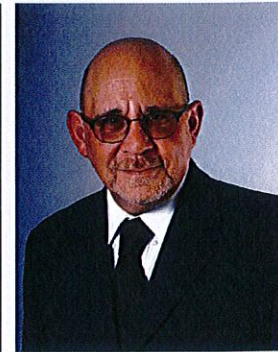


Phyllis Q. Edson

#### District 4



Dave Mosby



Fred DeMoro

**Community Partners**

The City has numerous partnerships to enhance service delivery in an effort to accomplish community and stakeholder goals. In addition to education providers and civic groups, key economic development partners include; Lee's Summit Economic Development Council, Lee's Summit Chamber of Commerce, and Downtown Lee's Summit Main Street.

**Lee's Summit Economic Development Council**

The LSEDC is a public-private sector partnership devoted to improving the economic well-being of residents and businesses in Lee's Summit through its mission; *'To attract and retain business investment and jobs by partnering with allies to create and market a high-quality-of-life, pro-business community.'*

The LSEDC provides a wide range of services which are designed to assist those wanting to invest in our community. Services include;

- Site Location Services
- Business Assistance Programs
- Research and analysis
- Incentive Identification and application

**Lee's Summit Chamber of Commerce**

The Chamber is dedicated to *'... create opportunities for business success through networking and advocacy, as well as business and professional development. We provide leadership by serving as a catalyst for the economic growth and prosperity of the Lee's Summit community.'*

The Chamber's singular goal is to ensure that there is no better place to live or do business than right here in Lee's Summit. Services include;

- Tourism promotion
- Entrepreneur assistance
- Community and Business marketing
- Business development

**Downtown Lee's Summit Main Street**

DLSMS is a partner focused on revitalization efforts in four areas: Design, Economic Restructuring, Organization, and Promotions. It is a comprehensive and balanced approach with an underlying goal of promoting and strengthening the downtown core and preserving its historic character.

The mission of Downtown Lee's Summit Main Street is to *'promote and strengthen its economically strong and diverse Downtown Core through a master plan of:*

- *community education and awareness;*
- *cooperative utilization of business resources;*
- *continuity in design and historical preservation; and*
- *continued growth of the economic base*



## ECONOMIC DEVELOPMENT POLICY STATEMENT

The City Council of the City of Lee's Summit is the approving body for all projects that make use of economic development incentives. It is the City Council's responsibility to balance the needs for economic development and a positive financial condition for the provision of City services. The City Council reserves its power to judiciously review the merits of all development projects on a case by case basis. Under no circumstance will incentives be approved without consent from a majority of the Council.

The purpose of this document is to inform the prospective investor of the types and uses of incentives that are available to fund development projects within the City. Additionally, the policies contained are guiding statements intended to outline processes, procedures, and reflect the general consensus of the Mayor and City Council.

## OVERVIEW OF FINANCIAL TOOLS AND INCENTIVES

### **Purpose**

Economic development incentives are a means to reduce or redirect taxes for businesses in exchange for specific desirable actions or investments that might not be financially feasible. To qualify for incentives, a project must demonstrate an ability to meet the City's targeted outcomes.

## CATEGORIES

### **Special taxing districts**

The City may establish or approve the establishment of special districts that can impose special assessments and/or taxes in order to pay for public improvements or to eliminate blight. These districts are typically geographic areas such as a neighborhood or corridor that are contiguously connected. The most common special taxing districts are Neighborhood Improvement Districts (NID), Community Improvement Districts (CID), and Transportation Development Districts (TDD).

### **Property tax abatement**

Tax abatement is offered through a variety of programs geared to job creation, private investment, and redevelopment. Typically, the development continues to pay taxes on land and improvements based on their value prior to the new investment. All, or a portion, of the incremental increase in property taxes is abated for a set period of time. This incentive is sometimes referred to the respective Missouri Statute as Chapter 99 (Land Clearance for Redevelopment Authority), Chapter 100 (Industrial Development Bonds), or Chapter 353 (Urban Redevelopment Corporation).

### **Tax Increment Financing (TIF)**

The development pays all taxes owed and a portion of all of the incremental increase in taxes resulting from development is captured and redirected to pay redevelopment project costs. Taxing jurisdictions continue to receive the taxes based on the pre-development value. A tax increment financing (TIF) project may also capture new taxes after the TIF is approved. All new Business Personal Property taxes created immediately flow to the respective taxing jurisdictions while the TIF is in existence.

**Definitions and Guidelines:**

**Community Improvement District (CID)**

A CID is a separate political subdivision or not for profit organization that can be created for the purpose of issuing bonds, levying taxes and applying special assessments to finance public improvements, public services or blight removal.

Eligible Revenues and Financing Tools: (Authorized by Sections 67.1401 to 67.1561 RSMo.)

- Special Assessments: If approved by owners collectively owning more than 50% of the assessed value, and by more than 50% per capita of property owners in the districts.
- Property Tax: Additional property taxes may be approved by majority vote of qualified voters in the district boundary.
- Sales Tax: Additional sales tax may be imposed up to a maximum of 1% if approved by majority vote of qualified voters in the district.
- Fees and Rents
- Grants, Gifts, or Donations

Common Uses for CID:	
Improvements	Services
Parks	Economic, Planning, Marketing or other Studies
Convention Centers	Waste Collection / Disposal
Parking Lots	Recreational and Cultural Activities
Sidewalks	Special Events
Streets	Cleaning and Maintenance of Public/Private property
Bridges	Security
Storm Water Facilities	Facility Operation
Sanitary Sewer Facilities	Blight Removal

As permitted by the State statutes listed above, the City has developed the following guidelines as criteria for granting the use of this financing tool.

Guidelines:

- May be used in coordination with other development tools or as a ‘stand alone’ entity. When CID/TDD/NID is used to create supplemental revenue to support a primary economic tool (TIF) the supplement should relate to public benefits. The City discourages the use of CID/TDD/NID when the sole purpose is to remedy private maintenance and repair costs.
- The amount of incentive granted will be determined based upon the merits of the project for a total of up to 1% per \$100 of assessed value or \$0.01 of sales tax revenue.

**Transportation Development District (TDD)**

Similar to a CID, a TDD operates as a separate political subdivision that may be created for the purpose of issuing bonds, levying taxes, and applying special assessments to finance transportation related improvements.

Eligible Revenues and Financing Tools: (Authorized by Sections 238.200 to 238.275 RSMo.)

- Special Assessments: May be imposed for improvements that specifically benefit properties within the district. Majority voter approval is required. More than one special assessment may be imposed within the district.
- Property Tax: May be levied with the approval of at least 4/7ths of qualified voters and may not exceed the annual rate of \$0.10 per \$100 of assessed valuation.
- Sales Tax: May be imposed in increments of 1/8 of 1% up to a full 1% upon approval of a majority of qualified voters.

Common Uses for TDD:	
Improvements	
Bridges	Roads
Highways	Interchanges
Intersections	Signing
Signalization	Parking Lots
Bus Stops	Terminals
Hangars	Rest Areas
Docks	Airports
Railroads	Mass Transit

As permitted by the State statutes listed above, the City has developed the following guidelines as criteria for granting the use of this financing tool.

Guidelines:

- May be used in coordination with other development tools or as a ‘stand alone’ entity. When CID/TDD/NID is used to create supplemental revenue to support a primary economic tool (TIF) the supplement should relate to public benefits. The City discourages the use of CID/TDD/NID when the sole purpose is to remedy private maintenance and repair costs.
- The amount of incentive granted will be determined based upon the merits of the project for a total of up to 1% per \$100 of assessed value or \$0.01 of sales tax revenue.



**Neighborhood Improvement District (NID)**

A Neighborhood Improvement District (NID) may be created in an area desiring certain public-use improvements that are paid for by special assessments to property owners in the area in which the improvements are made. The kinds of projects that can be financed through an NID must be for facilities used by the public, and must confer a benefit on property within the NID.

Eligible Revenues and Financing Tools: (Authorized by Sections 67.453 to 67.745 RSMo.)

- Special Assessments: Financing source comes from the selling of bonds and can be privately funding sources. Project improvements may be financed with general obligation bonds issued by the City. Maximum bond term is 20 years.
- Bonds: The bonds are to be repaid by special assessments (sales or property tax) placed on the properties within the district.

Common Uses for NID:	
Improvements	
Property Acquisition	Streets
Gutters	Sidewalks
Water, Gas, and Utility Mains	Street Lights
Parks and Playgrounds	Storm Water Facilities
Sanitary Sewer	Off- Street Parking
Engineering and Legal Fees	Maintenance of the project

As permitted by the State statutes listed above, the City has developed the following guidelines as criteria for granting the use of this financing tool.

Guidelines:

- May be used in coordination with other development tools or as a ‘stand alone’ entity. When CID/TDD/NID is used to create supplemental revenue to support a primary economic tool (TIF) the supplement should relate to public benefits. The City discourages the use of CID/TDD/NID when the sole purpose is to remedy private maintenance and repair costs.
- The amount of incentive granted will be determined based upon the merits of the project for a total of up to 1% per \$100 of assessed value.

**Land Clearance for Redevelopment Authority (LCRA)**

LCRA Law enables municipalities to curb urban blight and encourage redevelopment of real property. Authority has the power to acquire and dispose of both real and personal property by purchase, lease, eminent domain, grant, bequest, devise or gift. Authority has the power to issue taxable or tax-exempt bonds to fund any of its corporate purposes. LCRA, once created locally, is a separate political entity required to comply with all Missouri laws applicable to political subdivisions.

Eligible Revenues and Financing Tools: (Authorized by Sections 99.300-99.715 RSMo.)

- Property Tax Abatement: A maximum 100% of the taxes on the increase in assessed value of both land and improvements for 10 years. During the abatement period, the property owner continues to pay taxes on the land and improvements that existed prior to redevelopment.
- Bonds: Can be issued to finance redevelopment and blight remediation.

Common Uses for LCRA:	
<u>Improvements</u>	
Land Acquisition Building Construction Blight Removal Activities	Land Disposal Building Rehabilitation

As permitted by the State statutes listed above, the City has developed the following guidelines as criteria for granting the use of this financing tool.

Guidelines:

- Typically incentives considered under the LCRA will be at an abatement level of 50% over a 10 year period for new development and redevelopment. To qualify for site specific incentives over the 50% base level of participation, the applicant must demonstrate extraordinary qualifications.

**Site Specific Incentives**

When a development or redevelopment project achieves or delivers the targeted outcomes defined in this document, a site specific incentive may be granted in addition to traditional incentives at the base level amount. These site specific incentives are intended to encourage development projects that have extraordinary qualifications and return on public investment. At least one of the following criteria must be met for consideration.

Extraordinary Qualification Criteria:

- Creates jobs where average compensation meets or exceeds the average pay of workers in Jackson County, Missouri. (See exhibit C)
- Creates additional direct general fund revenue taxes that exceed the amount that is to be abated.
- Rehabilitates structures as listed on any historic register or within any historic district as defined by local, state, or federal governments.

**Industrial Development Bonds (Chapter 100)**

Chapter 100 bonds may be used to provide a tax abatement for real and personal property.

Eligible Revenues and Financing Tools: (Authorized by Sec. 27 & 27(b), Missouri Constitution)

- Personal Property Abatement: The City purchases machinery or equipment which allows for City ownership and tax exemption.
- Real Property Tax Abatement: The property is owned by the City during the bond term and thus is exempted from taxes. A payment in lieu of tax (PILOT) agreement may be required to modify the level of abatement.
- Sales Tax Exemption: Purchases of materials used in the construction of the facility may be structured such that the City’s sales tax exemption is used.

Common Uses for Chapter 100 Bonds:	
Improvements	
Land Acquisition	Purchase of machinery or equipment
Building Construction	Building Rehabilitation

As permitted by the State statutes listed above, the City has developed the following guidelines as criteria for granting the use of this financing tool.

Guidelines:

- Typically incentives considered under the Chapter 100 will be at an abatement level of 50% over a 10 year period for new development and redevelopment.
- For business equipment the incentive will be considered at an abatement level of 50% over a 5 year period.
- To qualify for site specific incentives over the 50% base level of participation for the initial 10 years and/or abatement beyond the initial 10 years, the applicant must demonstrate extraordinary qualifications.

**Urban Redevelopment Corporations (Chapter 353)**

Chapter 353 allows for tax abatement of incremental real property taxes provided as an incentive for the clearance, re-planning, reconstruction, or rehabilitation of blighted areas.

Eligible Revenues and Financing Tools: (Authorized by Sec. 27 & 27(b), Missouri Constitution)

- Property Tax Abatement: 100% of the taxes on the increase in assessed value of the land and 100% of the taxes on the value of the improvements for 10 years and 50% of the taxes on the increase in assessed value of the land and improvements for the next 15 years. The level of abatement may be modified by an agreement to make payments in lieu of taxes (PILOTs).

Common Uses for Chapter 353 Bonds:	
Improvements	
Land Acquisition	Blight Removal Activities
Building Construction	Building Rehabilitation

As permitted by the State statutes listed above, the City has developed the following guidelines as criteria for granting the use of this financing tool.

Guidelines:

- Typically incentives considered under the Chapter 353 will be at an abatement of 50% over a 10 year period for new development, redevelopment, and business equipment expansions.
- To qualify for site specific incentives over the 50% base level of participation for the initial 10 years and/or abatement beyond the initial 10 years, the applicant must demonstrate extraordinary qualifications.

**Site Specific Incentives**

When a development or redevelopment project achieves or delivers the targeted outcomes defined in this document, a site specific incentive may be granted in addition to traditional incentives at the base level amount. These site specific incentives are intended to encourage development projects that have extraordinary qualifications and return on public investment. At least one of the following criteria must be met for consideration.

Extraordinary Qualification Criteria:

- Creates jobs where average compensation meets or exceeds the average pay of workers in Jackson County, Missouri. (See exhibit C)
- Creates additional direct general fund revenue taxes that exceed the amount that is to be abated.
- Rehabilitates structures as listed on any historic register or within any historic district as defined by local, state, or federal governments.

**Development Agreements**

The City of Lee’s Summit negotiates agreements to reimburse developers local taxes that are generated from the development (real property, personal property, and sales). Public purpose must be identified (e.g. public infrastructure requirements, economic development, elimination of blight, etc.).

Traditionally these agreements are used to finance public improvements for which there is already a need but no public funds available.

Eligible Revenues and Financing Tools: (Authorized by City Charter of Lee’s Summit, Missouri)

- Sales Tax Reimbursement: The City may pledge a portion of the new sales taxes expected to be generated by the development to fund infrastructure improvements.
- Developer Participation: In this type of agreement the developer provides partial or total funding to expedite an unfunded public improvement that will benefit the development.

Common Uses for Development Agreements:	
Improvements	
Intersection Improvements	Street Widening
Traffic Signals	Streetscape Improvements
Regional Stormwater Detention Facilities	

As permitted by the City Charter listed above, the City has developed the following guidelines as criteria for granting the use of this financing tool.

Guidelines:

- Sales tax reimbursement will only be authorized to fund public improvement projects directly related to the development.
- Sales Tax Reimbursement shall be limited to funding from the General Fund and base level of participation at ½ cent over a 10 year period for public improvement projects.

**Tax Increment Financing (TIF)**

TIF is an economic development tool which provides a means for local governments to finance the redevelopment of designated areas determined to be blighted or conservation areas (near blight), or economic development areas. TIF allows future increases in real property and economic activities taxes to be captured to fund the redevelopment.

Eligible Revenues and Financing Tools: (Authorization Sec 99.800 – 99.865 RSMo.)

- Payments in Lieu of Tax (PILOTS): The tax increment produced as a result of increased assessed property values over the base level. State Statutes authorizes the redirection of 100% of the incremental increase in property taxes to the TIF special allocation fund. Taxing jurisdictions will continue to receive taxes based on the property values prior to the development.
- Economic Activity Taxes (EATs): The Statute authorizes the redirection of 50% of the incremental increase in taxes generated by economic activities within the project, such as new sales, utility, food, and beverage taxes.
- Bonds: The City may also issue obligations to pay for Redevelopment Project Costs and pledge the funds in the special allocation fund to retire the obligations. Maximum bond term is 23 years but may be longer when there are multiple project areas that are collectively more than 23 years.

Common Uses for TIF:	
Improvements	
Professional Services	Plans and Specifications
Land Acquisition	Site preparation
Public Improvements	Private Improvements

As permitted by the State statutes listed above, the City has developed the following guidelines as criteria for granting the use of this financing tool.

Guidelines:

- Typically incentives considered utilizing TIF will be at an amount not to exceed 25% of the total private development costs.
- To qualify for site specific incentives over the 25% base level of participation, the applicant must demonstrate extraordinary qualifications.

**Site Specific Incentives**

When a development or redevelopment project achieves or delivers the targeted outcomes defined in this document, a site specific incentive may be granted in addition to traditional incentives at the base level amount. These site specific incentives are intended to encourage development projects that have extraordinary qualifications and return on investment. The amount of incentive granted will be negotiated based upon the merits of the project.

Extraordinary Qualification Criteria:

- Creates jobs where average compensation is equal to or exceeds the average pay of workers in Jackson County, Missouri. (See exhibit C)
- Creates additional direct general fund revenue taxes that exceed the amount that is to be abated.

- Rehabilitates structures as listed on any historic register or within any historic district as defined by local, state, or federal governments.

## APPLICATION AND REVIEW PROCESS

### Purpose

A predefined process and procedure will ensure that project review is consistent and efficient in an effort to have a uniform review process.

### Overview of Application and Approval Process

If the proposed project requires an incentive at the base level, or below, the developer or applicant may proceed with the statutory requirements outlined by each incentive. These statutory requirements may require a presentation to a Tax Increment Finance Commission, a petition process, funding agreement, or blight determination. For more information on these requirements please contact the City Manager's office.

If the proposed project requires an incentive above the base level then the following guidelines will be used as the process for the review of the proposed project.

### Policy

1. Applicants shall notify, in writing, the City of Lee's Summit and the Lee's Summit Economic Development Council of their intent to pursue a development project that will make use of incentives above the base level. The pre-approval checklist, identified as exhibit A to this document, shall accompany this letter at the time it is submitted.
2. Upon review of the applicant's letter of intent and pre-approval checklist, a conceptual presentation is made to the City Council. After the formal conceptual presentation the City Council shall decide at their next earliest regular meeting to consider additional hearings or presentations for the review of the proposed development project.



## GUIDELINES FOR DEVELOPERS AND APPLICANTS

### Purpose

To assist in the decision making process, the City of Lee's Summit has identified needed information that will help ensure each project is reviewed in its entirety.

### Policy

1. At any time, the City of Lee's Summit, may request an independent, third party review, and financial analysis of the proposed development project. This review may include an analysis of cost and benefits, return on investment, general financials, and feasibility. This review and analysis is to be provided at no cost to the City through a funding agreement similar to the one enclosed as Exhibit B.
2. At any time, the City Council of the City of Lee's Summit, may request review of available credit that may be used by the applicant for the purpose of development.

## GENERAL POLICIES

### Purpose

To meet the community's needs and protect resources entrusted to the City by its residents, the City Council may develop policies that regulate economic development for the purpose of maintaining or improving the general welfare of the City.

### Policy

1. Before review by the City Council, all proposed projects that are to receive incentives must be consistent with the City's Comprehensive Plan and must comply with all applicable City zoning.
2. The City's 'annual appropriation', or General Fund, guarantee will not be pledged for economic development projects.
3. The City Council will not consider or grant incentives for projects that have received any type of building permit excluding the land disturbance permit.
4. The disbursement of incentives will be subject to an annual evaluation to ensure that the performance of the development project is commensurate with the amount of incentives granted.
5. The City Council will receive comments, or a statement of impact, from the Lee's Summit School District, or any other taxing jurisdiction, if provided to city staff during the review period.



**Exhibit A**

**Financial Incentive Pre-Application Worksheet**

DATE: \_\_\_\_\_ APPLICANT: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

PHONE #: \_\_\_\_\_ EMAIL: \_\_\_\_\_

CONTACT PERSON: \_\_\_\_\_

DEVELOPMENT CENTER

PROJECT NAME: \_\_\_\_\_

**PROJECT TYPE:**

Check all that apply and fill in the SIC/NAICS code, if known.

- Industrial, Manufacturing, Technology      SIC/NAICS code: \_\_\_\_\_
  - New building, no existing Missouri operations
  - New building, other Missouri operations already in existence
  - Expanding existing facility
  - Retaining existing facility
  
- Retail/Restaurant/Hotel      SIC/NAICS code: \_\_\_\_\_
  - New freestanding building
  - New multi-use tenant building
  - Remodel, addition or expansion of existing building
  
- Office
  - New freestanding building
  - New multi-use tenant building
  - Remodel, addition or expansion of existing building
  
- Residential
  - New freestanding residential units
  - New residential units in a multi-use building
  - Remodel, addition or expansion of existing building
  
- Downtown
  - Remodel, addition or expansion of existing building
  - Exterior façade improvement
  - Construction of new building
  
- Other \_\_\_\_\_

**PROPERTY FOR WHICH INCENTIVES ARE BEING SOUGHT**

Attach map and legal description of property.

ADDRESS: \_\_\_\_\_

CURRENT PROPERTY OWNER: \_\_\_\_\_

WILL APPLICANT BE PURCHASING THE PROPERTY: \_\_\_\_\_ YES \_\_\_\_\_ NO

TOTAL ACRES: \_\_\_\_\_ Building Sq. Ft. \_\_\_\_\_



**INVESTMENT**

Total new investment: \$ \_\_\_\_\_

Acquisition of land/existing buildings: \$ \_\_\_\_\_  
 Annual lease of land/existing buildings: \$ \_\_\_\_\_  
 Preparation of plans, studies, surveys: \$ \_\_\_\_\_  
 Site preparation costs: \$ \_\_\_\_\_  
 Building improvements: \$ \_\_\_\_\_  
 Site improvements: \$ \_\_\_\_\_  
 Utilities/Infrastructure Costs: (streets, sewer, etc.): \$ \_\_\_\_\_

**TIMELINE**

Calendar year in which applicant plans to begin construction: \_\_\_\_\_

Approximate opening date: \_\_\_\_\_

**WAGE & BENEFITS**

	Job Category (executive, professional, clerical, general labor, etc.)	# new full-time employees	# new part-time employees	Average hourly wage/employee
<b>Year 1</b>				
<b>Year 2</b>				

% of health care premium paid for by the employer: \_\_\_\_\_

**TYPE OF FINANCIAL INCENTIVE DESIRED**

TAX ABATEMENT

- Tax Increment Financing
- Chapter 100 Industrial Revenue Bonds
- Chapter 353 Tax Abatement
- Land Clearance for Redevelopment Authority (LCRA)

Special Assessment, Property Tax, Sales Tax

- Neighborhood Improvement District
- Community Improvement District
- Transportation Development District

Local Incentive Tools

- Sales Tax Sharing Agreements
- Cost-Share Development Agreements

**EXHIBIT B**

**TAX INCREMENT FINANCING FUNDING AGREEMENT**

**THIS TAX INCREMENT FINANCING FUNDING AGREEMENT** ("Agreement") is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2007 by **CITY OF LEE'S SUMMIT, MISSOURI** (the "City"), and \_\_\_\_\_, a \_\_\_\_\_ (the "Company").

**RECITALS**

A. The City is a constitutional charter city incorporated and exercising governmental functions and powers pursuant to the Constitution and the Statutes of the State of Missouri. The principal office of the City is located at the City Hall, 220 SE Green St., Lee's Summit, Missouri 64063.

B. The Tax Increment Financing Commission of Lee's Summit, Missouri (the "Commission") was created pursuant to the Real Property Tax Increment Allocation Redevelopment Act, Sections 99.800 et seq. (R.S.Mo.1982, as amended) (the "Act"), and under Ordinance No. 3724, adopted by the City Council of the City. The principal office of the Commission is located at City Hall, 220 SE Green St., Lee's Summit, Missouri 64063.

C. The Company is a \_\_\_\_\_ engaged in the business of \_\_\_\_\_ with offices at \_\_\_\_\_.

D. The Commission has been requested by the Company to consider a potential plan for economic development-based financing for the Company related to the development of \_\_\_\_\_ (the "Plan"), which Plan may include, without limitation, a tax increment financing plan within the City, in accordance with the Act, or any other local or state economic development-based financing tool or option that is or may become available to the City and, if such Plan is approved by the City, the City and the Commission may be requested to provide such other services and assistance as may be required to implement and administer the Plan through its completion.

E. The Commission and the City do not have a source of funds to finance costs incurred by them, in the form of additional City staff time, legal, fiscal, planning, transportation and engineering consultants, direct out-of-pocket expenses and other costs, resulting from services rendered in connection with the review, evaluation, processing and consideration applications for tax increment financing assistance authorized by the Act, or any other local or state economic development-based financing tool or option that is or may become available to the City.

F. If the Company's Plan is approved by the City Council and if sufficient revenues are generated by the redevelopment contemplated by the Plan, Commission and City costs covered by this Agreement and paid by Company shall be reimbursed to Company from monies deposited into the Special Allocations Fund pursuant to 99.845 R.S.Mo.

**AGREEMENT**

1. Services to be Performed by the Commission and/or the City. The City (or, if directed by the City, the Commission) shall:

a. Prepare or consult with the Company on the preparation of and consider the Plan in accordance with the provisions of the Act, give all notices, make all publications and hold hearings as required by the Act on behalf of the City or the Commission;

b. Provide necessary staff, legal, financial, engineering and transportation assistance to prepare and present the Plan to the Commission and the City (including all staff reports, consultant reports and other third party reports, analysis and other information) and to permit consideration of the Plan by the Commission and the City, to prepare any resolutions or motions and, if the Commission recommends approval of the Plan, to prepare and present required ordinances to the City Council of the City.

c. Apply to the appropriate local or state agencies, authorities or entities as necessary or as required by the Plan, or as requested by the Company and approved by the City.

d. Provide any other assistance requested by the Company and agreed to by the City in connection with the Plan.

e. If the City Council of the City approves the Plan, provide the necessary staff and legal assistance to prepare and negotiate a definitive agreement between the Company and the City for implementation of the Plan; and

f. If a definitive agreement is entered into, provide the necessary staff and legal assistance to administer such agreement and Plan until funds are available in the Special Allocation Fund.

2. Initial Deposit. The City acknowledges receipt of an initial deposit of funds (the "Deposit") from the Company in the amount equal to (1) the Full Funding Level as required in Table 1 based on the incentive amount being requested, or (2) the Minimum Initial Deposit as specified in Table 1. If the amount of the Deposit is in the amount of the Minimum Initial, then Developer shall also deposit with City an irrevocable standby letter of credit (the "Letter of Credit") in an amount equal to the difference between the Full Funding Level and the Deposit. The Letter of Credit shall be in the form attached hereto as Exhibit \_\_\_, and shall be subject to draw by the City as provided herein. The City shall disburse the Deposit as set forth in Section 4 and shall bill the Company pursuant to Section 3 to re-establish the Deposit so that there is always a cash balance equal to the Minimum Initial Deposit amount. Further, prior to consideration or approval by the City Council of any ordinance, Company shall deposit with the City an amount equal to an amount determined by City staff to be sufficient to cover costs incurred during the City Council process from which additional disbursements may be made as required.

The Full Funding Level is only an estimate of expenses to be incurred through the TIF application process. The Company will be billed for actual out-of-pocket or City authorized third party consultant costs for services as set forth in Section 1. The City shall bill the Company monthly, or at such other interval or times as City shall determine to be appropriate, pursuant to Section 3 to re-establish the Deposit.

Table 1

Incentive Requested:	Less Than \$5,000,000	\$5,000,000 to \$25,000,000	\$25,000,000 to \$100,000,000	More Than \$100,000,000
Minimum Initial Deposit	\$25,000	\$50,000	\$50,000	\$50,000
Letter of Credit	n/a	n/a	\$100,000	\$225,000
<b>Full Funding Level:</b>	<b>\$25,000</b>	<b>\$50,000</b>	<b>\$150,000</b>	<b>\$275,000</b>

3. Additional Funding. The City shall submit from time to time an itemized statement for administrative expenses and actual out-of-pocket expenses necessary to perform its obligations hereunder or for any additional obligations or expenditures incurred by the City or Commission. Subject to the remaining provisions of this Section 3, such statements may be submitted upon execution of consultant contracts relating to the Plan or as expenses are incurred by the City in connection with the City's and/or Commission's review and consideration of the Plan. The Company may be billed in advance for the full amount of third party consultant contracts expenses upon approval of the contract by the City Administrator or the City Council. The Company shall pay the City the amounts set forth on such statements (the "Additional Funds") within ten (10) days of receipt thereof or before final consideration of the application; provided, however, that as to any amounts billed in advance for any contract or consultant fees, City shall have the right to elect not to execute any such contract or to engage or authorize such consultant or contractor to proceed until such advance billing amount is paid by the Company.

If any such amounts are not so paid when due, the unpaid balance shall accrue interest at the rate of two percent (2%) per month from the date billed until paid, but in no event shall such interest rate exceed twenty-four percent (24%) per annum. Further the Commission and City shall be relieved of any and all obligations hereunder (including without limitation any obligation to review or consider the Plan) until all such amounts (with interest) are paid, or the City may terminate this Agreement pursuant to Section 6.a.

In addition, if such funds (including any advance-billed costs) are not so received, all work by staff and third party consultants on the TIF application shall cease until full payment is made, including penalties, and the fund balance is restored to the Deposit amount as set forth in Section 2 or, prior to any consideration or approval by the City Council, an amount sufficient to cover anticipated costs incurred during final consideration process is deposited as provided herein. Company acknowledges and agrees that the City shall have the right to delay final consideration of the Plan, or consideration or approval by the City Council of any ordinances with respect to the Plan or the projects contemplated therein, until all outstanding expenses have been paid and the fund balance is sufficient to cover all remaining cost anticipated to be incurred by or on behalf of the City through the anticipated conclusion of such final consideration process, including but not limited to meeting expenses, court reporting, attorneys' fees and other third party consultant preparation and attendance.

If at any time any amounts (including advance billings) are unpaid beyond the time periods set forth herein, or if at any time the City shall determine that it desires to hold on deposit the Full Funding Amount, City shall have the right to draw on the Letter of Credit and to hold the amounts so drawn as part of the Deposit.

4. Disbursement of Funds.

a. The City shall disburse the Deposit and Additional Funds for reimbursement for costs to the City on or before the thirty (30th) day of each month, and for consulting fees and the payment of all out-of-pocket expenses incurred by the Commission and/or the City in connection with the performance of its obligations under this Agreement as payment for such expenses become due. Upon reasonable notice, the Commission and/or City shall make its records available for inspection by Company with respect to such disbursements.

b. All of the services set forth in Section 1 are eligible redevelopment costs under the Act and as such are reimbursable from the Special Allocation Fund, but only to the extent ultimately set forth in the approved Plan and the redevelopment contract to be entered into in connection with any implementation of the Plan.

5. Plan Administration. In addition to the services set forth in Section 1, the Commission and/or City will be required to provide services from time to time for the continuing administration of the

Plan and management of the Special Allocation Fund. The Commission and/or City may be reimbursed from the Special Allocation Fund for meeting expenses at \$250 per meeting and, upon appropriate itemization, staff time and expenses. In addition, the City may retain monies deposited in the Special Allocation Fund each year, in an amount equal to the documented expenses of the Commission and/or the City that are reasonable or incidental to the general operations of the Commission and/or City with respect to administration of the Plan.

6. Termination.

a. In the event the Company fails to perform any of its obligations herein, the City may terminate this Agreement, and any other agreement between the parties, at its sole discretion upon ten (10) days written notice to the Company. Termination by the City shall also terminate any duties and obligations of the Commission and the City with respect to this Agreement, including, but not limited to, the Commission's or City's processing of Company's application and/or Plan. Upon such termination, the City shall retain the Deposit and Additional Funds, if any, necessary to reimburse all outstanding expenses incurred by the City and/or the Commission pursuant to this Agreement and any monies due and owing to the City and/or the Commission pursuant to any other agreement and shall pay all remaining refundable Deposit and Additional Funds, if any, to the Company within ninety (90) days of such termination.

b. The parties hereto acknowledge that the Company may determine to abandon the Plan. Upon notice of abandonment by the Company, this Agreement shall terminate and the City may terminate any other agreement between the parties and shall retain the Deposit and Additional Funds, if any, necessary to reimburse its staff time accumulated to the date of termination and outstanding expenses incurred pursuant to this Agreement and any monies due and owing to the Commission or the City pursuant to any other agreement and shall pay all remaining refundable Deposit and Additional Funds, if any, to the Company within sixty (60) days of such termination.

c. In the event the Deposit and Additional Funds are insufficient to reimburse the City for the outstanding expenses of the City and/or the Commission payable hereunder, the Company shall reimburse the City as set forth in Section 3.

7. Subsequent Redevelopers. In the event the Commission or City selects another redeveloper pursuant to a request for proposals or other bid process to carry out the Plan, the City shall require the subsequent redeveloper to assume all obligations of the Company under this Agreement as of the date it is designated as redeveloper and to reimburse the Company for its expenditures hereunder.

8. Notice. Any notice, approval, request or consent required by or asked to be given under this Agreement shall be deemed to be given if it is in writing and mailed by United States mail, postage prepaid, or delivered by hand, and addressed as follows:

To the City:

City Administrator  
City of Lee's Summit, Missouri  
220 SE Green St.  
P.O. Box 1600  
Lee's Summit, MO 64063

With a copy to:

City Attorney



City of Lee's Summit, Missouri  
220 SE Green St.  
P.O. Box 1600  
Lee's Summit, MO 64063

To the Company:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

With a copy to:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Each party may specify that notice be addressed to any other person or address by giving to the other party ten (10) days prior written notice thereof.

**[SIGNATURES APPEAR ON THE FOLLOWING PAGE]**

**IN WITNESS WHEREOF**, the parties hereto have caused this Agreement to be executed by their duly authorized representatives the day and year first above written.

**CITY OF LEE'S SUMMIT, MISSOURI**

By: \_\_\_\_\_  
Its: \_\_\_\_\_

Attest:

By: \_\_\_\_\_  
Its: City Clerk

Approved as to form:

\_\_\_\_\_  
City Attorney

[COMPANY]

By: \_\_\_\_\_  
Its: \_\_\_\_\_

Attest:

By: \_\_\_\_\_  
Its: \_\_\_\_\_

STATE OF MISSOURI )  
 ) ss.  
COUNTY OF JACKSON )

On this . day of \_\_\_\_\_, 200\_\_, before me, a Notary Public in and for said State, personally appeared \_\_\_\_\_, \_\_\_\_\_ of the **CITY OF LEE'S SUMMIT, MISSOURI**, who is personally known to me to be the same person who executed, as such official, the within instrument on behalf of said City and such person duly acknowledged to me that she executed the same for the purposes therein stated and that the execution of the same to be the free act and deed of said City.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year above written.

\_\_\_\_\_  
Notary Public

My Commission Expires:

\_\_\_\_\_

STATE OF \_\_\_\_\_ )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

On this . day of \_\_\_\_\_, 200\_\_, before me, a notary public, appeared \_\_\_\_\_, \_\_\_\_\_, to me personally known, who being by me duly sworn, did say that he/she is the \_\_\_\_\_ of \_\_\_\_\_, a \_\_\_\_\_, and that said instrument was signed on behalf of said \_\_\_\_\_ by authority of its \_\_\_\_\_ and said \_\_\_\_\_ acknowledged said instrument to be the free act and deed of said \_\_\_\_\_.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal in my office the day and year last above written.

\_\_\_\_\_  
Notary Public

My Commission Expires:

\_\_\_\_\_

**Exhibit A**

[Date]

Irrevocable Letter of  
Credit Number \_\_\_\_\_

Beneficiary:

City of Lee's Summit, Missouri  
220 SE Green St.  
P.O. Box 1600  
Lee's Summit, MO 64063  
Attention: City Administrator

Ladies and Gentlemen:

We hereby issue in your favor our irrevocable Standby Letter of Credit for the account of \_\_\_\_\_ (the "Company"), for an amount not exceeding in the aggregate U.S. Dollars \_\_\_\_\_ \*\*U.S. \_\_\_\_\_ \*\* (the "Stated Amount"). This Letter of Credit is issued to you pursuant to the terms of that certain Tax Increment Financing Funding Agreement, dated as of \_\_\_\_\_, between you and the Company (the "Funding Agreement").

The Stated Amount is available to you, hereunder, against presentation to us of your appropriately completed drawing certificate(s) in the form of Exhibit 1 or Exhibit 2, attached hereto. Only one drawing may be made hereunder.

If a drawing is received by us prior to 12:00 Noon, Kansas City, Missouri time, on a Business Day, and provided that such drawing conforms to the terms and conditions hereof, payment of the drawing amount shall be made to the Beneficiary in immediately available funds by 3:00 P.M., Kansas City, Missouri time, on the same Business Day. If a drawing is received by us after 12:00 Noon, Kansas City, Missouri time, on a Business Day, and provided that such drawing conforms to the terms and conditions hereof, payment of the drawing amount shall be made to the Beneficiary in immediately available funds by 1:00 P.M., Kansas City, Missouri time, on the next succeeding Business Day. Drawing Certificate(s) may be presented hereunder by facsimile transmission (facsimile number \_\_\_\_\_). If transmitted via facsimile, the original of any such transmitted Drawing Certificate shall be immediately sent to us by overnight courier, however, the Beneficiary and the Corporation agree that we are authorized to act upon any facsimile transmission of a Drawing Certificate without the need to follow up for the receipt of the original Drawing Certificate.

If a demand for payment made hereunder by the Beneficiary does not conform to the terms and conditions of this Letter of Credit, we shall give the Beneficiary prompt notice that the demand for payment was not made in accordance with the terms and conditions of this Letter of Credit, stating the reasons therefor, and we will upon the Beneficiary's instructions hold any such non-conforming demand at the disposal of the Beneficiary or return same to the Beneficiary. Upon being notified of a non-conforming demand, the Beneficiary may attempt to correct such demand to the extent that they are entitled to do so.

As used in this Letter of Credit "Business Day" shall mean any day other than a Saturday, Sunday or a day on which banking institutions in the state of Missouri are required or authorized by law to close.

This Letter of Credit expires at our office located at \_\_\_\_\_ with our close of

business on \_\_\_\_\_, or any extended date as hereinafter provided for; provided, however, that if on such date you are subject to a court order that prohibits or otherwise restricts your ability to draw on this Letter of Credit, then such expiry date shall be automatically extended without amendment to the date which is thirty (30) days after the date on which such order is dismissed (the "Expiry Date").

It is a condition of this Letter of Credit that the Expiry Date will be deemed automatically extended, without amendment, for successive periods of one year, unless at least sixty five (65) days prior to any Expiry Date we notify you in writing by hand delivery or by courier of our intention not to extend the Expiry Date. Upon receipt of such notice you may then make one drawing hereunder for up to the then available Stated Amount by the presentation to us of your appropriately completed Drawing Certificate in the form of Exhibit 2, attached hereto.

Notwithstanding any reference in this Letter of Credit to other documents, instruments or agreements or references in such other documents, instruments or agreements to this Letter of Credit, this Letter of Credit sets forth in full the terms of our undertaking and any such documents, instruments or agreements shall not be deemed incorporated herein by such reference.

Except as otherwise expressly stated herein, this Letter of Credit is issued subject to the Uniform Customs and Practice for Documentary Credits (1993 Revision), International Chamber of Commerce Publication Number 500, the "UCP". It is hereby agreed that Article 41 of the UCP will not apply to this Letter of Credit. This Letter of Credit shall be deemed to be a contract made under the laws of the state of New York and shall, as to matters not governed by the UCP, be governed by and construed in accordance with the laws of the state of New York.

We hereby agree with you that Drawing Certificates drawn under and in compliance with the terms of this Letter of Credit will be duly honored by us on due presentation to us.

Communications to us regarding this Letter of Credit must be in writing and must be addressed to us at \_\_\_\_\_, specifically referring therein to this Letter of Credit by number.

Very truly yours,

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Tel: \_\_\_\_\_  
Fax: \_\_\_\_\_

Exhibit 1 to Letter of Credit Number \_\_\_\_\_

Drawing Certificate

To: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Re: Your Letter of Credit No. \_\_\_\_\_

The undersigned, a duly authorized officer of the City of Lee's Summit, Missouri, the "Beneficiary" of the captioned Letter of Credit (the "Credit"), hereby certifies to you with respect to the Credit that:

- (1) Demand is hereby made under the Credit for payment of US\$[amount to be inserted].
- (2) The above amount is being demanded pursuant to the terms of that certain Tax Increment Financing Funding Agreement, dated as of \_\_\_\_\_, between us and the Company (as defined in the Credit), and as the same may be from time to time amended, modified or supplemented.

Payment of this demand is required to be made in immediately available funds, by wire transfer, to the Beneficiary in accordance with the following payment instructions:

**[insert payment instructions]**

In Witness Whereof, the Beneficiary has executed and delivered this Drawing Certificate as of [date to be inserted].

CITY OF LEE'S SUMMIT, MISSOURI

By: \_\_\_\_\_  
Name & Title \_\_\_\_\_

Exhibit 2 to Letter of Credit Number \_\_\_\_\_

Drawing Certificate

To: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Re: Your Letter of Credit No. \_\_\_\_\_

The undersigned, a duly authorized officer of the City of Lee's Summit, Missouri, the "Beneficiary" of the captioned Letter of Credit (the "Credit"), hereby certifies to you with respect to the Credit that:

- (1). The Beneficiary has received a notice from the issuer of the Credit that the Expiry Date referred to in the Credit will not be extended beyond [Expiry Date in effect on the date of the Drawing Certificate to be inserted].
- (2). There are less than sixty-five (65) days prior to the Expiry Date of the Credit and the Beneficiary has not received a replacement Letter of Credit satisfactory to the Beneficiary. The Beneficiary is therefore demanding payment of US\$[amount to be inserted] from the issuer under the Credit.
- (3) The amount demanded will be used to satisfy obligations of the Company (as defined in the Credit) under the terms of that certain Tax Increment Financing Funding Agreement, dated as of \_\_\_\_\_, between us and the Company, and as the same may be from time to time amended, modified or supplemented.

Payment of this demand is required to be made in immediately available funds, by wire transfer, to the Beneficiary in accordance with the following payment instructions:

**[insert payment instructions]**

In Witness Whereof, the Beneficiary has executed and delivered this Drawing Certificate as of [date to be inserted].

CITY OF LEE'S SUMMIT, MISSOURI

By: \_\_\_\_\_  
Name & Title \_\_\_\_\_

### Exhibit C

#### Proposed Chapter 100, 353, TIF and LCRA Abatement Guidelines

		Number of Jobs					
		5	7	10	15	20	25
Wages	100% CAW	10 yr / 50%	10 yr / 50%	10 yr / 50%	10 yr / 50% + 2 yr / 50%	10 yr / 75% + 2 yr / 75%	10 yr / 100% + 2 yr / 100%
	105% CAW	10 yr / 55%	10 yr / 55%	10 yr / 55%	10 yr / 55% + 2 yr / 50%	10 yr / 75% + 2 yr / 75%	10 yr / 100% + 2 yr / 100%
	110% CAW	10 yr / 60%	10 yr / 60%	10 yr / 60%	10 yr / 60% + 2 yr / 50%	10 yr / 75% + 2 yr / 75%	10 yr / 100% + 2 yr / 100%
	120% CAW	10 yr / 65%	10 yr / 65%	10 yr / 65%	10 yr / 65% + 2 yr / 50%	10 yr / 75% + 2 yr / 75%	10 yr / 100% + 2 yr / 100%
	130% CAW	10 yr / 70%	10 yr / 70%	10 yr / 70%	10 yr / 70% + 2 yr / 50%	10 yr / 75% + 2 yr / 75%	10 yr / 100% + 2 yr / 100%
	140% CAW	10 yr / 75%	10 yr / 75%	10 yr / 75% + 2 yr / 50%	10 yr / 75% + 5 yr / 50%	10 yr / 75% + 5 yr / 75%	10 yr / 100% + 5 yr / 100%
	150% CAW	10 yr / 80%	10 yr / 80%	10 yr / 75% + 2 yr / 50%	10 yr / 80% + 5 yr / 50%	10 yr / 75% + 5 yr / 75%	10 yr / 100% + 5 yr / 100%
	160% CAW	10 yr / 85%	10 yr / 85%	10 yr / 75% + 2 yr / 50%	10 yr / 85% + 5 yr / 50%	10 yr / 75% + 5 yr / 75%	10 yr / 100% + 5 yr / 100%
	170% CAW	10 yr / 90%	10 yr / 90%	10 yr / 75% + 2 yr / 50%	10 yr / 90% + 5 yr / 50%	10 yr / 75% + 5 yr / 75%	10 yr / 100% + 5 yr / 100%
	180% CAW	10 yr / 95%	10 yr / 95%	10 yr / 75% + 2 yr / 50%	10 yr / 95% + 5 yr / 50%	10 yr / 75% + 5 yr / 75%	10 yr / 100% + 5 yr / 100%
	190% CAW	10 yr / 100%	10 yr / 100%	10 yr / 75% + 2 yr / 50%	10 yr / 100% + 5 yr / 50%	10 yr / 75% + 5 yr / 75%	10 yr / 100% + 5 yr / 100%

Base: 10 yr / 50% abatement for companies creating a minimum of 10 jobs

CAW = County Average Wage (Jackson County, Missouri)

Job Creation: Number of net new Full Time Employees in 24 months after beginning new/  
expanded operations



## Packet Information

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**File #:** 2017-1425, **Version:** 1

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Discussion over Residential Rental Property Regulations

Issue/Request:

Discussion over Residential Rental Property Regulations

Key Issues:

To preserve the integrity and safety of housing options within the City, protect the rights of renters, and preserve the standards of the surrounding neighborhoods, it is desired to have a discussion on potential rental inspection and proactive code enforcement measures within the City.

Proposed Committee Motion:

N/A

Background:

In December of 2011, Mr. Mark Dunning presented information to the CEDC regarding potential Rental Inspection programs for discussion. An excerpt from the minutes of that meeting are attached. Since that time, a program has not been put into place in the City of Lee's Summit. Staff is seeking an open dialogue concerning the next steps.

Presenter: Ryan Elam and Mark Dunning

**5. Discussion: Residential Rental Property Regulations**

Mr. Dunning stated that this had the support of the Police Department; however, it was not time-sensitive. It involved rental regulation programs, and would not go into detail about the types of programs available, nor was staff bringing any recommendations forward at present; but a discussion was needed about the potential for rental programs, which could vary widely. Staff was also seeking some direction as to whether the process of identifying and evaluating the data on Lee's Summit's rental market should be done by staff alone, through committee or with the help of a task force.

A "rental program" was often perceived as discrimination against those who rented and did not own real property by holding rental properties to a higher standard. Mr. Dunning stated that this was not the case. These programs were intended to regulate the quality, safety, maintenance and upkeep of properties as the responsibility of property owners. When someone bought a home, it was a common practice to have an inspection done before making a final decision; so home owners often had these same standards themselves. Further, the Fire Department regularly inspected commercial properties in a fire safety context. However, no program existed in Lee's Summit to provide this kind of assurance in the case of rental properties and this was a gap a rental program would fill. Mr. Dunning emphasized that the purpose of this kind of program was to hold property owners and landlords to minimum standards. The City would need to decide on what those minimum standards were, should it undertake a rental program.

Mr. Dunning pointed out that this kind of program was referenced in the City Council's Goal #9: *"Preserve the integrity of affordable housing options within the City, protect the rights of renters, and preserve the standards of the surrounding neighborhoods through enhanced code enforcement of rental properties."*

A rental program indisputably involved proactive enforcement. Mr. Dunning referred the Committee to the earlier situation with the Nancene Apartments as an example of where a rental program could have had an impact. Although Nancene was under HUD inspections, it still had some issues in addition to other unfortunate circumstances.

Mr. Dunning then referred to the Safe Community Task Force, comprised of individuals from City departments. The group had been formed basically to address the question displayed on the Power Point slide: *"What can be done in Lee's Summit to sustain quality of life within the community and minimize crime or the fear of crime?"* The group had been formed because of a number of unfortunate incidents, and had been a good mix of people. The group had identified three different areas: new development, existing development and the level of Police presence. New development had been where Crime Prevention Through Environmental Design (CPTED) had been introduced; and that had resulted in some changes to the UDO and building security

ordinances. Police presence had been expanded, with Police Department going from 7 districts to 10, and the City had hired 21 new police officers. That had gone along with an emphasis on the philosophy of community-oriented policing.

However, in the existing development area the City had achieved some things but this was the area that needed more attention. A rental program and proactive code enforcement program would be part of that. Mr. Dunning displayed a slide outlining the Safe Community Task Force's analysis of proactive property maintenance programs.

Mr. Dunning summarized the evolution of codes enforcement. Every community had zoning regulations that were standards for the use of property. The next step was property maintenance standards and regulations; and Lee's Summit had first introduced this in 1999. At present, its approach was basically reactive rather than proactive; other than removing signs in rights-of-way and matters involving life safety that had to be dealt with immediately. The foundation of successful rental programs and code enforcement programs was quality code enforcement programs; and Mr. Dunning stated that Lee's Summit had achieved that with its zoning and property maintenance program. These were working very well.

Mr. Dunning then displayed statistics from the 2010 census data. They indicated that 21% of Lee's Summit housing was rental property. These properties were occupied by 20% of the local population. This represented an increase in rental property, which reflected the current uncertainty in the job and real estate markets. Another graphic showed how rental housing was distributed in terms of location. Within a one-mile radius of Downtown was 47% of the rental housing, with the percentages declining further out to 30% within a three-mile radius and 23% within a six-mile radius.

When staff had presented the Safe Community Task Force recommendations, they had included research on the impact of disorder and decline in neighborhoods. It showed a connection between lack of maintenance upkeep and crime. When blight and crime moved into a neighborhood, the destruction was like a cancer and the trend was very difficult to reverse once it was established. That gave added significance and importance to being proactive rather than reactive when it came to neighborhood decline and its impact on economy and quality of life.

Mr. Dunning then displayed a map overlay, with purple dots representing property maintenance calls from the neighborhood and yellow dots representing those from police. It reflected six months, but staff could run these for various parts of town and time frames.

The next slide displayed points of consideration in implementing a rental program. "*Scope and extent*" included single-family, duplex and multi-family housing, and these had some gray areas such as an owner-occupied house whose owner rented bedrooms. Other considerations were

what minimum standards should be, whether to have a registration program requiring registration of owners renting property and whether to require licenses for multiple rental properties. The current ordinance required licensing as a business for four rental units or more. Many rental programs required out of town landlords to have local representatives.

Policies would need to be in place about inspections, including whether to do them, whether to include interiors or just an exterior inspection and when to have inspections. Options for the latter included annually and when the property changed hands. Additionally, many communities had written standards for landlord responsibilities and tenant responsibilities. In terms of enforcement, some communities had escalating enforcement, with heavier penalties when repeated visits became necessary. "*Level of service*", "*resources*" and "*financial impact(s)*" were connected; and the City's "*ability to condemn [property] or remove tenant*" as well as the "*ability to revoke license*" would also have impacts. Training would be a large part of an effective rental program, and there were ways to offer incentives, such as when a development could be certified as crime-free multi-family housing. This was an arrangement whereby an inspection occurred annually or whenever there was a tenant change. It would be necessary to set up an appeals process as an avenue for landlords who did not agree with a decision.

Staff's research had indicated that there was not one ideal program for every community. These programs were design for specific goals and needs, but it also indicated that a citizens' task force to bring the idea forward was beneficial; and this task force would need to have a good cross-section of the community. Staff could bring back additional information for the Committee to consider.

Chairperson Gray recognized Councilmember Robert Johnson, who was attending the meeting.

Councilmember Johnson gave his address as 1000 NE Remington Court. He first stated that he wanted to have a sno-cone mobile vending operation in the summer, and he had looked at the cost of retrofitting a trailer, and the equipment. He did not have any intention of operating the business in Lee's Summit.

Councilmember Johnson noted Mr. Dunning's assertion that rental programs were not discriminatory. He stated that this kind of program needed to include everyone, as rental properties were not the only ones that had problems. His biggest concern was that many of the property owners were probably families who had one or two units for rent. Some were represented by apartment complexes, such as Nancene. He believed that the biggest problems and negative impacts came from apartment complexes rather than individual houses or duplexes. He would want some distinction made in the rental program between these two. Additionally, any time the City did inspections they always wanted to charge someone, and whatever the charge was, it would get passed on to the tenant.

Councilmember Hofmann asked if the owner was responsible in the case of an owner-occupied unit, and Mr. Dunning answered that the owners of the property were the responsible parties. Councilmember Hofmann then remarked that when a number of foreclosures of properties had occurred, the owners were required to register with the City. Mr. Dunning answered that this was required if the building was both vacant and in foreclosure; and that "owner" could include a bank in some cases.

Councilmember Hofmann agreed that an increase in rental properties and renters in Lee's Summit was likely and that the city did need this kind of program. The City did need to exercise more control over rental properties, and Councilmember Hofmann recalled a 2005 rezoning where the lack of maintenance of rental properties was a major issue. Rundown properties did reduce property values and were associated with an increase in crime; and this was something the City needed to deal with. She had noted all the police calls indicated on the map, and she did hear of a lot of that in her district. A task force was a good idea, but the City might also need to consider requiring registration of rental houses; although in cases of one or two-property landlords, such as people who had inherited a parent's house, they should not be required to get a license. A permit should be required for anyone who owned more than two rental properties.

Councilmember Mosby was generally in favor of this approach, including a citizens' task force. He thought he had heard Mr. Dunning say that commercial entities and owner-occupied houses were inspected when they were built and that some had annual inspections by the Fire Department; and wanted to know if this was correct. Mr. Dunning replied that the City inspected new houses, but the owner might also have someone else inspect them as well. Similarly, when someone purchased a home that was not new, they would have an inspection done. Fire inspections of commercial entities were routine and not necessarily done when the property changed ownership or tenants. Councilmember Mosby asked if duplexes and fourplexes also had inspections when they were constructed. Mr. Dunning said that was correct. In the case of existing multi-family units, Fire did do regular inspections in the common areas and would often inspect vacant units as well.

Councilmember Mosby remarked that although new buildings were inspected, there was no mechanism for inspection when an owner-occupied building became a rental, and Mr. Dunning said that was correct. Councilmember Mosby also liked the citizen task force approach, but he also wanted to know what the scope of a rental program would be, specifically for owners of one or two single-family dwellings that were rented. Mr. Dunning answered that the scope was something that the City and the City Council could debate, or staff could take the information to a task force for recommendations. In the first option the City would analyze the details and in the second, the task force would be instructed to bring back a report and recommendations to the CDC.

Councilmember Mosby asked how long the task force would be expected to operate, noting that if they covered all the rental properties that would take a lot of time and work. He suggested that

a lot of the crime and blight was taking place in larger commercial rental complexes rather than single units. The City had been quite efficient in responding to complaints about individual homes. Mr. Dunning responded that if they were going to put a task force together, he was in favor of a more comprehensive approach in making recommendations.

Councilmember Mosby asked if staff had data indicating that the problems were consistent whether units were single-family or multi-family. Mr. Dunning answered that calls for service were not for one specific type of rental. There were a number of calls on single-family homes, sometimes involving an absentee landlord. On the maps the dots representing higher-density units were closer together, but another pattern was that most calls were in older areas of town. These were the two patterns that were evident. Councilmember Mosby said that he had not been asking about geography but whether the pattern was for one type of facility; and Mr. Dunning answered that the age of the facility was significant as well as size. Councilmember Mosby stated that these details should be clear before the task force started. Mr. Dunning agreed that staff would need to develop specific data for the task force to work with. Concerning duration, he could not give a definite time but noted that the stormwater task force had been together for a year.

Councilmember Hofmann stated that the City should look at all the rental units. She did know of a number of duplexes and single-family homes that should not be rented. Her church had rented a house for an interim pastor, and the congregants had to repair even the stairs to make them safe and this kind of situation could occur in any rental property. She believed that single-family rental units, duplexes, and multi-family apartments all had the same issues.

Councilmember Cockrell remarked that the Council had already made a decision that this was a goal, so the CDC did have clear direction in that sense. He agreed with Councilmember Mosby that a decision needed to be made about what kinds of units would be priorities. He then asked what staff needed from the Committee, and Mr. Dunning said that the presentation was partly to give the Committee an overview of the situation, with the idea of making a decision about forming a task force. Staff could bring back recommendations to the CDC and later to the Council about what the scope should be as well as getting more specific information.

Chairperson Gray agreed with this approach, and the Committee agreed by consensus to Mr. Dunning's proposal.

## Packet Information

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**File #: 2017-1120, Version: 1**

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UDO Amendment #63 Article 5 Zoning Districts and Article 6 Overlay Districts - M-150 Corridor Overlay District Zoning and Development Standards

This item was originally brought before the CEDC on June 14, 2017 and was positively received. Direction was provided to add clarification for better understanding of requirements making it clear to the applicant on what is expected. Staff has added specific requirements in the "sustainability requirements" section including stormwater best management practices, construction and demolition debris and waste management plan, on-site waste containment documentation and construction staging area. Erosion control measures have also been added.

Staff met with an interested development group looking at developing a substantial piece of property in the M-150 Corridor. They are anticipating using the new requirements being presented here for their application filing. Staff would request this amendment proceed as quickly as possible to public hearings.

The proposed amendment to the M-150 Corridor Overlay will simplify the requirements for development and still achieve sustainability elements such as conservation methods and best practices for stormwater detention including rain gardens and bio-swales. The proposed amendment also reduces the area on which the overlay district requirements apply, including the removal of all single family and two family residential areas. The M-150 Overlay regulations would still apply to all developed and non-developed multi-family and commercial areas including both new development and redevelopment of properties identified on the new revised map.

Also included in this amendment are provisions for managing construction debris and waste emanating from the construction site in an effort to reduce the amount of construction debris going to area landfills. Recycling is being highlighted as well as construction staging area defined.

Other revisions being proposed in this amendment include removal of the new zoning districts that were originally established with the overlay adoption and returning to the existing zoning classifications that everyone is familiar with. These new districts have not been used to date and staff would like to prepare a city initiated rezoning to coincide with the new design standards embedded within the overall amendment. The proposed mixed use areas would carry the PMIX zoning providing for more control over the types of development the city would like to see. Staff would seek to rezone the mixed-use properties at the same time the amended language is proceeding through the public hearing process so they would be done consecutively.

These revisions are in response to concerns raised by the City Council on the basis that several projects that have been approved had to be granted modifications signaling that the restrictions placed on new development were not having the positive effect that was intended when first adopted. The menu system or point system has been totally removed and in its place certain requirements have been added that are now mandatory but still with flexibility and much less onerous than the current system. The new language guarantees that some sustainable features will be included in all new development/redevelopment and

therefore not leaving these features to chance.

Staff will be prepared to discuss all changes including the new language added at the August 9th CEDC meeting.

Presenter: Robert McKay, AICP, Director of Planning and Special Projects

Recommendation: Staff is recommending the proposed M-150 UDO amendment be forwarded on to the Planning Commission for public hearing.



**Section 5.240. — M-150 Corridor Development Overlay Zoning Districts (Amend.#42)**

**A. — CDO Zoning Districts**

**Commentary:** This M-150 Corridor Development Overlay is intended to implement community design preferences expressed as part of the Visual Preference Survey conducted by the City in 2010 and the vision, goals, and guiding principles that emerged from the subsequent M-150 Sustainable Corridor Vision and Framework Plan process. This draft includes two new sections for the UDO. The zoning districts are described in this section and will be incorporated into Article 5 of the UDO following adoption. The overlay development standards are described in the next section and will be incorporated into Article 6 of the UDO.

**1. — Zoning Districts**

**Commentary:** Four new mixed-use districts are proposed for use in the M-150 Corridor. These districts are intended to accommodate a mix of densities and uses that will be important to implementing the M-150 Corridor Plan, especially in planned mixed-use activity centers. The dimensional standards, identified in this section, are intended to allow for more compact, higher-density, pedestrian-oriented development, consistent with M-150 Corridor Plan principles.

The following four zoning districts are designated for use in the M-150 Corridor Plan Area in the area identified on Map 1 in Section 6.480.A.2. These districts are not intended for use outside of the CDO. Rezoning to other zoning districts identified in the UDO is not permitted within the CDO.

**a. — CDO Residential Mixed Density (CDO-RMD)**

This district is designed to provide for single and multi-family residential uses including townhomes and multi-family apartment units. This district may act as a transition from lower density residential districts to higher density residential districts or mixed-use districts. This district implements the residential mixed density classification of the M-150 Sustainable Corridor Vision and Framework Plan and should take access from a collector road.

**b. — CDO Mixed-Use Residential (CDO-MR)**

The CDO-MR district is established to provide for a compatible mix of residential, small-scale neighborhood-serving commercial and civic uses. Single family detached and duplex, townhouse, multi-family units, and limited commercial uses are allowed in this district. This district is intended to be placed in a neighborhood setting providing a comfortable and safe pedestrian environment and further enhancing the character of the neighborhood. The residential density must be compatible with the surrounding area, and commercial uses are limited to 20 percent of the overall square footage of each development. The CDO-MR district implements the planned mixed use classification of the M-150 Sustainable Vision and Corridor Plan and should take access from a collector roadway.

**c. — CDO Mixed-Use Commercial (CDO-MC)**

The CDO-MC district is established to group and link places used for working, shopping, educating, and recreating with residential uses thereby creating a compact community form. This district allows commercial, office, civic,

townhouse, and apartment uses. The mostly vertical mix of uses will reduce vehicle trips, relieve traffic congestion, and provide an urbanized, pedestrian environment. The siting and architectural design and scale of structures in this district should be compatible with surrounding neighborhoods while contributing to the image and character of the area. Residential uses are limited to 40 percent of the overall square footage of each development. MC implements the retail, commercial, and mixed-use land use classifications of the M-150 Sustainable Corridor Vision and Framework Plan and should be located along an urban collector, arterial, or highway.

d. ~~CDO Mixed-Use Employment (CDO-ME)~~

~~The CDO-ME district is intended to provide sites for a variety of uses such as hotels, commercial establishments, offices, and some residential uses in a predominately pedestrian environment. This district contains the highest intensity of uses and should serve as the major activity center destination as well as provide high levels of pedestrian accessibility. Residential uses are limited to 20 percent of the overall square footage of each development. The CDO-ME district implements the commercial, mixed use, and activity-center classifications of the M-150 Sustainable Corridor Vision and Framework Plan.~~

e. ~~Required Mix of Uses~~

~~Mixed-use development in the M-150 CDO shall meet the following use mix requirements:~~

<b>Table 5.235.A-1: Required Mix of Uses</b>									
<b>Site Size</b>	<b>CDO-MR</b>			<b>CDO-MC</b>			<b>CDO-ME</b>		
	<b>&lt;1 acre [1]</b>	<b>1-5 acres</b>	<b>+5 acres</b>	<b>&lt;1 acre [1]</b>	<b>1-5 acres</b>	<b>+5 acres</b>	<b>&lt;1 acre [1]</b>	<b>1-5 acres</b>	<b>+5 acres</b>
<b>Minimum number of use types [2]</b>	1	2	2	1	2	2	1	2	3
<b>Residential</b>	--	--	--	--	40% max.	40% max.	--	20% max.	20% max.
<b>Non-residential</b>	--	20% max.	20% max.	--	--	--	--	--	20% min. retail
<b>Notes</b>	[1] Larger parcels may not be subdivided to create one-acre lots for the purpose of avoiding the use mix requirement. [2] Use types are identified as classifications in the use table, such as residential, offices, retail sales and services.								

2. ~~Development Phasing~~

~~Any mixed-use development that will not be constructed in a single phase shall include a phasing plan as part of the application submission. The phasing plan shall identify the sequence of development for all proposed structures, infrastructure, and site design requirements. The project shall be phased so that supporting public facilities and infrastructure are provided concurrent with their need and completed prior to the occupancy of structures. The phasing plan shall also identify the proportional development of the proposed use mix within each phase of the project. If the City finds it reasonable to permit a phase of development to be constructed without a mix of uses, conditions shall be placed on the development approval requiring a mix of component uses before completion of the project.~~

**3.—PMIX District**

**Commentary:**—The goal of the CDO is to establish zoning that encourages the types of development identified in the M-150 Corridor Plan. The purpose of this provision is to restrict the use of PMIX in the M-150 Corridor where it could be used to create development that is very different from the patterns, structures, and uses identified in the plan. New development will still be allowed to request PMIX approval, but the proposed development will need to be at the same overall density as would be required by the base zoning district.

In order to preserve the purposes and design of the M-150 Corridor Plan and the M-150 CDO, any PMIX development application must have an overall density that meets or exceeds the density requirement of the underlying district in the area subject to PMIX rezoning. The PMIX district shall not be used to vary any of the design or development standards in the M-150 CDO.

**B.—CDO District Uses**

**Commentary:** This use table is a continuation of the same use table in Section 5-1 of the UDO. Proposed uses for each of the new districts are included for discussion.

The uses described in Table 5-1 are permitted in the M-150 CDO as follows:

Table 5-1 (cont.)—CDO: Uses Permitted within the M-150 Corridor Development Overlay /P/ Permitted /C/ Conditional Use /S/ Special Use / / Not Permitted				
	CDO-Residential Mixed-Density	CDO-Mixed-Use Residential	CDO-Mixed-Use Commercial	CDO-Mixed-Use Employment
	CDO-RMD <sup>1</sup>	CDO-MR	CDO-MC	CDO-ME
<b>Agriculture</b>				
Agriculture-Operation				
Horse-Riding Stable, Track or Polo Field (Commercial)				
Plant nursery, garden-center, greenhouse (Commercial)				
<b>Residential</b>				
Dwelling, Single-Family Detached	P	P	P	
Dwelling, Single-Family Attached (Townhouse)	P	P	P	P
Dwelling, Two-Family (“Duplex”)	P	P	P	
Dwelling, Three-Family (“Triplex”)	P	P	P	
Dwelling, Four-Family (“Fourplex”)	P	P	P	
Dwelling, Multi-Family (Apartment)	P	P	P	P
Dwelling, Loft	P	P	P	P
Dwelling, Zero-Lot Line Development	P	P	P	
Convalescent, Nursing or Retirement Home	S	S		
Group Home for Persons w/Disabilities, Hospice, or Special Care	S	S		
Halfway House	S	S		

<sup>1</sup>Note: This is a mixed DENSITY district, not a mixed USE district; therefore it will only include residential uses.

**Table 5-1 (cont.) – CDO: Uses Permitted within the M-150 Corridor Development Overlay**

**/P/ Permitted /C/ Conditional Use /S/ Special Use // Not Permitted**

	CDO-Residential Mixed-Density	CDO-Mixed-Use Residential	CDO-Mixed-Use Commercial	CDO-Mixed-Use Employment
	CDO-RMD <sup>1</sup>	CDO-MR	CDO-MC	CDO-ME
Manufactured Home Park				
<b>Offices</b>				
Accounting, Auditing or Bookkeeping Office		P	P	P
Advertising Agency		P	P	P
Bank		C	C	C
Bank Drive-Through		C	C	C
Brokerage for Securities or Commodities		P	P	P
Building Contractor or Construction Contractor Firm/Office (no machinery, equipment or storage)			P	
Business Office, General		P	P	P
Business Office, Professional or Trade Organization		P	P	P
Check cashing, business (See Unsecured Loan Business)				
Employment or Personnel Agency			P	P
Engineering, Architectural or Other Professional Office		P	P	P
Financial Services		C	C	C
Financial Services with drive-up window or drive-through facility		C	C	C
Insurance Company or Carrier		P	P	P
Legal Services Office		P	P	P
Management and Public Relations Service		P	P	P
Medical or Dental Offices or Labs		P	P	P
Political Organization Office		P	P	P
Real Estate Office		P	P	P
Secretarial or Court Reporting Service		P	P	P
Title Loan Business			C	C
Unsecured Loan Business			C	C
<b>Retail Sales and Services</b>				
Adult Business				
Adult Entertainment Business				
Adult Personal Services				
Agricultural Sales and Services			C	C
Airline Ticket Office		P	P	P
Ambulance Service			P	P
Apparel and Accessory Stores		P	P	P
Appliance Repair Service		C	C	C
Appliance Store		P	P	P
Arts and Crafts Studio		P	P	P
Audio/Video Sales and Rentals		P	P	P
Automotive Parking Garage or Lot		P	P	P

**Table 5-1 (cont.) – CDO: Uses Permitted within the M-150 Corridor Development Overlay**

**/P/ Permitted /C/ Conditional Use /S/ Special Use /-/ Not Permitted**

	CDO-Residential Mixed-Density	CDO-Mixed-Use Residential	CDO-Mixed-Use Commercial	CDO-Mixed-Use Employment
	CDO-RMD <sup>1</sup>	CDO-MR	CDO-MC	CDO-ME
Automotive Parts and Supply Store		P	P	P
Automotive Rental Agency			C	C
Automotive Repair Services—Major Repairs			S	S
Automotive Repair Shop—Minor Repair			C	C
Automotive Sales or Lease			S	S
Automotive Service Station		C	C	C
Automotive Tire Store			P	P
Automotive Upholstery Shop (see Repair Services in Article 9)			C	C
Automotive Washing (See Car Wash)		C	C	C
Bakery (Retail)		P	P	P
Banquet Facilities			P	P
Bar/Tavern		C	C	C
Barber Shop		P	P	P
Beauty Shop		P	P	P
Beauty Supplies Store			P	P
Bed and Breakfast Inn (4 – 12 rooms)		S	S	
Bed and Breakfast, Homestay (1 – 3 rooms)		S	S	
Boat Dealers			S	S
Boats, Recreational vehicles and maintenance equipment storage				
Book Store, News Dealers and Newsstands		P	P	P
Building or Ground Maintenance			P	P
Bus Terminal			P	P
Business or Vocational School			P	P
Camera and Photographic Supply Stores		P	P	P
Car Wash, Full-Service Indoor			P	P
Car Wash, Self-Service Bays		S	S	S
Catalog Sales and Direct-Selling Office			P	P
Catering Service		P	P	P
Cemetery or Mausoleum				
Club House or Country Club		C		
Cocktail Lounge (See Bar/Tavern)		C	C	C
Commercial Art or Graphic Design Service		P	P	P
Computer or computer Software Store		P	P	P
Computer Programming Repair or Data Processing Service		P	P	P
Construction Materials Sales and Services				
Convenience Store – C-Store		C	C	C
Crematories				
Custom Order Shop		P	P	P

**Table 5-1 (cont.) – CDO: Uses Permitted within the M-150 Corridor Development Overlay**

**/P/ Permitted /C/ Conditional Use /S/ Special Use // Not Permitted**

	CDO-Residential Mixed-Density	CDO-Mixed-Use Residential	CDO-Mixed-Use Commercial	CDO-Mixed-Use Employment
	CDO-RMD <sup>1</sup>	CDO-MR	CDO-MC	CDO-ME
Dance Club			C	C
Dance Studios or Schools		P	P	P
Day-Care Center (over 10 persons)		P	P	P
Day-Care, Group (5-10 persons)		S	P	P
Direct Mail Advertising Service			P	P
Drug Store (Pharmacy)		P	P	P
Drug Store (Pharmacy) with drive-up window/facility		C	C	C
Dry Cleaners (drop-off/pick-up only)		P	P	P
Dry Cleaners with drive-up window or drive through facility		C	C	C
Electrical Repair Shops(See Repair Services Non-Automotive			C	C
Electronic Equipment Sales or Service		P	P	P
Equipment Rental includes all motorized equipment not listed elsewhere			S	
Equipment Sales and Service (Heavy)				
Exterminating Services			P	P
Financial Services		C	C	C
Financial Services with drive-up window or drive-through facility		C	C	C
Freight Agency or Shipping Coordinator			P	P
Funeral Home Services		P	P	P
Furniture and Equipment Store Lease/Rental			P	P
Garden Center, Plant Nursery or Greenhouse			S	S
General Merchandise Store		P	P	P
Gift, Novelty or Souvenir Shop		P	P	P
Golf Driving Range (Commercial) or Illuminated (Non-Commercial)				
Golf, Miniature (outdoor)				
Grocery Store (General)		P	P	P
Grocery Store (Limited)		P	P	P
Hardware Store		P	P	P
Health Club or Fitness Center		P	P	P
Heavy Equipment Sales and Rental				
Hobby, Toy and Game Shop		P	P	P
Home Furniture and Furnishings Store		S	P	P
Hospital		S	S	S
Hotel or Motel		S	S	S
Interior Designer		P	P	P
Jewelry Repair		P	P	P
Jewelry Store		P	P	P
Kennel w/outside runs				

**Table 5-1 (cont.) - CDO: Uses Permitted within the M-150 Corridor Development Overlay**

**/P/ Permitted /C/ Conditional Use /S/ Special Use // Not Permitted**

	CDO-Residential Mixed-Density	CDO-Mixed-Use Residential	CDO-Mixed-Use Commercial	CDO-Mixed-Use Employment
	CDO-RMD <sup>1</sup>	CDO-MR	CDO-MC	CDO-ME
Laundromat, coin-operated		P	P	P
Laundry, Dry-Cleaning or Garment Services		P	P	P
Linen and Diaper Services		S	P	P
Limousine/Taxi Service			P	P
Liquor Store		P	P	P
LP Gas or Fuel Oil Sales				
Luggage or Leather Goods Store		P	P	P
Martial Arts Studio		P	P	P
Massage Therapist (In-home as home occupation)				
Massage Therapy/Parlor (as defined herein)		C	C	C
Manufactured Home Sales				
Motorcycle Sales, Rental or Service (No Outdoor Display)				
Musical Instrument Store		P	P	P
Outdoor Gun Club, Skeet or Trap Shoot or Archery Range				
Pawn Shop				
Paint or Wallpaper Store		P	P	P
Personal Enrichment School or Tutoring		P	P	P
Pet Grooming		P	P	P
Pet Motel or Training		P		
Photocopying and Duplicating Services		P	P	P
Photography Service		P	P	P
Plumbing and Heating Equipment Dealers			P	P
Produce Stand, Outdoor (off-site)		S		
Radio or TV Repair		P	P	P
Recording Studio		P	P	P
Recreation Facility or Area, commercial (Indoor and/or outdoor)		C	C	C
Recreation Facility or Area, non-commercial (Outdoor)		S	S	S
Recreation Vehicle Sales, Lease or Rental		S	S	S
Repair Services, Automotive Major				
Repair Services, Automotive Minor				
Repair Services, Non-Automotive				
Restaurant—carry-out		P	P	P
Restaurant—delivery		P	P	P
Restaurant—drive-in		C		
Restaurant—drive-up		C		
Restaurant—drive-through				
Restaurant—general		P	P	P
Restaurant—limited		P	P	P

**Table 5-1 (cont.) - CDO: Uses Permitted within the M-150 Corridor Development Overlay**

**/P/ Permitted /C/ Conditional Use /S/ Special Use // Not Permitted**

	CDO-Residential Mixed-Density	CDO-Mixed-Use Residential	CDO-Mixed-Use Commercial	CDO-Mixed-Use Employment
	CDO-RMD <sup>1</sup>	CDO-MR	CDO-MC	CDO-ME
Reupholstery or Furniture Repair Shop		C	C	C
Sewing, Needlework or Fabric Store		P	P	P
Shoe Repair Shop		C	P	P
Sporting Goods Store or Bicycle Shop		P	P	P
Stationery Store		P	P	P
Tattoo Parlor/Permanent cosmetic services/Body Piercing Studio			P	
Television or Radio Broadcast Station			P	P
Theater (except Drive-In)		P	P	P
Theater, Drive-In				
Theater, Performing Arts		P	P	P
Title Loan Business			C	C
Travel Agency or Tour Operator				
Travel Trailer Camp				
Truck Sales and Lease				
Unsecured Loan Business				
Used Merchandise Store (excluding pawn shops)		P	P	P
Veterinarian		C	C	C
Yoga Studio		P	P	P
<b>Semi-Public Uses and Utilities</b>				
Cemetery or Mausoleum				
Church or Place of Worship	C	C	C	C
Civic or Fraternal Organization		C	C	C
Governmental Administration Building		P	P	P
Library	P	P	P	P
Museum or Art Gallery		P	P	P
Penal or Correctional Institution				
Post Office	P	P	P	P
Recreational Facility or Area (Non-Commercial)	S	S	S	S
Reservoir, Water Supply or Storage Facility	S	S	S	S
Sewage Treatment Facility				
School	P	P		
Swimming Pool (Commercial)		S	S	
Swimming Pool, subdivision	C	C	C	
Swimming Pool, public	S	S	S	S
Telecommunication Tower/ Antenna Mount		S	S	S
Utility Building and Services	C	C	C	C



**C. CDO Dimensional Tables**

**1. CDO-Residential Mixed Density**

Development in CDO-RMD district shall comply with the following dimensional standards:

**Table 5-235.C-1: Dimensions for the CDO Residential Mixed Density District**

Dwelling Type	Density (units/acre)	Min. Lot Size (squares or sq-ft.)	Min. Lot Width (feet)	Max. Lot Coverage (%)	Min. Front Setback (feet)	Min. Interior Side Setback (feet)	Min. Corner Side Setback (feet)	Min. Rear Setback (feet)	Max. Building Height (feet)	Max. Units/ Building
SF-Detached	10 max., 6 min.	4,000	40	60	15	7.5 [1]	15 [1]	25	35	n/a
Duplex	12 max., 6 min.	4,000-sf (2,000-sf per unit)	40	60	15	7.5 [1]	15 [1]	25	35	n/a
Townhouse	10 max., 6 min.	[2]	-	60	10	7.5 [1]	15 [1]	25	35	n/a
Multi-family	6 min.	[2]	-	60	10	7.5 [1]	15 [1]	25	35	16

[1] RMD abutting residential districts shall match the side setback of those districts.  
 [2] Must meet density and setback requirements.

**2. CDO Mixed-Use Districts**

Development in the CDO-MR, MC, and ME districts shall comply with the following dimensional standards:

**Table 5-235.C-2: Dimensions for the CDO Mixed-Use Residential and Commercial Districts**

Dwelling/Building Type	Density (du/acre) or FAR	Min. Lot Size (squares or sq-ft.)	Min. Lot Width (feet)	Max. Lot Coverage (%)	Min. Front Setback (feet)	Min. Interior Side Setback (feet)	Min. Corner Side Setback (feet)	Min. Rear Setback (feet)	Max. Building Height (feet)
SF-Detached	12 max., 6 min.	4,000-sf	40	60	10	0 [1]	15 [1]	10 [2]	35
Duplex	12 max., 6 min.	4,000-sf	40	60	10	0 [1]	15 [1]	10 [2]	35
Townhouse/Multi-family	12 max., 6 <sup>2</sup> min.	[3]	40	70	10	0 [1]	15 [1]	10 [2]	40
Office, Commercial, or Mixed-Use, mixed-use*	1.0:1 FAR min.	[3]	-	80	10	0 [1]	15 [1]	5 [2]	60
Office or Commercial, single-use**	0.75:1 FAR min.	[3]	-	60	10	0 [1]	15 [1]	5 [2]	40

\* when developed as part of a mixed-use project  
 \*\* when developed as part of a single-use project  
 [1] CDO-MC abutting a residential district shall match the side setback of that district.  
 [2] When abutting a public street, alley, or public right-of-way. The rear setback for CDO-MC abutting a residential district shall be 20 feet, regardless of the location of any street, alley, or ROW.  
 [3] Must meet density and setback requirements.

<sup>2</sup>Note: This is the maximum number of units in a single series of townhomes.

Table 5-235.C-3 — Dimensions for the CDO Mixed-Use Employment District									
Dwelling/ Building Type	Density (units/acre) or FAR	Min. Lot Size (acres or sq. ft.)	Min. Lot Width (feet)	Max. Lot Coverage (%)	Min. Front Setback (feet)	Min. Interior-Side Setback (feet)	Min. Corner-Side Setback (feet)	Min. Rear Setback (feet)	Max. Building Height (feet)
Townhouse/ multi-family, mixed-use	Min:6 <sup>3</sup> Max:12 du/ae	{1}	40	70	10	7.5{2}	25 {2}	10{3}	40
Office, Commercial, or Mixed-Use, -mixed-use	Min 1.5:1 FAR	{1}	—	80	0	7.5{2}	25 {2}	10{3}	75
Office or Commercial, single-use	Min 1.5:1 FAR	{1}	—	80	0	7.5 {2}	25 {2}	10 {3}	75
Hotel/Lodging	Min 1.5:1 FAR	{1}	—	80	0	7.5	25 {2}	10 {3}	75
<p>* when developed as part of a mixed-use project ** when developed as part of a single-use project</p> <p>{1} No minimum lot size — all lots must meet density/ FAR and setback requirements.</p> <p>{2} CDO-ME abutting a residential district shall match the side yard setback standards of that district.</p> <p>{3} When abutting a public street, alley, or public right-of-way. The rear setback for CDO-ME abutting a residential district shall be 20 feet, regardless of the location of any street, alley, or ROW.</p>									

<sup>3</sup>Note: This is the maximum number of units in a single series of townhomes.

### **DIVISION III: PERMITTED USES AND RELATED STANDARDS**

#### **Section 5.250. Other applicable regulations**

- A. The following sections or articles further regulate uses within each zoning district, the requirements of which shall be satisfied as applicable to any proposed development:
- B. Airports, flood plains, historic districts, residential cluster development and transportation corridors.

Applicable standards regulating development in or near airports, flood plains, historical districts, residential cluster subdivisions or major transportation corridors are contained in Article 6 (Overlay Districts).

- C. Design standards.

Applicable standards regarding design requirements for residential, office, commercial and industrial development are contained in Article 7 (Design Standards).

- D. Accessory uses and uses permitted with conditions.

Applicable standards regulating accessory uses and uses permitted with conditions are contained in Article 8 and Article 9 respectively. (Accessory Uses and Structures and Uses Permitted with Conditions).

- E. Special use permits.

For any use listed as a special use in Table 5-1, applicable standards regulating uses subject to special use permits are contained in Article 10 (Special Use Permits).

- F. Parking requirements.

Applicable standards regulating parking are contained in Article 12 (Parking).

- G. Sign regulations.

Applicable standards regulating signs are contained in Article 13 (Sign Regulations).

- H. Landscaping, buffering and tree protection.

Applicable regulations regulating landscaping, buffering and tree protection are contained in Article 14 (Landscaping, Buffering and Tree Protection).

#### **Section 5.260. Permitted, conditional and special use tables**

- A. Uses that are permitted by right or permitted by right but with conditions and uses permitted as special uses are shown in Table 5-1.
- B. In a PMIX District, permitted uses are specified as part of the zoning approval for each development.
- C. Any use not shown as a permitted, conditional or special use in a zoning district is specifically prohibited in that district.
- D. Uses that are allowed in the PMIX District pursuant to Table 5-1 may be modified by the Governing Body when it is determined that a better overall plan can be achieved.

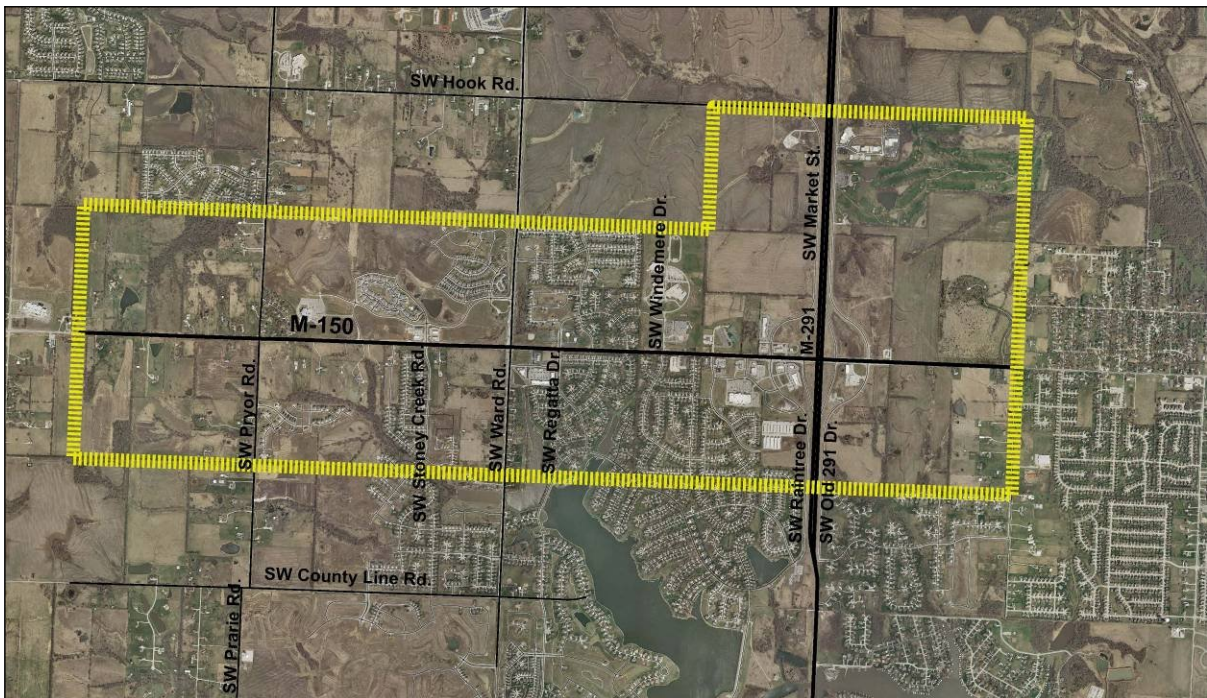
## ARTICLE 6 OVERLAY DISTRICT

### DIVISION VI. M-150 CORRIDOR DEVELOPMENT OVERLAY (CDO) DISTRICT (Amend. #63 )

#### Section 6.510 M-150 CDO Design Standards

##### A. General Provisions

- 1. Purpose.** The purpose of the M-150 (CDO) is to facilitate the development of property in the M-150 corridor in accordance with the M-150 Sustainable Corridor Vision and Framework Plan (M-150 Corridor Plan) with the highest possible levels of community and building design consistent with the healthy economic development and redevelopment of the plan area. Except as further amended by this Article, the administration, enforcement, and amendment of this M-150 Corridor Development Overlay shall be consistent with the M-150 Sustainable Corridor Vision and Framework Plan. All amendments to the CDO should maintain and enhance the consistency between the CDO and the M-150 Corridor Plan.
- 2. Applicability.** The CDO is applicable to specific land parcels along M-150 and M-291 traffic corridors identified on Map 1, below, as now or hereafter established. Development standards shall be applicable to multi-family and non-residential construction, reconstruction, alteration, or expansion. No land, building, structure, or premises shall be used for any purpose or in any manner other than that which is permitted in the applied zoning district and CDO standards.



Map 1: M-150 CDO Boundaries

**3. Land Use and Transportation Framework: The following legends on the Framework Map above are more fully described below and correlate to their respective locations on the Map.**

**a) Activity Center-Mixed-Use:**

Activity Centers or “Commercial Nodes” are situated at primary intersections along M-150 and are to include a concentrated mixed-use development that can be easily accessed and supported by existing and future neighborhoods. Ideally these centers will be multi-storied with a vertical mix of uses. These are not intended to be large developments but should be designed with social gathering places. Residential use above the first floor is highly recommended.

**b) Retail:**

Retail categories are intended to support large commercial retail stores, either individually or grouped together. These types of developments have increased traffic and parking demands, increased impervious surfaces and increased environmental impacts. Developments within this category are expected to increase necessary controls to minimize the environmental impacts they generate.

**c) Commercial (Office/Retail)**

Commercial areas include both office and retail uses which can be standalone buildings or a vertical mix of uses within a single building. This category promotes creative integration of more intensive retail uses and less intensive office uses in one general area.

**d) Residential Mixed Density**

This area supports residential housing of mixed densities with limited non-residential uses of neighborhood scale developed through compatible site planning.

**e) Planned Mixed Use**

Planned mixed-use accommodates a mix of retail, office, service and public uses with a complimentary mix of residential development of varying densities. Business park type of uses may also be mixed with retail and office uses where appropriate.

**f) Park, Golf Course, Nature Preserve, Open Space**

This category includes all public and private parks, golf courses and nature preserve areas.

**4. Conflict.** These design 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, shall control in cases where standards conflict.

**5. Alternative Equivalent Compliance**

**Commentary:** This is a new procedure that is intended to provide some design flexibility. It is designed to allow an applicant to submit a development design that does not necessarily meet the exact standards of the overlay but meets the intent of the regulations.

- a. Purpose and Scope. To encourage creative and unique design, “alternative equivalent compliance” allows development to occur in a manner that meets the intent of this CDO yet through an alternative design that does not strictly adhere to

the CDO's 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 the standard in meeting the goals and policies in the M-150 Corridor Plan.

- b. **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.
- c. **Criteria.** Alternative equivalent compliance may be approved if the applicant demonstrates that following criteria have been met by the proposed alternative:
  - (1) Achieves the intent of the subject standard to the same or better degree than the subject standard;
  - (2) Advances the goals and policies of the M-150 Corridor Plan and this CDO to the same or better degree than the subject standard;
  - (3) Results in benefits to the community that are equivalent to or exceed benefits associated with the subject standard; and
  - (4) Imposes no greater impacts on adjacent properties than would occur through compliance with the specific requirements of this ordinance.
- d. **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.

## B. Development Standards

**Commentary:** This section includes changes to existing development standards and new standards to be applied in the CDO to implement the M-150 Sustainable Corridor Vision and Framework Plan.

**1. 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 CDO. Green design provisions as further listed herein shall be applied to all development within the CDO.

### 2. Pedestrian and Bicycle Connectivity and Mobility

**Commentary:** This is a new section that is proposed to work in conjunction with the City's Access Management Code to increase pedestrian and bicycle connectivity options in the M-150 CDO. This section implements the City's Livable Streets Policy in the corridor.

- a. **Purpose.** The purpose of this section is to:
  - (1) Support the creation of a highly connected transportation system within Lee's Summit in order to provide choices for drivers, bicyclists, and pedestrians;
  - (2) Increase effectiveness of local service delivery; promote walking



Fig. 6.480.B-1: Sidewalks on both sides of street

and bicycling; connect neighborhoods to each other and to local destinations such as employment, schools, parks, and shopping centers;

- (3) Reduce vehicle miles traveled; improve air quality and reduce emergency response times;
  - (4) Mitigate the traffic impacts of new development, and free up arterial capacity for long-distance travel needs; and
  - (5) Avoid the creation of large, isolated tracts without routes for through traffic or pedestrian and bicycle connections.
- b. Sidewalks Required. Sidewalks shall be installed on both sides of all arterials, collector streets, and local streets pursuant to the standards of City’s Design and Construction manual. Connectivity is an important element in the implementation of the goals related to the “Community for all Ages” initiative that the City has embraced and is committed to. 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.
- c. Block Pattern
- (1) New development shall establish a regular pattern of blocks to the extent feasible to avoid creating large “superblocks” that limit pedestrian, bicycle, and vehicular circulation.
  - (2) On large sites or where block consolidation is proposed as part of redevelopment (by right-of-way abandonment), pedestrian, bicycle, and vehicular circulation access to surrounding neighborhoods shall be maintained to the maximum extent feasible.
- d. On-Site Pedestrian Connections
- (1) All development in the CDO shall provide a network of on-site pedestrian walkways with a minimum width of five feet to and between the following areas:
    - (a) Entrances to each building on the site, including pad site buildings;
    - (b) Public sidewalks, walkways, or trails on adjacent properties that extend to the boundaries shared with the subject development;
    - (c) Public sidewalks along the perimeter streets adjacent to the development;
    - (d) Adjacent land uses and developments;
    - (e) Adjacent public park, greenway, or other public or civic use; and
    - (f) Adjacent public transit station areas, transit stops, park and ride facilities, or other transit facilities.



Fig. 6.480.B-2: On-site pedestrian connections

- (2) On-site pedestrian connections shall be constructed of stone, slate, exposed aggregate concrete, plain concrete, or concrete pavers. Jogging trails and pathways in multi-family residential neighborhoods may be constructed of approved synthetic or natural material provided that the property owner's association is required to ensure long-term maintenance.
- (3) Internal pedestrian walkways shall be provided through parking areas in excess of 50 spaces, constructed of materials distinguishable from the driving surface pursuant to Section 5.370.C.7.e(1), below.

e. Off-Site Pedestrian Connections

- (1) In high traffic areas, pedestrian walkways and crosswalks in public streets shall be identified to motorists and pedestrians through the use of one or more of the following methods:
  - (a) Changing paving color;
  - (b) Painted crosswalks; or
  - (c) Stamped concrete.



Fig. 6.480.B-3: Decorative materials for pedestrian crossings

Additional identification methods may be used in private streets provided an improvement district or other funding mechanism is provided for long-term maintenance.

- (2) 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:
  - (a) Arcades, porticos, or other shade structures;
  - (b) Pedestrian light features,
  - (c) Bollards,
  - (d) Seat walls or benches;
  - (e) Drinking water fountains; and
  - (f) Landscape planters.

- (3) 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.

f. Trail Linkages.

- (1) Trail linkages shall be incorporated into the design of all new multifamily, and non-residential developments in support of the "Community for all Ages" initiative. Trail linkage shall



Fig. 6.480.B-4: Residential trail connection



be located and designed so as to provide public access, to connect residences and businesses to open space and the City's trail system, and to promote pedestrian and bicycle movement between residential areas and employment/ business areas.

- (2) All development shall be required to demonstrate that the design of the proposed development includes trail linkages pursuant to the M-150 Corridor Plan, Lee's Summit Greenway Master Plan, Metro Green, or other applicable plan.
- (3) Trails shall be constructed at the time of development in accordance with adopted City standards and specifications.

### 3. Screening

**Commentary:** These new screening standards address mechanical equipment and service/loading areas not addressed by current regulations.

The following screening standards shall apply in the M-150 CDO in addition to the requirements of Article 14, Landscaping, Buffers, and Tree Protection.

- a. Multi-Family, Mixed-Use, and Commercial Screening. The following mechanical equipment screening standard shall apply to the maximum extent practicable.

- (1) 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. Roof-mounted mechanical equipment, except solar energy collection systems, is prohibited on single-family residential dwellings.



Fig. 6.480.B-5: Parapet wall screening roof mounted equipment

- (2) 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.
- (3) 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.
- (4) Utilities
  - (a) Utility poles (other than wooden poles erected by a public utility company) and supports shall be painted or be of materials neutral in color.

- (b) 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.
  - (c) Such screening shall be adequate to completely screen such facilities from all rights-of-way.
- (5) Alternate Screening. Mechanical equipment that is not screened in full compliance with the screening standards of this section shall be reviewed in accordance with the procedures of Section 5.370.C.5, Alternative Equivalent Compliance. Alternate screening methods may include, but shall not be limited to, increased setbacks, increased landscaping, grouping the equipment on specific portions of a site, and painting or otherwise camouflaging the equipment.
- b. Screening of Service, Loading, and Storage Areas
- (1) 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.
  - (2) Placement
    - (a) All service areas shall be placed at the rear, on the side of, or inside buildings.
    - (b) No service area shall be visible from a public right-of-way or from adjacent residential areas.
    - (c) 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.
  - (3) Outside Storage Areas and Loading Docks

- (a) 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 Table 14.1, Buffer/Screen Impact. On property zoned or used industrial, all outside storage areas that are adjacent to nonindustrial zoned property must also be screened from view.



Fig. 6.480.B-6: Loading area placement and screening

- (b) An opaque screen consisting of one or a combination of the following shall be used:
  - 1) Freestanding walls, wing walls, or fences;
  - 2) Earthen berms in conjunction with trees and other landscaping; or
  - 3) Landscaping, that must be opaque and eight feet in height within 18 months of planting.
- (c) 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.
- (d) 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 wing wall, where wing walls are used.
- (4) Shopping Cart Storage. All shopping carts shall be stored inside the building they serve. Shopping cart corrals shall be made of a material suitable for withstanding weathering and rusting. Plastic corrals are prohibited.
- (5) 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 zoned properties by:
  - (a) Meeting the requirements of the other sections of this section; or
  - (b) 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. Chain-link gates are not permitted. Gates must have tie backs to secure in the open position.
- (6) 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.



Fig. 6.480.B-7: Refuse facility screening

#### 4. Multi-family Development Design Standards

**Commentary:** This section includes a combination of existing and new design standards for multifamily development to address some of the most common design issues.

a. Applicability: Triplex, Fourplex, Townhome, Apartment



Triplex



Quadraplex/Fourplex



Townhome



Apartment

- (1) The design standards in this subsection apply to all new dwellings to be occupied by three or more households, including individually constructed buildings, townhomes, and multiple buildings constructed as parts of a larger development
- (2) **Elevator required. Multi-family buildings, 3 stories and above, shall at a minimum equip one (1) out of every three (3) buildings with an ADA approved elevator. This requirement is an instrument to establish the goals set out in the City’s commitment to provide “A Community For All Ages”.**
- (3) This section replaces Sections 7.030 to 7.040 in the M-150 CDO. Sections 7.050, Planned Residential District Open Space Requirements; 7.060, Residential Street Design; 7.080.B, Pedestrian Lighting; 7.090, Residential Parking Locations; and 7.100, Residential Traffic Calming, are applicable within the M-150 CDO.

b. Site Layout and Building Orientation

(1) Minimum Building Separation. Multi-family structures shall be separated pursuant to the standards of the Building Code.

(2) Building Orientation

(a) Individual buildings within a multi-family development shall be oriented to:

- 1) Common open space, such as interior courtyards or on-site natural areas or features;
- 2) Perimeter streets;
- 3) Other residential buildings; or
- 4) Through-access drives.

(b) To the maximum extent practicable, 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:

- 1) Seasonal planting areas,
- 2) Trees,
- 3) Pedestrian-scaled lighting,
- 4) Gazebos or other decorative shelters,
- 5) Seating,
- 6) Play structures for children, or
- 7) Natural features or areas, unless the City determines that for preservation reasons the buildings should avoid the feature or area.



Fig.6.480.B-13:  
Courtyard Orientation



Fig.6.480.B-14: Perimeter  
Street Orientation

(3) Entrance Orientation

(a) Primary entrances and façades shall not be oriented towards parking lots, garages, or carports.

(b) All multi-family buildings shall comply with at least two of the following requirements:

- 1) At least one main building entry faces an adjacent public street;
- 2) A building entrance faces a courtyard or common open space that has a direct and visible connection to an adjacent public street;
- 3) A building entry is connected to a public sidewalk by a system of interior walkways; or
- 4) The pedestrian entries to the site from the public right-of-way are emphasized with enhanced landscaping, special paving, gateways, arbors, or similar features.

- (c) All ground-floor units with frontage along the primary street shall have an entrance that faces the street. Multi-family buildings located with multiple street frontages shall provide entrances to the building along each local street frontage.

- 1) Exterior entrances from a public sidewalk or common open space are permitted for dwelling units on the ground floor.
- 2) Exterior entrances shall be raised from the finished ground-floor level of the sidewalk a minimum of two feet.



Fig.6.480.B-15: Ground-floor unit entrances

- (d) Dwelling units above the ground floor shall have interior unit entrances, except that exterior stairs are permitted for access to upper-floor units only if they are oriented towards a central plaza not visible from any street.

- (4) Private Common Space. Developments with at least four units shall provide 400 square feet of private common open space for each multifamily dwelling unit. A minimum of 40 percent of the open space shall be usable 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.

c. Building Design

- (1) Four-Sided Design. All sides of a multi-family building visible from property occupied by or designated for single-family residential uses, an existing public street right-of-way, or other public lands shall display a similar level of quality and architectural detailing as on the front elevation.



Fig.6.480.B-16: Four-sided design

- (2) Single-Family Attached Dwelling Façades

- (a) The attached single-family dwellings in any one row structure shall be required to have distinctly different façades. No attached single-family structure facade shall be repeated more than once every four structures on the same side of the street.

- (b) The facades of single-family attached townhomes shall be punctuated by a change in texture or material, offset, or other architectural feature to differentiate individual units
- (c) Any building (excluding parking garages and other accessory buildings) viewed from a public right-of-way or public open space shall either face such right-of-way or open space, or shall have a façade facing such area in keeping with the character of the front façade, including the utilization of similar fenestration and materials.



Fig. 6.480.B-17: Single-family attached building articulation

(3) Building Mass and Articulation

- (a) The elevations of all multi-family buildings shall be articulated through the incorporation of at least three or more of the following:
  - 1) Balconies;
  - 2) Bay or box windows;
  - 3) Porches or covered entries;
  - 4) Dormers or other variations in the roof plane;
  - 5) Accent materials such as brick, stone, or stucco with banding highlights;
  - 6) Shutters;
  - 7) Variation in window sizes and shapes; or
  - 8) Vertical elements that demarcate building modules.



Fig. 6.480.B-18: Multi-family building articulation

- (b) The height of each multi-family building taller than 35 feet shall be stepped down from its highest roofline at least one full story on any end of the building located within 50 feet of an adjacent area zoned or used for single-family residential.
- (c) Multi-family buildings shall provide concentrated unit access points. Access balconies and corridors running the length of the exterior of a building are prohibited.

(4) Vertical Articulation

- (a) 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 (4)(a).

- (b) 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.
  - (5) Building Length. The maximum length of any multifamily building shall be 180 feet. Additional building length may be utilized when a minimum off-set of 4 feet for every one hundred (100) feet of building length to create a visually pleasing effect.
  - (6) Transparency. At least 20 percent of all walls facing a public street shall contain windows or doorways.
  - (7) Design of Multiple Buildings
    - (a) Developments with more than one multi-family building shall incorporate a variety of distinct building designs according to the scale of the development, as follows:
      - 1) 2-6 buildings: two models minimum; and
      - 2) 7 or more buildings: three models minimum.
    - (b) Distinct building designs, as required above, shall be easily distinguished through a minimum of two of the following:
      - 1) A variation in length;
      - 2) A variation in the footprint of the building ;
      - 3) A distinct variation in color and use of materials;
      - 4) A variation in the type of dwelling unit contained in the building that results in a significantly different scale and mass, i.e., apartments vs. townhomes ; or
      - 5) A distinct variation in building height and roof form.
  - (8) Materials. All material shall be durable and long-lasting. The following materials are acceptable for multi-family residential construction:
    - (a) Brick, concrete stucco, stone, stone facing, wood, glass in combination with metal, or similar, durable architectural materials as approved by the Planning Commission.
    - (b) Vinyl siding, EIFS, or synthetic stucco may be approved by the Planning Commission on a case-by-case basis.
- d. Parking Location and Layout
- (1) Location and Layout
    - (a) To the maximum extent feasible, garage entries, carports, parking areas, and parking structures shall be internalized in building



Fig.6.480.B-19: Multi-family parking located behind primary structure



groupings or oriented away from street frontage.

- (b) 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.
- (c) 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.

(2) Carports and Detached Garages

- (a) Detached garages and carports shall incorporate compatible materials, scale, colors, architectural details, and roof slopes similar to those of the primary multi-family buildings.
- (b) 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.

**5. Mixed-Use/Non-Residential Design Standards**

- a. Applicability. The design standards in this section apply to all mixed-use and commercial structures. These standards replace the standards in Article 7, Division III: Office, Commercial, and Industrial district design standards and Division IV: Other Required Design Standards. Industrial development in the M-150 Corridor is not subject to these standards and remains subject to the provisions of Article 7.
- b. Vertical Mixed-Use. Vertical mixed-use developments are highly desirable within the CDO. Areas indicated as activity centers shall require multi-storied vertical mixed uses with buildings placed up to the front property line at the street. These areas are located at the major intersections of M-150 and Pryor Road, Ward Road and M-291. The required placements of these buildings enhance the desired urban environment along this corridor. Parking proposed in front of buildings located in the activity center areas is highly discouraged and, if allowed, shall only be permitted on a very limited basis through the development approval process. Additional planting materials shall be provided to minimize the visual impact for front loaded parking from the street.
- c. Site Layout and Building Organization
  - (1) Private Common Spaces

- (a) 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



Fig.6.480.B-20: Private common space

areas, sidewalks, trails, or public open space in order to create functional pedestrian connectors.

- (b) Features and Amenities. The following features may be used to satisfy the private common space standard:
  - 1) Patio or plaza with seating and landscaping;
  - 2) Landscaped mini-parks or square;
  - 3) Rooftop or community garden; or
  - 4) Similar features as approved by the Director.
- (c) 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.
- (d) Quantity and Amount. The quantity and amount of required private common spaces shall vary as follows:
  - 1) For buildings 10,000 square feet or less – 1,000 square feet;
  - 2) For buildings between 10,001 and 20,000 square feet – 2,000 square feet that may be divided into two 1,000 square foot spaces; and
  - 3) For buildings over 20,000 square feet – an extra 1,000 square feet of common space per 10,000 square feet of building or portion thereof.

(2) Building Orientation

- (a) 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.

(b) Multi-Building Developments

- 1) Buildings shall be organized to promote a compact pattern of development, pedestrian-friendly spaces, streetscapes, areas of naturalized landscaping, and to screen parking areas.
- 2) Buildings shall be arranged and grouped so that their primary orientation complements one another and adjacent, existing development by:



Fig.6.480.B-21: Buildings arranged to create pedestrian-friendly spaces

- i. Framing the corner of an adjacent street intersection or entry point to the development;
- ii. Framing and enclosing a pedestrian and/or vehicle road or access corridor within or adjacent to the development site;

- iii. Framing and enclosing on at least three sides parking areas, public spaces, or other site amenities;
  - iv. Framing and/or enclosing outdoor dining or gathering spaces for pedestrians between buildings; or
  - v. Framing one or more areas of natural vegetation.
- (c) Entrance Orientation
- 1) To the maximum extent feasible, the principal building entrance shall face:
    - a) An adjacent public street;
    - b) An adjacent public plaza; or
    - c) An adjacent primary public walkway.
  - 2) 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).

(3) Outparcel Development

- (a) 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.
- (b) 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.



Fig.6.480.B-22: Site layout of outparcel development

d. Streetscape Design and Character

**Commentary:** These provisions represent a change from the City’s current approach to providing sidewalks. Because mixed-use developments typically include sidewalks designed and installed as part of the overall development, rather than for a single lot or installed by the City, it is becoming increasingly more common to extend the design of the site to include the sidewalks.

The following standards apply in lieu of the standard sidewalk requirements.

- (1) 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 12 feet in width and no more than 16 feet in width, unless otherwise approved as part of the design review process. The 12-foot minimum requirement shall apply regardless of the available right-of-way.

Where required, the sidewalk shall extend onto private property to fulfill the 12-foot minimum requirement, with a sidewalk easement provided. Property adjacent to M-150 or an arterial road shall provide a 10-foot wide landscaped linear buffer or a single-loaded row of parking between the public sidewalk and the roadway.

- (2) 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.

- (a) 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 14. The area also is intended for the placement of



Supplemental Zone (Optional) Clear Zone (Min. 6') Street Tree/Furniture Zone (Min. 6')

Fig.6.480.B-23: Delineation of Sidewalk Area

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

- (b) 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

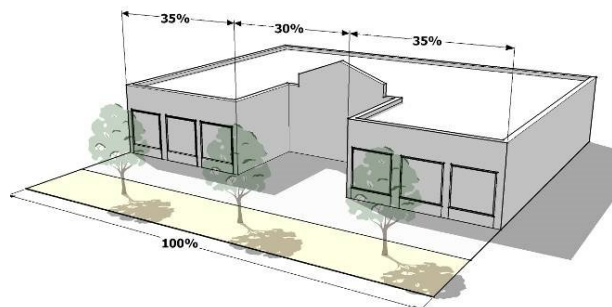


Fig.6.480.B-24: Building set to sidewalk clear area

- (c) 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.
- (d) 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.
- (3) Building Placement. At least 70 percent of the building facade facing a public street shall be brought up to the clear area if provided.
- (4) Sidewalk Entries
  - (a) Spacing. Sidewalk entries shall be provided to all buildings and individual units that front on the sidewalk.
  - (b) Sidewalk Entry Hierarchy. Entrances into residential buildings in mixed-use areas are encouraged to follow a hierarchy of sizes and functions as follows:
    - 1) Carriage way: A centrally located twelve-foot wide entrance at sidewalk level for visual and direct access to a private courtyard.
    - 2) 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.
    - 3) 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.
- (5) 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.
- (6) 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.
- e. Mix of Uses. A diverse range of commercial, office, residential, and civic uses is desired within the PMIX zoned districts. The appropriate mix of uses will vary by



Fig. 6.480.B-25: Secondary entry

its location, size, and the surrounding development contexts. Generally, larger sites located in areas where higher levels of activity are desirable should have a greater mix of uses than smaller sites. Vertical mixed-use developments are encouraged to create the desired urban context being promoted along the corridor.

(1) Ground-Floor Uses

- (a) 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 residential and office uses located within the same building



Fig.6.480.B-26: Active street-level uses and outdoor gathering spaces

(on upper floors) or nearby.

- (b) Standards

- 1) 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.
- 2) Design and Use of Commercial Space. Although the ground-floor commercial spaces may be used for residential units/office use, they should be designed for easy conversion to retail/commercial uses and shall be constructed to commercial standards.

- (2) Residential Uses. Residential uses, where included, shall be incorporated within a mixed-use development to be visually and/or physically integrated with nonresidential uses. This shall be achieved by ensuring that residential uses meet at least two of the following:

- (a) Residential uses are vertically located above street-level commercial uses;
- (b) 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;
- (c) No internal block walls are used that separate residential and nonresidential uses from each other; and
- (d) 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.

- e. 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:

- (1) 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.
- (2) Parking Location. Off-street parking is prohibited between the principal street and the corresponding street-facing facade line.
- (3) Bicycle Parking shall be provided for all developments as follows:
  - (a) 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.
  - (4) 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:
    - (a) 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

(b) Berming of the grade to at least 2 ½ 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.

(5) 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:

(a) Design

1) 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.

2) 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.

a) Windows or window-shaped openings with decorative mesh or similar features as approved by the Director;

b) Masonry columns;

c) Decorative wall insets or projections;

d) Awnings;

e) Changes in color or texture of materials;

f) Approved public art;

g) Integrated landscape planters; or

h) Other similar features approved by the Director.

(b) 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.

(c) 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:



Fig. 6.480.B-27: Parking structure wrapped with active uses



- 1) Abut street intersections or public/civic use areas,
- 2) Be adjacent to public squares, or
- 3) Occupy sites that are the terminus of a street vista.

f. Building Design

(1) Four-Sided Design

- (a) 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.
- (b) 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.
- (c) 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.



Fig. 6.480.B-28: Franchise design consistent with surrounding structures

(2) Consistent Architectural Theme

- (a) 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.
- (b) 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:
  - 1) Overhangs,
  - 2) Canopies or porticos,
  - 3) Recesses/projections,
  - 4) Arcades,
  - 5) Raised corniced parapets over the entrance,
  - 6) Peaked roof forms,
  - 7) Arches,
  - 8) Outdoor patios,
  - 9) Tower elements (at strategic locations),

- 10) Display windows,
  - 11) Integral planters that incorporate landscaped areas or seating areas, and
  - 12) Public art/sculptures.
- (3) Building Materials and Colors
- (a) Permitted Materials. Building materials shall comply with Section 7.210.
  - (b) Mix of Materials
    - 1) 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.
    - 2) 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.
    - 3) Structures over 20,000 square feet shall require a minimum of three distinct building materials on all facades to provide architectural detail and interest.
  - (c) Prohibited Materials. The following materials are prohibited as primary cladding or roofing materials:
    - 1) Aluminum siding or cladding,
    - 2) Plastic or vinyl siding,
    - 3) Exposed aggregate, and



Fig. 6.480.B-29: Mix of building materials

- 4) Wood shingles.
- (d) Façade Colors
- 1) Colors of paint, stains, and other finishes or materials shall complement each other.
  - 2) Generally, no more than four colors per building are permitted.
  - 3) Fluorescent colors are prohibited.
  - 4) Primary colors are prohibited.

- 5) The use of stark white is discouraged.
- (e) Transparency and Glazing
  - 1) At least 25 percent of all walls facing a public street shall contain windows or doorways.
  - 2) 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.
  - 3) Energy conserving window films and coatings are permissible within these standards.
- (4) 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.
  - (a) 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.
  - (b) 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:
    - 1) Eaves,
    - 2) Planters,
    - 3) Mounted signs,
    - 4) Pilasters,
    - 5) Tower elements,
    - 6) Water features, or
    - 7) Arcades.
- g. Building Massing and Form

- (1) 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.
- (2) Horizontal Articulation. Buildings shall be designed to reduce apparent mass by dividing facades into a series of



Fig. 6.480.B-30: Vertical articulation

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:

- (a) Variations in roof form and parapet heights;
- (b) Pronounced recesses and projections;
- (c) Distinct changes in texture and color of wall surfaces;
- (d) Ground level arcades and second floor galleries/balconies;
- (e) Protected and recessed entries; and
- (f) Vertical accents or focal points.

(3) 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:



Fig. 6.480.B-31: Appropriate transition in building height and mass

- (a) 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; or
- (b) 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
- (c) Orienting porches, balconies, and other outdoor living spaces away from the shared property line to protect the privacy of adjacent residents where applicable.

(4) Entrances and Pedestrian Areas

- (a) Primary entries and pedestrian frontages shall be clearly visible from the street and accentuated from the overall building facade by:
  - 1) Differentiated roof, awning, or portico;
  - 2) Covered walkways or arcades;
  - 3) Projecting or recessed entries from the surrounding building facade;
  - 4) Detailed doors and doorways with transoms, sidelights, trim details, and/or framing; and



Fig.6.480.B-32: Entrance design and pedestrian areas

- 5) Windows within doorways equivalent in size to 50 percent of door surface area.
  - (b) Secondary entrances shall have minor architectural detailing that adds visual interest to that portion of the façade.
- (5) Roofs
- (a) 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.
  - (b) 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.
  - (c) Overhanging Eaves. Overhanging eaves shall extend no less than three feet past the supporting walls.
  - (d) Roof Pitch. Pitched roofs shall have a pitch consistent with the majority of buildings within 1000 feet. This requirement excludes roofs for entries and dormers.
  - (e) Architectural Elements. Architectural elements that add visual interest to the roof, such as dormers and masonry chimneys, are encouraged.
  - (f) Roof Materials
    - 1) Asphalt shingles, industry-approved synthetic shingles, standing seam metal or tile roofs are allowed.
    - 2) 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.
- (6) Awnings, Canopies, Arcades, and Overhangs. Structural awnings are encouraged at the ground level to enhance the articulation of the building and provide shade.
- (a) The material of awnings and canopies shall complement the building.
  - (b) Awnings shall not be internally illuminated.
  - (c) Canopies shall not exceed 40 linear feet without a break.
  - (d) 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.
  - (e) Canopies shall respect the placement of street trees and lighting and shall not interfere with them.
  - (f) 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.

h. Residential Compatibility Standards

- (1) Applicability. The residential compatibility standards in this subsection 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.
- (2) Use Limitations. Where these compatibility standards apply, the following uses or features shall be prohibited as principal or accessory uses:
  - (a) Public address/loudspeaker systems;
  - (b) Outdoor storage; and
  - (c) Uses providing delivery services via large tractor trailers (not including package delivery services).
- (3) Off-Street Parking Location
  - (a) 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.
    - 1) Adjacent to off-street parking lots serving nonresidential uses on abutting lots;
    - 2) Adjacent to lot lines abutting nonresidential development;
    - 3) Adjacent to lot lines abutting mixed-use development;
    - 4) Behind the building;
    - 5) In front of the building; or
    - 6) Adjacent to lot lines abutting residential uses.
  - (b) 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.
- (4) Relationship to Surrounding Uses
  - (a) 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 uses.
  - (b) Horizontally integrated mixed-use developments shall locate nonresidential uses away from lots in adjacent residential areas.



Fig. 6.480.B-33: Gradual decrease in building height and mass towards adjacent residential uses

- (c) 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.
  - (d) Nonresidential structures taller or larger than adjacent residential uses shall be broken up into modules or wings with the smaller or shorter portions of the structure located adjacent to residential uses.
- (5) Facade Configuration
- (a) 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.
  - (b) Windows shall be arranged to avoid direct lines-of-sight into abutting residential uses.
  - (c) 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.
- (6) Landscaping. Native landscape materials are required. (See the native plant list at <http://grownative.org/native-plant-info/plant-picker>). The native plant list provides plant species that are well suited for growing in the Midwest. Plants from this list shall be incorporated into all development landscape plans. The use of materials other than those listed is prohibited unless specifically approved as part of the development plan approval.
- (7) Landscaping/Screening
- (a) Screening shall not interfere with public sidewalks, vehicular cross-accessways, or improved pedestrian connections.
  - (b) 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.
- (8) Operation
- (a) 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 pm.
  - (b) Loading or unloading activities shall take place only between the hours of 7:00 am and 11:00 pm.
  - (c) Alternate hours of activities may be approved through the development plan approval process.
- i. Green Design (See the Sustainability section below)

- (1) ;
- (2) .



## C. Sustainability

**Commentary:** The provisions in this section are intended to implement the sustainability objectives outlined in the M-150 Sustainable Corridor Vision and Framework Plan.

### 1. Purpose

This section is intended to promote sustainable development within the M-150 Corridor by:

- a. Encouraging infill and redevelopment to slow the absorption of raw land and promote a more compact pattern of growth;
- b. Encouraging the integration of water and energy conservation techniques in site planning and building design;
- c. Protecting natural features, wooded areas, and mature trees that absorb greenhouse gases, reduce storm water runoff and pollutants, and provide wildlife habitat;
- d. Encouraging development patterns that encourage bicycling, walking, and other alternative modes of travel to promote a healthy community and improved air quality;
- e. Encouraging local production of food; and
- f. Encouraging the use of alternative energy sources.

### 2. Sustainability requirements:

- a. New mandatory minimum development requirements:

- 1) **Stormwater Best Management Practices (BMP's) identified in Section 5600 of the Kansas City Metropolitan Chapter of APWA Design Criteria and Section 5600 of the Design and Construction Manual shall be utilized in all new and redevelopment projects as further provided herein.**

**Environmental health and quality of life issue requires mitigation of the environmental impact of increased stormwater runoff due to development. By controlling the large water quantities produced by developing watersheds and minimizing resulting impairment, peak flows and overall quantity of stormwater can be maintained upon completion of the development activities.**

**Proposed stormwater management system design is sensitive to site characteristics including slopes, soil types, cover types, and infiltration capacity. These characteristics shall be considered in the site layout to improve both site drainage and water quality. The following BMP's shall be utilized either independently or in combination to meet the requirements established in the City's Design and Construction Manual.**

- (a) **Source Control BMP's for stormwater management may include:**
      - **Infiltration Trenches**
      - **Filter Strips**
      - **Pervious Paving**
      - **Rain Gardens**



- **Spill Prevention**
  - **Street and Storm Drain Maintenance**
- (b) **Source Filtration BMPs may include:**
- **Bio-retention**
  - **Storm Filters**
  - **Dry Swales and Grass Channels**
- (c) **Regional Retention and Treatment may include:**
- **Wet Ponds**
  - **Constructed Wetlands**
  - **Extended Retention Wetlands**
- 2) **Erosion control as established in the Design and Construction Manual and maintained throughout the completion of the project or development**
- 3) LED lighting with flat lens full cut-off approved fixtures adhering to the International Dark-Sky Association (IDA)
- 4) **Native plants per the approved list**
- 5) Locally sourced construction materials when possible
- 6) Solar ready buildings
- 7) Durable materials
- 8) **Construction and demolition debris and waste management plan**
- The waste management plan is intended to reduce the amount of construction/demolition related debris going into the land fill and to cull out recyclable materials for future use. Such waste management plan shall include provisions relating to:**
- (a) **Land clearing debris**
  - (b) **Waste handling procedures**
  - (c) **Location of waste dumpsters/bins**
  - (d) **Waste segregation if proposed**
  - (e) **Potential recycle location**
- 9) **Waste containment on site shall be documented as to:**
- (a) **Method of containment**
  - (b) **Pick up/removal schedule**
  - (c) **Person in control of collection including method of 24 hour contact**
- 10) **Construction staging area including:**
- (d) **Fencing material**
  - (e) **Location on site**
- b. New buildings shall incorporate a minimum of 3 of the following features:
- 1) Solar (passive or active), wind or geothermal renewable energy systems

- 2) Energy-efficient materials, including recycled materials that meet the requirements of this Code;
- 3) Materials that are produced from renewable resources;
- 4) A green roof, such as a vegetated roof, or a cool roof;
- 5) Materials and designs that meet the U.S. Green Building Council's LEED-NC certification requirements;
- 6) A greywater recycling system;
- 7) Electrical vehicle charging station;
- 8) Xeriscape or water-conserving landscape materials**
- 9) Drip irrigation system for landscaped areas;
- 10) Shared parking;
- 11) Shade structures, covered parking, or shaded walkways

Article 6. Overlay Districts

		Maximum Points
	▪	20
	▪	10
		10
		10
		5
		50
	▪	5
		5
	○	10
		35
		5
		5
		10
	▪	10
	▪	10
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		15
		50
		10
		10
	▪	50
		20
		10

Article 6. Overlay Districts

		Maximum Points
	▪	5
		5
	▪	5
		5

### 3. Renewable Energy System Standards

**Commentary:** These are new standards that are intended to guide the use of small solar power systems. These standards could alternatively be located in Article 17: Renewable Energy and Green Development Standards.

- a. Solar Array Standards. All solar arrays shall be accessory to a principal use and shall comply with the following requirements:

(1) Setbacks, Location, and Height

(a) A solar array shall not be located in the front yard between the principal structure and the public right-of-way.

(b) A solar array shall be located a minimum of six feet from all property lines and other structures.

(c) An accessory solar array in any residential district shall not exceed the greater of one-half the footprint of the principal structure or 600 square feet, whichever is greater. The size of accessory arrays in mixed-use and nonresidential districts shall not exceed one-half of the footprint of the principal structure.

(d) Solar arrays are permitted as an accessory use in a parking lot. However, the maximum lot coverage of any solar array shall not exceed 80 percent.

(e) A solar array shall not exceed 20 feet in height.

(2) Code Compliance. Solar arrays shall comply with all applicable building and electrical codes contained in the adopted building code.

(3) Solar Easements. A property owner who has installed or intends to install a solar array shall be responsible for negotiating with other property owners in the vicinity for any necessary solar easement and shall record the easement with the county register of deeds.

- b. Solar Collection Standards

(1) Setbacks, Location, and Height

(a) A solar collection system shall be located a minimum of six feet from all property lines and other structures, except the structure on which it is mounted.

(b) A solar collection system shall not extend more than five feet above the roofline or the maximum height permitted in the zoning district in which it is located, whichever is less.

(c) A solar collection system may be located on an accessory structure.

(d) A development proposed to have a solar collection system located on the roof or attached to a structure, or an application to establish a system on



Fig.6.480.C-1: Accessory solar arrays in a parking lot

an existing structure, shall provide a structural certification as part of the building permit application.

- (2) Code Compliance. Solar collection systems shall comply with all applicable building and electrical codes contained in the City's adopted building code.
- (3) Solar Easements. A property owner who has installed or intends to install a solar collection system shall be responsible for negotiating with other property owners in the vicinity for any necessary solar easement and shall record the easement with the county register of deeds.